Western Australia

Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007

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Western Australia

Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007

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Defined terms

Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007

Part 1 — Preliminary

1. Citation

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

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 except Part 5 Division 1 — on the day on which the *Dangerous Goods Safety Act 2004* comes into operation;

(c) Part 5 Division 1 — on the day 12 months after the day on which the *Dangerous Goods Safety Act 2004* comes into operation.

*[**3.** Deleted: Gazette 2 Dec 2013 p. 5521.]*

4. Terms used

In these regulations, unless the contrary intention appears —

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

approved form means a form approved by the Chief Officer;

AS, followed by a designation, refers to the Australian Standard having that designation that is published by Standards Australia, as amended from time to time;

AS/NZS, followed by a designation, refers to the Australian/New Zealand Standard having that designation that is published jointly by Standards Australia and Standards New Zealand, as amended from time to time;

bulk, in relation to dangerous goods, has the meaning given by regulation 9A;

capacity means the internal volume, expressed in litres, of a container at 15°C;

class, in relation to dangerous goods, means the class number the goods have under the ADG Code;

class label means a label of a type specified in the ADG Code for the class of dangerous goods;

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, that is less than the boiling point;

compatible, in relation to 2 or more substances or items, means that they will not react together to cause a fire, explosion, harmful reaction or the evolution of flammable, corrosive or toxic vapours;

consumer container means a container that is intended for retail display and sale and includes anything in which a number of such identical containers are transported or distributed;

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

dangerous goods has the meaning given to that term in regulation 8;

dangerous goods in transit means dangerous goods that —

(a) are supplied to a dangerous goods site in containers that are not opened at the site; and

(b) are not used at the site; and

(c) are kept at the site for a period of not more than 5 consecutive days;

dangerous goods offence means any of the following —

(a) an offence against the Act, these regulations or any other regulations made under the Act;

(b) an offence against a law of another place that substantially corresponds to the Act or the regulations made under it;

(c) an offence against the law of this State or another place an element of which is the storage and handling of dangerous goods;

dangerous goods pipeline means a pipeline that is or is intended to be used to convey dangerous goods;

dangerous goods site does not include a rural dangerous goods location or a small quantity dangerous goods location;

Department means the department principally assisting the Minister in the administration of the Act;

division, in relation to dangerous goods, means the division number (including the class number) the goods have under the ADG Code;

emergency plan means an emergency plan, or a revised emergency plan, under regulation 75;

employee, at a dangerous goods site, means any person who works at the dangerous goods site under —

(a) a contract of service; or

(b) a contract for services; or

(c) a training contract registered under the *Vocational Education and Training Act 1996* Part 7 Division 2;

exposure standard means a standard specified in the *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC: 1003 (1995)] made by the Australian Safety and Compensation Council established under the *Australian Workplace Safety Standards Act 2005* of the Commonwealth [1];

FES Commissioner has the meaning given in the *Fire and Emergency Services Act 1998* section 3;

FES Department means the department of the Public Service principally assisting the Minister in the administration of the *Fire and Emergency Services Act 1998*;

fire risk dangerous goods means —

(a) dangerous goods of —

(i) Division 2.1; or

(ii) Class 3; or

(iii) Division 4.1, 4.2 or 4.3; or

(iv) Division 5.1 or 5.2;

or

(b) dangerous goods of —

(i) subsidiary hazard 2.1; or

(ii) subsidiary hazard 3; or

(iii) subsidiary hazard 4.1, 4.2 or 4.3; or

(iv) subsidiary hazard 5.1 or 5.2;

flashpoint means the temperature at which a liquid first evolves vapour capable of being ignited when tested in accordance with —

(a) AS/NZS 2106; or

(b) a technical standard that specifies a test that is equivalent to that specified in AS/NZS 2106;

free from dangerous goods, in relation to a container or pipeline, means —

(a) that the container or pipeline has been —

(i) thoroughly cleaned so that there is no discernable trace of the dangerous goods; or

(ii) subjected to a process in which its contents were neutralised, cured or chemically deactivated;

and

(b) that the atmosphere within the container or pipeline has been cleared —

(i) if the atmosphere includes dangerous goods of Division 2.1 or vapour from dangerous goods of Class 3 or subsidiary hazard 3 — so that the concentration of the dangerous goods is less than 5% of the lower explosive limit for the goods when sampled at ambient temperature; or

(ii) if the atmosphere includes any other dangerous goods — so that the concentration of the dangerous goods in the atmosphere is less than the maximum specified in that standard for the dangerous goods;

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);

goods too dangerous to transport has the meaning given to that term in regulation 11;

hazardous area means an area or space in which the atmosphere contains or may be reasonably expected to contain any material or substance (including combustible dusts, combustible fibres,

flammable vapours, flammable liquids, flammable gases, flammable or combustible fumes) at a concentration that is capable of being ignited by an ignition source;

IBC (intermediate bulk container) means a rigid or flexible portable packaging for the transport of dangerous goods that —

(a) has a capacity of not more than —

(i) for solids of packing group I in a composite, fibreboard, flexible, wooden or rigid plastics or wooden container — 1 500 L; or

(ii) for solids of packing group I in a metal container — 3 000 L; or

(iii) for solids or liquids of packing groups II and III — 3 000 L;

and

(b) is designed for mechanical handling; and

(c) is resistant to the stresses produced in usual handling and transport;

ignition source means a source of energy sufficient to ignite a flammable atmosphere and includes —

(a) any naked flame, exposed incandescent material, an electrical welding arc, or a mechanical or static spark; and

(b) any electrical or mechanical equipment that is not specifically designed to be used in a hazardous area;

IMDG Code means the *IMDG Code: International Maritime Dangerous Goods Code* published by the International Maritime Organization;

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

label includes a marking;

level 1 fine means —

(a) for an individual, a fine of $10 000;

(b) for a body corporate, a fine of $50 000;

level 2 fine means —

(a) for an individual, a fine of $5 000;

(b) for a body corporate, a fine of $25 000;

level 3 fine means —

(a) for an individual, a fine of $1 000;

(b) for a body corporate, a fine of $5 000;

liquid means a substance that —

(a) at 50°C has a vapour pressure of not more than 300 kPa; and

(b) is not completely gaseous at 20°C and at a pressure of 101.3 kPa; and

(c) melts partly or completely at 20°C or less at a pressure of 101.3 kPa;

lower explosive limit, in relation to dangerous goods of Division 2.1 or vapour from dangerous goods of Class 3 or subsidiary hazard 3, means the lowest concentration of the dangerous goods capable of causing that substance to be ignited by an ignition source;

LP gas means liquefied petroleum gas, being dangerous goods of Division 2.1 (UN 1075);

major hazard facility has the meaning given in the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 4;

manifest quantity, in relation to dangerous goods, means a quantity of those dangerous goods greater than the quantity specified in relation to those goods in the column headed "Manifest quantity" in Schedule 1;

operate —

(a) in relation to a dangerous goods site, means to control or manage the site; and

(b) in relation to a dangerous goods pipeline, means to cause or permit dangerous goods to be conveyed in the pipeline;

operator, in relation to a dangerous goods site or a dangerous goods pipeline, means a person who operates the site or pipeline;

packaged dangerous goods means —

(a) dangerous goods in a container that has a capacity of not more than 500 L; or

(b) dangerous goods in a container that has a net mass of not more than 500 kg;

packing group has the meaning given to that term in regulation 10;

petrol station means a place where a business involving the retail sale of fuel for road vehicles and the refuelling of road vehicles is conducted;

petroleum product means a single substance or mixture of substances —

(a) comprising at least 70% hydrocarbon by volume refined from crude oil, with or without additives; and

(b) that is used or could be used as a fuel; and

(c) is liquid at a temperature of 15°C and pressure of 101.325 kPa,

and includes combustible liquids;

pipework means —

(a) a pipe, assembly of pipes or pipeline; and

(b) associated pipe fittings, valves and pipe accessories,

used to convey dangerous goods;

plant includes any machinery, equipment, scaffolding, pipework, appliance, implement and tool, any component of it, and anything fitted, connected or appurtenant to it;

proper shipping name has the meaning given to that term in the ADG Code;

risk assessment for a dangerous goods site is a document that, in relation to the site as the site exists, or will exist, at the relevant time —

(a) identifies all hazards relating to dangerous goods at the site; and

(b) for each hazard, assesses —

(i) the probability of the hazard causing a dangerous goods incident; and

(ii) the nature of the harm to people, property and the environment that would result from the occurrence of that incident;

and

(c) for each hazard, identifies the risk control measures; and

(d) in relation to each judgment required above, explains the methods used to make the judgment and the reasons for the judgment; and

(e) has been prepared in a form acceptable to the Chief Officer;

risk control measures, in relation to a hazard relating to dangerous goods at a dangerous goods site, means measures that will eliminate or, if it is not reasonably practicable to eliminate, that will reduce so far as reasonably practicable —

(a) the probability of the hazard causing a dangerous goods incident; and

(b) the harm to people, property and the environment that would result from the occurrence of that incident;

rural dangerous goods location means a place —

(a) that is outside the metropolitan region as defined in the *Planning and Development Act 2005* section 4(1); and

(b) that is outside a townsite as defined in the *Land Administration Act 1997* section 3(1); and

(c) that is one or more lots, as defined in the *Planning and Development Act 2005* section 4(1), that are adjoining; and

(d) that is 5 ha or more; and

(e) at which dangerous goods used for agricultural, aquacultural, floricultural, horticultural or pastoral purposes are stored or handled but not supplied to others;

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);

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

small quantity dangerous goods location means a place where dangerous goods are stored or handled in quantities that do not exceed those specified in the column headed "Placarding quantity" in Schedule 1;

storage or handling system means a container, plant, pipework or any other thing that can contain dangerous goods;

subsidiary hazard has the meaning given in regulation 9;

subsidiary hazard label, in relation to dangerous goods, means a label of a type specified in the ADG Code for the subsidiary hazard of the dangerous goods;

underground storage or handling system means a storage or handling system comprising one or more tanks each of which —

(a) is at least 50% below ground level; and

(b) is covered with at least 600 mm of earth or equivalent material;

UN Number (or "UN" followed by a number), in relation to dangerous goods, means the identification serial number in the ADG Code section 3.2.3 Table 3.2.3 column 1 in relation to those goods;

UNTC means the *Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria*, Sixth revised edition, published by the United Nations (ISBN 978-92-1-139155-8).

[Regulation 4 amended: Gazette 16 Mar 2012 p. 1197-9; 19 Feb 2013 p. 990; 2 Dec 2013 p. 5521-2; 5 Feb 2016 p. 365-6; 3 Mar 2017 p. 1476-7 and 1481; 20 Mar 2018 p. 1003; SL 2020/193 r. 31 and 32; SL 2024/285 r. 14.]

5. Notes are not part of the law except in Schedules

Notes in these regulations, except in the Schedules, do not form part of them and are provided to assist understanding.

6. Application of regulations

These regulations do not apply to —

(a) dangerous goods while they are being transported by a road vehicle on a road or other place over which vehicles move, whether on private property or not, that is open to, or used by, the public, whether on payment of consideration or not; or

(b) dangerous goods while they are being transported by rail other than on —

(i) a slipway; or

(ii) a railway used exclusively by a crane;

or

(c) dangerous goods in a battery that has been installed to supply energy to any plant; or

(d) dangerous goods that form part of the refrigeration system of refrigerated freight containers; or

(e) dangerous goods in a fuel container that is fitted to a vehicle, vessel or aircraft, mobile plant, appliance or other device, where the dangerous goods are intended for use in its operation; or

[(f) deleted]

(g) dangerous goods in portable fire fighting equipment, portable safety equipment or portable medical equipment, where that equipment is held at premises for use at the premises; or

(h) asbestos; or

(i) a storage or handling system in respect of which an operator of a dangerous goods site has complied with regulation 63; or

(j) a dangerous goods pipeline in respect of which the operator has complied with regulation 115; or

(k) dangerous goods that are the property of the Australian Defence Force and that are on any land or in any building owned or held under lease by the Commonwealth; or

(l) the following dangerous goods at a dangerous goods site that is not a workplace as defined in the *Work Health and Safety Act 2020* section 8(1) —

(i) compressed gas of Division 2.1 or 2.2 or compressed oxygen if —

(I) the total quantity of compressed gas and oxygen is contained in one or more containers each of which has a total capacity of not more than 50 L; and

(II) the total quantity of compressed gas and oxygen is not more than 100 L; and

(III) the dangerous goods as a whole form part of a welding set or are used or intended to be used with a portable flame torch;

or

(ii) dangerous goods of Division 2.2 in portable gas cylinders that are used or intended to be used for medical purposes in a total quantity of not more than 100 L; or

(iii) dangerous goods of Class 3 in a total quantity of not more than 250 L; or

(iv) pool and spa sanitising agents (comprising calcium hypochlorite, sodium dichloroisocyanurate, sodium trichloroisocyanurate, potassium dichloroisocyanurate, trichloroisocyanuric acid or any other oxidising substances, in solid form, used for sanitising water) in a total quantity of not more than 100 kg; or

(v) hypochlorite solutions designated by UN 1791 in a total quantity of not more than 100 L; or

(vi) Class 9 dangerous goods in a total quantity of not more than 100 kg or L; or

(vii) dangerous goods of packing group I in a total quantity of not more than 5 kg or L; or

(viii) combustible liquids in a total quantity of not more than 1 000 L; or

(ix) any dangerous goods other than those specified in subparagraphs (i) to (viii) (not including dangerous goods of Division 2.3) in a total quantity of not more than 100 kg or L;

or

(m) compressed gas in pneumatic tyres; or

(n) Division 2.2 dangerous goods in balloons or dirigibles; or

(o) dangerous goods comprising potable liquids in consumer containers at retail premises; or

(p) dangerous goods comprising naturally occurring gas in an underground mine; or

(qa) dangerous goods that are —

(i) within a heap of ore or rock that is in the process of being heap leached; or

(ii) within the material in a tailings dam; or

(iii) an unprocessed ore, whether excavated or not,

at a mine as defined in the *Mines Safety and Inspection Act 1994* section 4(1); or

(q) combustible liquid filled electrical cables.

[Regulation 6 amended: Gazette 16 Mar 2012 p. 1199-200; 2 Dec 2013 p. 5522-3; 3 Mar 2017 p. 1477-8; SL 2022/24 r. 6.]

7. Incorporation etc. of references in other documents

(1) If any provision of a document is incorporated, applied or referred to by these regulations, the incorporation, application or reference does not —

(a) include any requirement for approval from the Chief Officer in relation to the storage and handling of dangerous goods; or

(b) permit any departure from the requirements of the document incorporated, applied or referred to at the sole discretion of a person to whom those requirements apply.

(2) If a provision of any document incorporated, applied or referred to in these regulations is inconsistent with any provision of these regulations, the provision of these regulations prevails.

Part 2 — General

8. Dangerous goods defined

(1) In this regulation —

Dangerous Goods List means the Dangerous Goods List in the ADG Code Chapter 3.2 as read with the other provisions in the ADG Code Part 3.

(2) Subject to subregulations (4), (5), (6) and (7), for the purposes of these regulations, a substance or article is dangerous goods if —

(a) it satisfies the criteria set out, or referred to, in the ADG Code Part 2 for determining whether goods are dangerous goods; or

(b) it is named or described in the ADG Code Appendix A as goods too dangerous to be transported; or

(c) it is a combustible liquid.

(3) Without limiting the generality of subregulation (2)(a), a substance or article is dangerous goods for the purposes of these regulations if it is named in column 2 of the Dangerous Goods List, irrespective of whether the name is —

(a) a generic name; or

(b) a name described as "N.O.S.".

(4) A substance or article that satisfies the criteria set out, or referred to, in the ADG Code Part 2 is not dangerous goods for the purposes of these regulations if it is described as not subject to the ADG Code in a Special Provision in the ADG Code Chapter 3.3 that is applied to the substance or article by column 6 of the Dangerous Goods List.

(5) A substance or article is not dangerous goods for the purposes of these regulations if it is within any of the following classes or divisions of dangerous goods —

(a) Class 1 (explosives);

(b) Division 6.2 (infectious substances);

(c) Class 7 (radioactive materials).

(6) Hay, straw and bhusa are not dangerous goods for the purposes of these regulations.

(7) Despite subregulation (4), sulphur in any form is dangerous goods for the purposes of these regulations.

[Regulation 8 inserted: Gazette 16 Mar 2012 p. 1200-1; amended: Gazette 2 Dec 2013 p. 5523; 3 Mar 2017 p. 1481.]

9A. Term used: bulk

In these regulations, dangerous goods are in ***bulk*** if —

(a) they are in a container that has a capacity of more than 500 L; or

(b) there is more than 500 kg of the goods in a container; or

(c) the goods are not in a container and there is more than 500 kg of the goods in an undivided quantity.

[Regulation 9A inserted: Gazette 16 Mar 2012 p. 1201-2.]

9. Term used: subsidiary hazard

(1) In these regulations, a reference to the subsidiary hazard of dangerous goods is a reference to the subsidiary hazard assigned to those goods under subregulation (2), consisting of —

(a) the class number indicating the hazard exhibited by it; and

(b) any hazard division number.

(2) Dangerous goods are assigned a subsidiary hazard if the goods —

(a) are assigned the subsidiary hazard in the ADG Code section 3.2.3 Table 3.2.3 column 4; or

(b) are assigned the subsidiary hazard in a Special Provision of the ADG Code applying to the goods; or

(c) are assigned to that subsidiary hazard by the Chief Officer; or

(d) satisfy the UNTC for determining whether goods are to be assigned to that subsidiary hazard.

[Regulation 9 amended: SL 2020/193 r. 32; SL 2024/285 r. 15.]

10. Packing group defined

(1) In these regulations, a reference to the packing group of a class of dangerous goods is a reference to the packing group assigned to those goods under subregulation (2).

(2) Dangerous goods (except dangerous goods of Class 1, Class 2, Division 6.2 or Class 7) are assigned to a packing group if the goods —

(a) are assigned to the packing group in the ADG Code section 3.2.3 Table 3.2.3 column 5; or

(b) are assigned to the packing group in a Special Provision of the Code applying to the goods; or

(c) are assigned to that packing group by the Chief Officer; or

(d) satisfy the UNTC for determining whether goods are to be assigned to that packing group.

[Regulation 10 amended: SL 2024/285 r. 16.]

11. Goods too dangerous to transport defined (Act s. 16)

For the purposes of the Act section 16, goods are too dangerous to transport if they are —

(a) mentioned in the ADG Code Appendix A; or

(b) determined by the Chief Officer to be too dangerous to transport.

Note for this regulation:

The Act s. 16 (Transporting goods too dangerous to transport).

12A. Chief Officer may determine classification of goods

(1) In this regulation —

goods means any substance or article.

(2) Subject to subregulation (4), the Chief Officer may, for the purposes of these regulations, determine that goods are or are not —

(a) dangerous goods; or

(b) dangerous goods of a particular class or division; or

(c) dangerous goods that have a particular subsidiary hazard; or

(d) dangerous goods of a particular packing group; or

(e) incompatible with particular dangerous goods.

(3) Subject to subregulation (4), the Chief Officer may, for the purposes of these regulations, determine that goods meet the description, and criteria, that apply to goods of a particular UN Number.

(4) The Chief Officer may determine that goods are dangerous goods for the purposes of these regulations only if the goods are dangerous goods for the purposes of the definition of ***dangerous goods*** in section 3(1) of the Act.

(5) If goods cease to be dangerous goods for the purposes of the definition of ***dangerous goods*** in section 3(1) of the Act, a determination made under subregulation (2)(a) that the goods are dangerous goods ceases to be in effect in respect of the goods.

[Regulation 12A inserted: Gazette 2 Dec 2013 p. 5524-5; amended: SL 2020/193 r. 32.]

12. Quantity of dangerous goods, determining

(1) If these regulations require the determination of the quantity of dangerous goods, the quantity must be determined in accordance with this regulation.

(2) In relation to packaged dangerous goods in a container that are —

(a) non-liquid dangerous goods (other than Class 2 dangerous goods) — the quantity is to be determined as the mass in kilograms of the goods in the container;

(b) liquid dangerous goods (other than Class 2 dangerous goods) — the quantity is to be determined as the capacity of the container;

(c) Class 2 dangerous goods — the quantity is to be determined as the total capacity of the container.

(3) In relation to dangerous goods in bulk that are —

(a) non-liquid dangerous goods (other than Class 2 dangerous goods) — the quantity is to be determined as the mass in kilograms that the container is designed to hold;

(b) liquid dangerous goods (other than Class 2 dangerous goods) — the quantity is to be determined as the design capacity of the container;

(c) Class 2 dangerous goods — the quantity is to be determined as the total capacity of the container;

(d) solid dangerous goods not in a container — the quantity is to be determined as the undivided mass in kilograms.

(4) In relation to dangerous goods in a storage or handling system other than a container, the quantity is to be determined as —

(a) in the case of liquid dangerous goods or Class 2 dangerous goods — the capacity of the storage or handling system; or

(b) in the case of solid dangerous goods — the mass of the goods in the storage or handling system.

(5) In relation to dangerous goods that are articles or things, the quantity is to be determined as the net quantity of that part of the articles or things that in itself comprises dangerous goods.

Part 3 — Duties of manufacturers, importers and suppliers

Division 1 — General duties

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.

[Regulation 13A inserted: Gazette 3 Mar 2017 p. 1478.]

13B. Chief Officer may direct analysis of goods

(1) In this regulation —

goods means any substance or article.

(2) If the Chief Officer has reasonable grounds to suspect any goods —

(a) are dangerous goods; and

(b) have not been classified in accordance with the ADG Code,

he or she may give the person who manufactured the goods or imported them into the State a written direction that complies with subregulation (3).

(3) The direction must direct the recipient —

(a) to analyse and test the goods to do either or both of the following (as specified in the direction) —

(i) to determine whether they are dangerous goods;

(ii) if they are dangerous goods, to classify them in accordance with the ADG Code;

and

(b) to give the Chief Officer a written report of the results of the analysis and test on or before a date specified in the direction.

(4) The direction may include any or all of the following in relation to the goods —

(a) the method, procedure or test to be used to analyse and test the goods;

(b) the person, or class of person, by whom the goods must be analysed or tested;

(c) any other matter the Chief Officer considers is reasonably necessary to ensure —

(i) it is accurately determined whether the goods are dangerous goods; and

(ii) if the goods are dangerous goods, they are accurately classified in accordance with the ADG Code;

(d) a direction that the recipient must not sell or supply the goods until the Chief Officer has been given the report of the results of the analysis and test.

(5) The Chief Officer, in writing, may amend or cancel the direction.

(6) A person given a direction under this regulation must obey it.

Penalty: a level 1 fine.

[Regulation 13B inserted: Gazette 2 Dec 2013 p. 5525-7; amended: Gazette 3 Mar 2017 p. 1478.]

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.

[Regulation 13C inserted: Gazette 3 Mar 2017 p. 1479.]

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.

[Regulation 13 inserted: Gazette 3 Mar 2017 p. 1479-80.]

14. Application of r. 13 to retailers

Regulation 13(2) does not apply to a retailer who supplies dangerous goods in a container provided by the purchaser if the capacity of the container does not exceed 30 kg or 30 L and the retailer —

(a) in relation to dangerous goods of Class 2 — has ensured that the container meets the requirements of the ADG Code that relate to containers for the goods; and

(b) in relation to all other dangerous goods — has taken all reasonable steps to ensure that the container —

(i) is of a type and in a condition that will retain the goods and will not react adversely with the goods; and

(ii) is clearly labelled with the product name of the goods; and

(iii) is not a container that could be mistaken for or confused with one that is used for food.

[Regulation 14 amended: Gazette 3 Mar 2017 p. 1480.]

15. Chief Officer may prohibit supply of dangerous goods to certain sites or in certain pipelines

(1) If the Chief Officer is satisfied that a person intends to supply dangerous goods to a place and —

(a) section 8 of the Act is being contravened at the place; or

(b) either —

(i) the place is a dangerous goods site that is required to be licensed under Part 4 but is not; or

(ii) the place is not licensed under Part 4 but would be required to be if the goods were supplied to the place,

the Chief Officer may give the person a written notice that prohibits the supply of the goods to the place.

(2) If the Chief Officer is satisfied that a person intends to supply dangerous goods in a pipeline and —

(a) section 8 of the Act is being contravened in respect of the pipeline; or

(b) either —

(i) the pipeline is required to be registered under Part 5 Division 1 but is not; or

(ii) the pipeline would be required to be registered under Part 5 Division 1 if the goods were supplied in it,

the Chief Officer may give the person a written notice that prohibits the supply of the goods in the pipeline.

(3) A notice given under this regulation must specify —

(a) the dangerous goods to which it applies; and

(b) the place or pipeline (as the case may be) to which it applies.

(4) The Chief Officer may cancel a notice given to a person under this regulation by advising the person in writing of the cancellation.

(5) The Chief Officer must cancel a notice given to a person under this regulation if the Chief Officer ceases to be satisfied there are grounds for issuing the notice.

(6) A person who is given a notice under this regulation must obey it.

Penalty: a level 2 fine.

[Regulation 15 inserted: Gazette 16 Mar 2012 p. 1202-3.]

Division 2 — Safe storage and handling information

16. Terms used

importer means an importer of dangerous goods;

manufacturer means a manufacturer of dangerous goods;

supplier means a person, other than a manufacturer or importer, who supplies dangerous goods to another person.

17. Application of Division to combustible liquids

This Division does not apply to combustible liquids.

[Regulation 17 inserted: Gazette 3 Mar 2017 p. 1480.]

18. SDS to be prepared before goods supplied

A manufacturer or importer must ensure that an SDS for the dangerous goods is prepared before the goods are supplied to another person.

Penalty: a level 2 fine.

[Regulation 18 amended: Gazette 3 Mar 2017 p. 1481-2.]

19. When revised SDS required

(1) A manufacturer or importer must ensure that a revised SDS for the dangerous goods is prepared —

(a) as often as is necessary to ensure that the SDS contains accurate and current information; or

(b) in any case, at least every 5 years after the SDS is first prepared or last revised.

Penalty: a level 2 fine.

(2) Subregulation (1) does not apply if the manufacturer or importer has not supplied the dangerous goods to any person or any place for a period of 5 years since the SDS for those dangerous goods was prepared or last revised.

[Regulation 19 amended: Gazette 3 Mar 2017 p. 1481-2.]

20. Provision of current SDS

(1) A manufacturer, importer or supplier of dangerous goods must ensure that the current SDS for the dangerous goods is provided —

(a) to any person to whom the dangerous goods are supplied for the first time by the manufacturer, importer or supplier; and

(b) on request, to an operator of —

(i) any dangerous goods site on which the dangerous goods are stored or handled; or

(ii) any dangerous goods pipeline in which the dangerous goods are conveyed,

or any person engaged by the operator to work on the site or pipeline.

Penalty: a level 3 fine.

(2) Subregulation (1) does not apply to a supplier if the supplier is —

(a) a retailer or a retail warehouse operator and the dangerous goods are supplied in consumer containers that each do not exceed 30 kg or L; or

(b) a retailer supplying fuel to a vehicle, vessel or aircraft; or

(c) a retailer to whom regulation 14 applies.

[Regulation 20 amended: Gazette 3 Mar 2017 p. 1481-2.]

21. Dangerous goods at dangerous goods site to be in labelled etc. containers

(1) An operator of a dangerous goods site must ensure that any dangerous goods used at a site are held in a container that —

(a) is clearly labelled with the class label, subsidiary hazard label and the proper shipping name of the dangerous goods; or

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

(b) otherwise clearly identifies the dangerous goods.

Penalty: a level 2 fine.

(2) Subregulation (1) does not apply if dangerous goods are to be used immediately and the container is free from dangerous goods immediately after that use.

[Regulation 21 amended: Gazette 3 Mar 2017 p. 1480; SL 2020/193 r. 32.]

22. Safe storage and handling information not in SDS to be provided

A supplier who supplies dangerous goods to a person must, if requested by the person, provide to the person any information in addition to the SDS for the dangerous goods that —

(a) is relevant to the safe storage and handling of the dangerous goods; and

(b) is available to the supplier at the time of the request.

Penalty: a level 2 fine.

[Regulation 22 amended: Gazette 3 Mar 2017 p. 1481-2.]

23. Medical practitioners, providing information to

(1) A manufacturer, importer or supplier of dangerous goods must, as soon as practicable after being requested by a medical practitioner, disclose the chemical identity of an ingredient of the dangerous goods to the medical practitioner if —

(a) the SDS for the dangerous goods, or the label on the container in which the dangerous goods are supplied, does not disclose the chemical identity of the ingredient; and

(b) the medical practitioner requires the chemical name of the ingredient to assist with the management of a patient.

Penalty: a level 2 fine.

(2) A medical practitioner who obtains information as to the chemical identity of dangerous goods under subregulation (1) must not use the information except to assist with the management of a patient.

Penalty: a level 2 fine.

[Regulation 23 amended: Gazette 3 Mar 2017 p. 1481.]

Part 4 — Dangerous goods sites

Division 1 — Licensing of dangerous goods sites

Subdivision 1 — Preliminary matters

24. Terms used

In this Division, unless the contrary intention appears —

annual fee, for a licence, means the fee in Schedule 5 clause 2 that relates to the licence;

licence means a licence for a dangerous goods site;

licence application means an application under regulation 26, 27, 28 or 29.

[Regulation 24 amended: Gazette 16 Mar 2012 p. 1203.]

Subdivision 2 — General matters

25. Certain sites to be licensed (Act s. 13)

(1A) In this regulation —

fire risk goods means —

(a) dangerous goods that are in Division 2.1 or Class 3, 4 or 5; or

(b) dangerous goods that —

(i) are in Division 6.1 or Class 8 or 9; and

(ii) are capable of igniting in air;

storage area, in relation to dangerous goods, includes an underground storage and handling system.

(1) For the purposes of the Act section 13, a dangerous goods site is required to be licensed if dangerous goods are stored or handled at the site in quantities that exceed the manifest quantities.

Note for this regulation:

The Act s. 13 (Unregistered or unlicensed dangerous goods sites).

(2) Despite subregulation (1), a dangerous goods site where dangerous goods are stored or handled in quantities that exceed the manifest quantities is not required to be licensed if —

(a) the dangerous goods are stored in more than one storage area on the site; and

(b) the quantity of dangerous goods stored in each storage area is less than the manifest quantity; and

(c) each storage area where fire risk goods are stored —

(i) is outdoors; or

(ii) is in a separate building in which only those goods are stored; or

(iii) is an underground storage and handling system in which only those goods are stored;

and

(d) each storage area is separated from every other storage area by a distance that is sufficient to ensure that a dangerous goods incident in one storage area cannot cause a dangerous goods incident in another storage area.

(3) Despite subregulation (1), a dangerous goods site is not required to be licensed if —

(a) dangerous goods are intended to be stored or handled at the site for not more than 6 months; and

(ba) the dangerous goods are not manufactured or processed on the site; and

(b) the quantity of the dangerous goods does not exceed 3 times the manifest quantity; and

(c) the dangerous goods site is not a major hazard facility; and

(d) the operator of the site is in possession of a risk assessment in relation to the dangerous goods site; and

(e) the operator of the site notifies the Chief Officer in writing of the operator's intention to store or handle the dangerous goods at the site; and

(f) the operator of the site complies with any directions given to the operator by the Chief Officer in relation to the storage or handling of the dangerous goods.

[(4) deleted]

(5) An operator of a dangerous goods site referred to in subregulation (3) must, on request, provide to the Chief Officer or a DGO a copy of the risk assessment referred to in paragraph (d) of that subregulation within a reasonable time specified by the Chief Officer or DGO.

Penalty: a level 2 fine.

(6) Despite subregulation (1), a dangerous goods site is not required to be licensed if the only dangerous goods at the site are —

(a) liquid dangerous goods in containers that —

(i) do not contain Class 2 dangerous goods; and

(ii) contain only residual amounts of the dangerous goods that cannot be removed reasonably practicably by draining or decanting them;

or

(b) Class 2 dangerous goods in containers that have a gauge pressure of less than 100 kPa, whether or not liquid dangerous goods are also present in the containers.

(7) Despite subregulation (1), a dangerous goods site is not required to be licensed if —

(a) the site is the subject of an explosives manufacture licence issued under the *Dangerous Goods Safety (Explosives) Regulations 2007*; and

(b) the only dangerous goods on the site are those used to manufacture the explosives under that licence.

(8) Subregulations (2), (3), (5), (6) and (7) do not apply to a dangerous goods site within a port area as defined in regulation 134.

[Regulation 25 amended: Gazette 16 Mar 2012 p. 1204-6; 2 Dec 2013 p. 5527-8.]

26. Licence, applying for

(1) A person may apply to the Chief Officer to grant a licence.

(2) The application must be in an approved form and be accompanied by —

(a) a location plan showing the position of the dangerous goods site relative to any roads, railways and buildings; and

(b) the risk assessment that would be required by regulation 48 for the site if it were licensed; and

(c) the manifest, and the dangerous goods site plan, that would be required by regulation 78 for the site if it were licensed; and

(d) any other relevant document that is required by the approved form; and

(e) unless a fee would be payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the site if the licence were granted, the annual fee for the first year of the licence; and

(f) if the application is not accompanied by a certificate issued under subregulation (3), a checking fee equal to the amount (if any) required to be paid under paragraph (e).

(3) In addition to any document that is required to accompany the application, it may be accompanied by a certificate that complies with subregulation (4) and is signed by a person approved by the Chief Officer.

(4) A certificate given by a person under subregulation (3) must certify that the person —

(a) has read the application; and

(b) is satisfied the application complies with subregulation (2); and

(c) has read the risk assessment; and

(d) is satisfied the risk assessment —

(i) identifies all the risks to people, property and the environment in relation to the dangerous goods that would be on the site to which the licence would relate; and

(ii) identifies all reasonably practicable measures to minimise those risks;

and

(e) is satisfied the manifest complies with Schedule 3 Division 2; and

(f) is satisfied the dangerous goods site plan complies with Schedule 3 Division 3.

[Regulation 26 amended: Gazette 16 Mar 2012 p. 1206-7; 2 Dec 2013 p. 5528-9.]

27. Licence, renewal of

(1) The Chief Officer must renew a licence that is about to expire due to the passage of time (the ***existing licence***) unless —

(a) the holder of the existing licence is dead or, being a body corporate or partnership, is dissolved; or

(b) the holder of the existing licence does not want it renewed; or

(c) the place to which the existing licence relates is not a dangerous goods site; or

(d) a licence is not needed for the dangerous goods site to which the existing licence relates; or

(e) the annual fee payable for the first year of the new licence has not been paid.

(2) To renew an existing licence the Chief Officer must grant a new licence that has effect immediately after the existing licence expires and the terms of which are the same as those of the existing licence.

[Regulation 27 inserted: Gazette 16 Mar 2012 p. 1207-8.]

28. Transfer of licence, applying for

(1) A person may apply to the Chief Officer for the transfer to that person of a licence held by another person.

(2) The application must be in an approved form and must be accompanied by —

(a) any document that is required by the approved form; and

(b) a copy of the licence document issued to the other person.

29. Amending licence

(1) In this regulation —

amend a licence, includes to amend, include and remove a condition of the licence.

(2) A licence holder may apply to the Chief Officer to amend the licence.

(3) The application must be in an approved form and be accompanied by —

(a) if the proposed amendment would —

(i) increase the maximum quantity of dangerous goods specified in the licence; or

(ii) change the dangerous goods specified in the licence other than by only deleting one or more of them; or

(iii) change or delete any condition of the licence that relates to how any of the dangerous goods specified in the licence are stored or handled,

the revised risk assessment that would be required by regulation 48 for the site if the licence were amended; and

(b) any other relevant document that is required by the approved form; and

(c) if the proposed amendment would increase the maximum quantity of dangerous goods specified in the licence to a quantity that would mean a greater annual fee is payable for the licence than has already been paid — a fee equal to the difference between —

(i) the greater annual fee; and

(ii) the fee already paid,

adjusted proportionally for the remaining part of the year to which the annual fee relates; and

(d) if the application is not accompanied by a certificate given under subregulation (4B), a checking fee equal to the amount (if any) required to be paid under paragraph (c).

(4A) A fee is not payable under subregulation (3)(c) if a fee is payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the site to which the licence relates.

(4B) In addition to any document that is required to accompany the application, it may be accompanied by a certificate that complies with subregulation (4C) and is signed by a person approved by the Chief Officer.

(4C) A certificate given by a person under subregulation (4B) must certify that the person —

(a) has read the application; and

(b) is satisfied the application complies with subregulation (3); and

(c) has read the revised risk assessment; and

(d) is satisfied the revised risk assessment —

(i) identifies all the risks to people, property and the environment in relation to the dangerous goods that would be on the site if the licence were amended; and

(ii) identifies all reasonably practicable measures to minimise those risks.

(4) If, while a licence has effect, the Chief Officer wants to amend it in any material way, the Chief Officer must —

(a) give the holder written notice of the proposal and reasons for it; and

(b) except where the removal of a condition is proposed, give the holder a reasonable opportunity to make submissions about the proposal; and

(c) consider any submissions and then decide whether to amend the licence; and

(d) give the holder written notice of the decision.

(5) If the Chief Officer decides to amend a licence, the Chief Officer must give the licence holder written notice of the decision that —

(a) states the date (being a date no earlier than the date on which the notice is received by the holder) on which the decision takes effect; and

(b) is accompanied by a replacement licence the terms of which incorporate the amendment.

(6) A decision by the Chief Officer to amend a licence has effect on the date stated in it under subregulation (5)(a).

(7) If a licence is amended to reduce the maximum quantity of dangerous goods specified in it to a quantity that would mean a lower annual fee is payable for the licence, the licence holder is entitled to a refund of the difference between —

(a) the fee already paid; and

(b) the fee payable for the lower tier,

adjusted proportionally for the remaining part of the year to which the annual fee relates.

[Regulation 29 amended: Gazette 31 Dec 2010 p. 6894; 16 Mar 2012 p. 1208-9; 2 Dec 2013 p. 5529-30.]

30. Chief Officer may request further information

(1) After receiving a licence application the Chief Officer may, in writing, request the applicant to provide further information relating to the dangerous goods site and any dangerous goods to be stored or handled at the site.

(2) An applicant who does not obey such a request within 21 days after the date on which it is made, or any longer period permitted by the Chief Officer, is to be taken to have withdrawn the application and is entitled to a refund of all fees paid with the application.

[Regulation 30 amended: Gazette 16 Mar 2012 p. 1210.]

31. Licence for site that is or may be major hazard facility

(1) If —

(a) a licence application is made in respect of a dangerous goods site that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is a major hazard facility; and

(b) the type and quantity of dangerous goods that would be permitted to be on the site (including dangerous goods to which the licence would relate if the application were

granted) are such that an approved safety report for the site would be required under those regulations,

the Chief Officer may refuse to decide the application until a safety report for the site is approved under those regulations.

(2) If —

(a) a licence application is made in respect of a dangerous goods site that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is not a major hazard facility; but

(b) the type and quantity of dangerous goods that would be permitted to be on the site (including dangerous goods to which the licence would relate if it were granted) are such that the site may be classified as a major hazard facility under those regulations,

the Chief Officer may refuse to decide the application until either —

(c) a decision is made not to classify the site as a major hazard facility; or

(d) the site is classified as a major hazard facility and a safety report for the site is approved under those regulations.

32. Grant of licence application

Except as provided in regulations 30(2) and 31, the Chief Officer is to grant a licence application.

33. Conditions of licence

(1) A licence may be subject to conditions decided by the Chief Officer and imposed when it is granted or while it has effect.

(2) Any such conditions must be specified in the licence.

(3) Conditions that may be imposed include —

(a) a condition that limits the time, place or circumstances in which an activity authorised by the licence may be conducted;

(b) any condition that is reasonably necessary to ensure, so far as is practicable, that any dangerous goods to which the licence relates will be secure;

(c) any condition that is reasonably necessary to ensure, so far as is practicable, that any activity that is authorised by the licence is conducted safely;

(d) any condition that is reasonably necessary to minimise the risks in relation to any dangerous goods to which the licence relates in relation to people, property or the environment.

34. Duration of licence

(1A) In this regulation —

existing licence means a licence granted under this Part that, immediately before 1 April 2012, is in effect.

(1B) This regulation is subject to the *Dangerous Goods Safety (General) Regulations 2007* regulation 15.

(1) Each existing licence has effect for 5 years commencing on —

(a) if it has never been renewed, the date on which it was granted; or

(b) if it has been renewed, the date on which the last renewal took effect,

unless it is cancelled in that period.

(2A) A licence granted under this Part on or after 1 April 2012 has effect for 5 years unless it is cancelled in that period.

(2) A licence is to be taken to have been cancelled if —

(a) it ceases to have effect under these regulations; or

(b) the holder, being a body corporate or a partnership, is dissolved; or

(c) the holder, being an individual, dies.

[Regulation 34 amended: Gazette 31 Dec 2010 p. 6894-5; 16 Mar 2012 p. 1210.]

35. Form of licence

A licence must be in writing in such form as the Chief Officer decides.

36. Licence valid according to its terms

(1) A licence is valid only for the person to whom it is granted or a person to whom it is transferred under regulation 28.

(2) A licence is valid only for the dangerous goods site specified in it.

(3) A licence is valid only for the dangerous goods specified in it.

(4) A licence is valid only for the maximum quantity of dangerous goods specified in it.

37. Licence, surrender of

(1) A licence holder may surrender the licence by giving it to the Chief Officer with written notice that it is being surrendered.

(2) On being so notified the Chief Officer must cancel the licence.

38. Lost etc. licence, replacement of

If the Chief Officer is satisfied that a licence document has been destroyed, lost or stolen, the Chief Officer may issue a replacement.

Subdivision 3 — Suspending and cancelling licences

39. Grounds for suspending or cancelling

(1) Grounds to suspend a licence exist if —

(a) the holder is charged in this State or elsewhere with a dangerous goods offence; or

(b) there are reasonable grounds to suspect the holder —

(i) has not complied with the licence; or

(ii) has not complied with the Act, these regulations or any other regulations made under the Act; or

(iii) in purported compliance with the Act, these regulations, or the licence, gave false or misleading information;

or

(c) there are reasonable grounds to suspect that a place to which the licence relates does not comply with these regulations or a condition of the licence.

(2) Grounds to suspend or cancel a licence exist if —

(a) the holder is convicted in this State or elsewhere of a dangerous goods offence; or

(b) the holder has not paid an annual fee for the licence in accordance with regulation 44A; or

(c) the holder has not paid a fee in accordance with the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34.

[Regulation 39 amended: Gazette 16 Mar 2012 p. 1211.]

40. Procedure for suspending or cancelling

(1) This regulation applies if the Chief Officer considers there are grounds to suspend or cancel a licence and proposes to suspend or cancel it (the ***proposed action***), unless regulation 41 applies.

(2) The Chief Officer must give the licence holder a written notice that —

(a) states the proposed action; and

(b) if the Chief Officer proposes to suspend the licence, states the suspension period (either as a period of time or by reference to a future event); and

(c) states the grounds and the evidence for them; and

(d) states that the holder is entitled to give the Chief Officer written submissions about the proposed action; and

(e) states the date (the ***submission date***), being at least 28 days after the date on which the notice is given to the holder, by which any such submission must be given.

(3) If after the submission date the Chief Officer, having considered any submissions received from the holder before that date, is satisfied there are grounds to do so, he or she may —

(a) suspend the licence for not longer than the suspension period stated in the notice; or

(b) cancel the licence.

(4) The Chief Officer must give the holder written notice of any decision to, or not to, suspend or cancel the licence with written reasons for any decision to suspend or cancel the licence.

(5) The suspension or cancellation of the licence has effect when the holder is given the notice or on any later date stated in it.

41. Suspension in urgent circumstances

(1) If the Chief Officer is satisfied —

(a) there are grounds to suspend or cancel a licence; and

(b) that if the procedure in regulation 40 were followed, an unacceptable risk in relation to dangerous goods in

relation to people, property or the environment would exist while it is followed,

he or she may suspend the licence for such period as he or she decides by giving the holder of the licence a written notice of the suspension and the suspension period (stated either as a period of time or by reference to a future event) and written reasons for the decision.

(2) The suspension has effect when the holder is given the notice or on any later date stated in it.

(3) This regulation does not prevent the Chief Officer from also taking action under regulation 40 to cancel a licence.

42. Licence to be returned on suspension etc.

If the Chief Officer suspends or cancels a licence, the holder must return it to the Chief Officer within 14 days after the date of receiving notice of the suspension or cancellation.

Penalty: a level 3 fine.

43. Suspension may be terminated

The Chief Officer may terminate the suspension of a licence at any time by giving the holder a written notice of the fact.

Subdivision 4 — Duties of licence holders

44A. Annual fees for licence

(1) In this regulation —

grace period means the 3 month period referred to in subregulation (3).

(2) An annual fee is not payable under this regulation in respect of a licence if a fee is payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the dangerous goods site to which the licence relates.

(3) The holder of a licence must pay the annual fee for the licence 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 licence — the due date in each year;

(b) in any other case, each anniversary of —

(i) if the licence has never been renewed, the date on which it was granted; or

(ii) if the licence has been renewed, the date on which the last renewal took effect.

(4) If an annual fee is paid in the grace period, the holder must pay, with the fee, a late payment fee of $41.00.

[Regulation 44A inserted: Gazette 16 Mar 2012 p. 1211-12; amended: Gazette 26 Jun 2015 p 2263; 24 Jun 2016 p. 2329; 23 Jun 2017 p. 3290; 25 Jun 2018 p. 2305; 18 Jun 2019 p. 2044.]

*[**44B.** Deleted: SL 2021/85 r. 16.]*

44. Wrong information, duty to correct

(1) This regulation applies if the holder of a licence becomes aware that information given by the holder to the Chief Officer in, or in relation to, a licence application is or has become incorrect in a material respect.

(2) Within 14 days after becoming aware of the matter, the holder must inform the Chief Officer about the matter and give the correct information to the Chief Officer.

Penalty: a level 3 fine.

45. Licence holder charged with or convicted of dangerous goods offence to notify Chief Officer

A licence holder who is charged with or convicted of a dangerous goods offence, in this State or elsewhere, must give

the Chief Officer written notice of the fact as soon as practicable.

Penalty: a level 3 fine.

46. Condition of licence, contravening

A licence holder must not contravene a condition of the licence.

Penalty: a level 1 fine.

Subdivision 5 — Miscellaneous matters

47. Register of licences

(1) The Chief Officer must keep a register of all licences.

(2) The register must record, in relation to each licence, this information —

(a) the name of the holder of the licence;

(b) the date on which the licence was issued;

(c) the date (if any) on which the licence was renewed;

(d) the date (if any) on which the licence was suspended;

(e) the date (if any) on which the licence was cancelled.

(3A) The register may record any other information relevant to a licence holder or to the issue, amendment, renewal, suspension or cancellation of a licence that the Chief Officer thinks fit.

(3) The register must be kept in such form and in such manner as the Chief Officer decides.

(4) The Chief Officer must ensure the information in the register is up-to-date.

(5) The Chief Officer must ensure the information listed in subregulation (2) and recorded in the register is accessible to the public during normal office hours.

[Regulation 47 amended: Gazette 2 Dec 2013 p. 5531.]

48A. Refunds of fees if licence surrendered etc.

If a licence is surrendered or cancelled before its term expires, the licence holder is entitled to a partial refund of the fee or annual fee paid for the term or part of it.

[Regulation 48A inserted: Gazette 16 Mar 2012 p. 1212.]

Division 2 — Risk assessment and control

Subdivision 1 — Risk assessment

48. Risk assessment, requirements as to

[(1) deleted]

(2) The operator of a dangerous goods site, at which more than the manifest quantity of dangerous goods are stored, must ensure that a risk assessment is made of the dangerous goods stored or handled at the site and that a record is kept of the assessment.

Penalty: a level 1 fine.

(2A) For the purposes of subregulation (2), in making a risk assessment of the dangerous goods stored or handled at a site the operator of the site may make a judgment in relation to the assessment of the risk posed by a hazard and the risk control measures for the hazard by reference to compliance with a code of practice approved under section 20 of the Act.

(3) The operator must review and, if necessary prepare a revised version of, the risk assessment —

(a) if there is a significant change to any process or system of work in relation to the storage and handling of dangerous goods; or

(b) if there is any other evidence to indicate that the risk assessment no longer adequately assesses the risks; or

(c) if a reportable situation under regulation 121(1) occurs at the dangerous goods site; or

(d) in any event, at intervals of not more than 5 years from the assessment or last review,

and that a record is kept of the revised assessment.

Penalty: a level 2 fine.

[Regulation 48 amended: Gazette 2 Dec 2013 p. 5531; 5 Feb 2016 p. 367.]

49. Record of r. 48 assessment

The operator must make a copy of an assessment under regulation 48 available, on request, to the Chief Officer or DGO.

Penalty: a level 2 fine.

*[**50.** Deleted: Gazette 2 Dec 2013 p. 5532.]*

Subdivision 2 — Risk control measures in relation to dangerous goods

51. Spills and leaks, containment and clean up of

(1) The operator of a dangerous goods site must ensure that, in each area of the site where dangerous goods, except Class 2 dangerous goods, are stored or handled, a drain, sump, tank, compound or other system is built to enable the containment and recovery of any spilled or leaked dangerous goods.

Penalty for this subregulation: a level 1 fine.

(2) If dangerous goods, except Class 2 dangerous goods, spill or leak from an area of the site where the goods are stored or handled, the operator of the site must ensure the goods are cleaned up as soon as practicable after the spill or leak.

Penalty for this subregulation: a level 2 fine.

[Regulation 51 amended: Gazette 16 Mar 2012 p. 1212-13; 5 Feb 2016 p. 367-8; 20 Mar 2018 p. 1004.]

52. Segregation of dangerous goods

An operator of a dangerous goods site must take all reasonably practicable measures to ensure that the dangerous goods are isolated so that they cannot —

(a) interact with goods that are not compatible; or

(b) contaminate any other goods.

Penalty: a level 2 fine.

53. Stability of dangerous goods, requirements for

(1) In this regulation —

control temperature means the maximum temperature at which dangerous goods can be safely stored and handled as specified or determined by, or in accordance with the UNTC;

stabiliser means any substance (including any diluent, inhibitor, desensitiser, phlegmatizer, solvent, wetting agent or adulterant) added to, or present in, dangerous goods that acts to negate the inherent chemical instability of the dangerous goods.

(2) An operator of a dangerous goods site must take all reasonably practicable measures to ensure that —

(a) if the stability of the dangerous goods is dependent on the maintenance of levels of stabilisers, those levels are maintained as specified by the manufacturer of the dangerous goods; and

(b) if the dangerous goods are required to be stored or handled at, or below, a particular control temperature specified by the manufacturer, they are stored at or below that temperature.

Penalty: a level 1 fine.

(3) Subregulation (2) does not apply in relation to dangerous goods at the site that are about to be used in a manufacturing process.

54. Dangerous goods to be protected from impact

An operator of a dangerous goods site must take all reasonably practicable measures to ensure that the dangerous goods and any storage or handling system at the site is protected against damage from impact.

Penalty: a level 2 fine.

55. Transferring dangerous goods, requirements for

An operator of a dangerous goods site must ensure that while dangerous goods at the site are being transferred from one storage or handling system to another, all reasonably practicable measures are taken to —

(a) avoid spillage or overflow of the dangerous goods; and

(b) where relevant, minimise any static electricity; and

(c) minimise any dust, mist or vapour generation; and

(d) ensure that any transfer fittings on the storage or handling systems are compatible; and

(e) where relevant, avoid ignition sources.

Penalty: a level 2 fine.

56. Ignition sources in hazardous areas, requirements as to

An operator of a dangerous goods site must ensure that any ignition source in a hazardous area within the site is eliminated or, if this is not reasonably practicable, the risk arising from the ignition source is controlled.

Penalty: a level 2 fine.

57. Hazardous atmosphere, requirements as to

(1) In this regulation —

hazardous atmosphere means an atmosphere that —

(a) does not contain a safe concentration of oxygen for breathing; or

(b) contains any gas, vapour, mist, fume or dust at a concentration that is at or above the maximum concentration specified for that substance in an exposure standard; or

(c) contains dangerous goods of Division 2.1 or vapour from dangerous goods of Class 3 or subsidiary hazard 3 so that the concentration of the dangerous goods is more than 5% of the lower explosive limit for the goods; or

(d) contains any combustible dust at a concentration sufficient to create a hazardous area.

(2) An operator must ensure that each person at a dangerous goods site is not exposed to any dangerous goods at a concentration that exceeds the maximum concentration specified in an exposure standard in relation to those goods for the relevant period of exposure.

Penalty: a level 2 fine.

(3) An operator of a dangerous goods site must otherwise ensure that all risks associated with the presence of a hazardous atmosphere within the site are eliminated or, if this is not reasonably practicable, the risk arising from the hazardous atmosphere is minimised.

Penalty: a level 2 fine.

[Regulation 57 amended: Gazette 16 Mar 2012 p. 1213; SL 2020/193 r. 32.]

58. Storage and handling systems, design etc. of

An operator of a dangerous goods site must ensure that storage or handling systems at the site have been designed, built, installed, commissioned, maintained, and isolated by means of distance or barriers so that, so far as is reasonably practicable, they can be operated with minimal risk to people, property and the environment.

Penalty: a level 1 fine.

59. Packaged dangerous goods etc., requirements as to delivery of etc.

(1) An operator of a dangerous goods site to whom packaged dangerous goods, or dangerous goods in an IBC, are delivered in circumstances where the operator could reasonably be expected to know that any label on the container in which the goods are packaged does not comply with the ADG Code or the GHS must either not accept delivery of the goods or —

(a) if the operator accepts delivery of the goods — ensure that each container is labelled in accordance with the ADG Code or the GHS; and

(b) ensure that, during the period that the dangerous goods remain in the container —

(i) the container remains so labelled; and

(ii) the label remains legible.

Penalty: a level 2 fine.

(2) If —

(a) the dangerous goods are removed from the container; and

(b) the container remains labelled as it was when it was received,

the container must not be used to contain dangerous goods other than dangerous goods of the type that was in the container when it was first received.

Penalty: a level 2 fine.

(3) An operator of a dangerous goods site must not dispose of an empty container previously used to store dangerous goods unless —

(a) any label on the container relating to the dangerous goods is removed or rendered illegible; and

(b) the container is rendered unusable.

Penalty: a level 2 fine.

[Regulation 59 amended: Gazette 16 Mar 2012 p. 1213; 3 Mar 2017 p. 1480.]

60. Pipework containing dangerous goods, labelling of

An operator of a dangerous goods site must ensure that any pipework at the site containing dangerous goods is labelled so as to ensure, so far as is practicable, that the dangerous goods are clearly identified to persons working at the site.

Penalty: a level 2 fine.

61. Bulk dangerous goods not in IBCs, requirements as to

(1) An operator of a dangerous goods site where bulk dangerous goods are stored and handled in a container other than an IBC must ensure that —

(a) the container and its associated pipework are provided with stable foundations and supports; and

(b) any pipework or plant connected to the container is installed so as to prevent excessive stress on the container, pipework or plant; and

(c) the container and its associated pipework are protected from failure by corrosion; and

(d) the container is inspected at intervals that are sufficient to ensure the integrity and serviceability of the container; and

(e) the results of an inspection under paragraph (d) are recorded and retained for as long as the container remains in service and at the site managed and controlled by the operator; and

(f) in the event of the operator ceasing to manage and control the site, the recorded results of an inspection are

delivered to the person who subsequently becomes the operator.

Penalty: a level 1 fine.

(2) A person who —

(a) becomes an operator of a dangerous goods site; and

(b) takes delivery of recorded inspection results under subregulation (1)(f),

must retain the record in accordance with subregulation (1)(e).

Penalty: a level 3 fine.

(3) The operator must make the records referred to in subregulation (1)(e) and (2) available, on request, to the Chief Officer.

Penalty: a level 3 fine.

62. Underground storage or handling systems for Class 3 dangerous goods and petroleum products, requirements for

(1A) For the purposes of this regulation —

(a) AS 4897 clause 4.3.1 is taken to require the manufacturer of the piping to provide the written specification and performance warranty required by that clause; and

(b) AS 4897 clause 4.3.2(b) is taken to require a corrosion specialist to provide the certification required by that clause; and

(c) AS 4897 clause 4.3.3 is taken to require the manufacturer of the product piping to provide the written specification and performance warranty required by that clause; and

(d) AS 4897 clause 9.3.2(a) is taken to require the repairer of the tank to provide the warranty required by that clause.

(1) An operator of a dangerous goods site must ensure that any underground storage or handling systems for Class 3 dangerous goods or petroleum products at the site are designed, installed, operated and maintained so that they do not leak.

Penalty: a level 1 fine.

(2) In addition the operator must ensure that an underground storage or handling system for petroleum products complies with subregulation (3) if —

(a) the underground storage or handling system was installed or replaced after these regulations came into operation; and

(b) the underground storage or handling system is used for the storage of petroleum products.

Penalty: a level 1 fine.

(3) An underground storage or handling system for petroleum products must —

(a) meet the requirements in AS 4897 sections 3 and 4 for underground petroleum storage systems; and

(b) have the equipment required by AS 4897 sections 3 and 4 for Equipment level 1 under AS 4897, irrespective of how the site where the system is situated is classified under AS 4897; and

(c) be designed, certified and installed in accordance with AS 4897 section 6, other than clause 6.3,

or, subject to subregulation (4), be designed, certified, constructed, installed, operated, maintained and tested in compliance with alternative safety measures that result in a level of risk in relation to the dangerous goods in relation to people, property and the environment that is equal to or lower than the level of risk that results from complying with the primary requirements.

(4) A person may comply with the alternative safety measures referred to in subregulation (3) if the person makes a written record of the alternative measures and why they result in the equal or lower level of risk.

(5) If requested to do so by a DGO, a person must give the DGO a copy of the record required by subregulation (4) in relation to alternative safety measures with which the person complies, or purports or intends to comply.

Penalty: a level 2 fine.

(6) If alternative safety measures with which a person complies, or purports or intends to comply, do not or will not result in the equal or lower level of risk referred to in subregulation (3) the person is to be taken, for the purposes of the Act and in particular section 47 of it, to be contravening or about to contravene these regulations.

(7A) If a provision of AS 4897 section 4, 6, 8 or 9 requires a person involved in the design, manufacture, installation or repair of an underground storage or handling system for petroleum products to do an act and the person contravenes the provision, the person commits an offence.

Penalty: a level 1 fine.

(7) The operator of a dangerous goods site at which there is an underground storage or handling system for Class 3 dangerous goods or petroleum products who does not —

(a) ensure the system is monitored for leaks in accordance with AS 4897 clause 4.5; or

(b) make a written record of the monitoring carried out under AS 4897 clause 4.5 and retain it for at least 2 years after the date of the monitoring; or

(c) comply with AS 4897 clause 7.3 (other than clause 7.3.4); or

(d) ensure the system is maintained and tested in accordance with AS 4897 section 8; or

(e) retain the records referred to in AS 4897 clause 8.4 of an inspection or test for at least 2 years after the date on which the inspection or test is conducted; or

(f) ensure any repair of the system is done in accordance with AS 4897 clause 9.2,

commits an offence.

Penalty: a level 2 fine.

(8) The owner of a dangerous goods site at which there is an underground storage or handling system for Class 3 dangerous goods or for petroleum products must retain any record that AS 4897 requires to be retained, other than a record referred to in subregulation (7), for the period specified in AS 4897.

Penalty: a level 2 fine.

(9) The operator must ensure that a leaking component of an underground storage or handling system for petroleum products is emptied, sealed off from the storage and handling system and not otherwise used until the leak has been repaired.

Penalty: a level 1 fine.

[Regulation 62 amended: Gazette 16 Mar 2012 p. 1213-16.]

63. Decommissioned storage or handling systems to be cleaned etc.

(1) The owner of a dangerous goods site must ensure that any storage or handling system used in connection with the dangerous goods is cleared of the dangerous goods in accordance with subregulation (2) if the system is to be destroyed, dismantled, disposed of or otherwise decommissioned.

Penalty: a level 2 fine.

(2) For the purposes of subregulation (1), the owner must ensure that the storage or handling system —

(a) is thoroughly cleaned so that the system is, as far as practicable, free from dangerous goods; or

(b) otherwise made safe.

[Regulation 63 amended: Gazette 16 Mar 2012 p. 1216.]

64. Lighting requirements

An operator of a dangerous goods site must ensure that sufficient and suitable lighting is provided to enable —

(a) safe access to and from the site; and

(b) safe handling and storage of the dangerous goods.

Penalty: a level 2 fine.

65. Entrances and exits to be clear

The operator of a dangerous goods site must ensure the entrances and exits used by people and vehicles to enter or leave the site, or any place or building on the site where dangerous goods are situated, are unobstructed and safe at all times.

Penalty: a level 2 fine.

[Regulation 65 inserted: Gazette 16 Mar 2012 p. 1217.]

66. Security requirements

An operator of a dangerous goods site must, so far as is practicable, prevent —

(a) access to the site by unauthorised persons; and

(b) the occurrence at the site of unauthorised activities.

Penalty: a level 2 fine.

67. Fire hazards, requirements as to

An operator of a dangerous goods site must ensure that the area within 3 m of a storage or handling system is kept clear of

combustible material that presents a fire hazard to any dangerous goods contained in the system.

Penalty: a level 2 fine.

Subdivision 3 — Placards

68. HAZCHEM placards, when and where required

(1) This regulation does not apply to a dangerous goods site if —

(a) it is a petrol station; and

(b) the only dangerous goods on the site that in quantity exceed the quantities specified in the column headed "Placarding quantity" in Schedule 1 are petroleum products or LP gas.

(2) The operator of a dangerous goods site where dangerous goods are stored or handled in quantities that exceed those specified in the column headed "Placarding quantity" in Schedule 1 must ensure that a "HAZCHEM" outer warning placard that complies with Schedule 4 clause 2 is displayed at —

(a) every entrance to the site; or

(b) any alternative place approved in writing by the FES Commissioner or a DGO.

Penalty: a level 2 fine.

[Regulation 68 inserted: Gazette 16 Mar 2012 p. 1217-18; amended: Gazette 19 Feb 2013 p. 991.]

69. Dangerous goods stored in bulk, signs at sites of

(1) In this regulation —

relevant sign, for dangerous goods, means —

(a) if they are neither goods too dangerous to transport nor combustible liquids —

(i) a placard that complies with Schedule 4 clause 3; or

(ii) an emergency information panel the format and design of which and the particulars on which comply with the ADG Code clause 5.3.1.3.1 for the goods;

(b) if they are goods too dangerous to transport, a placard that complies with Schedule 4 clause 4;

(c) if they are combustible liquids, a placard that complies with Schedule 4 clause 6.

(2) The operator of a dangerous goods site where dangerous goods are stored in bulk must ensure that the relevant sign for the goods —

(a) is displayed —

(i) on every container in which the goods are stored in bulk; and

(ii) at the entrance to any building in which the goods are stored in bulk, whether in a container or not; and

(iii) on or adjacent to every place outside a building where the goods are stored in bulk but not in a container;

or

(b) is displayed in an alternative place approved in writing by the FES Commissioner or a DGO.

Penalty: a level 2 fine.

(3) Subregulation (2) does not apply to a site if the only dangerous goods at the site are —

(a) dangerous goods in bulk in a container that is intended for transport and labelled in accordance with the ADG Code; or

(b) combustible liquids in bulk in a quantity not exceeding 10 000 L that are isolated from other dangerous goods; or

(c) dangerous goods of Division 2.1, Class 3 or petroleum products, that are stored in a container, other than an IBC, that comprises an underground storage or handling system at a petrol station.

(4) Subregulation (2) does not require a sign to be displayed on —

(a) any container in which there are packaged dangerous goods; or

(b) an IBC containing dangerous goods if —

(i) it is not connected to any other thing for the purposes of filling or emptying it; and

(ii) it is placarded in accordance with the ADG Code.

[Regulation 69 inserted: Gazette 16 Mar 2012 p. 1218-19; amended: Gazette 19 Feb 2013 p. 991; 3 Mar 2017 p. 1481.]

70. Dangerous goods stored in packages or IBCs, signs at sites of

(1) In this regulation —

relevant dangerous goods means —

(a) packaged dangerous goods; or

(b) dangerous goods in IBCs;

relevant sign, for dangerous goods, means —

(a) a placard that complies with Schedule 4 clause 5; and

(b) if the goods are or include combustible liquids in a total quantity of more than 10 000 L and they are not stored with fire risk dangerous goods, a placard that complies with Schedule 4 clause 6.

(2) If at a dangerous goods site —

(a) dangerous goods that exceed the relevant quantity specified in the column headed “Placarding quantity” in Schedule 1 are stored or handled; and

(b) any of the dangerous goods are relevant dangerous goods,

the operator of the site must ensure that the relevant sign for the relevant dangerous goods —

(c) is displayed —

(i) at the entrance to any building in which the relevant dangerous goods are stored; and

(ii) within a building referred to in subparagraph (i), at the entrance to each room or other closed or walled section of the building in which the relevant dangerous goods are stored; and

(iii) adjacent to any external storage area where the relevant dangerous goods are stored;

or

(d) is displayed at an alternative place approved in writing by the FES Commissioner or a DGO.

Penalty: a level 2 fine.

(3) The operator of a dangerous goods site where dangerous goods that exceed the relevant quantity specified in the column headed "Placarding quantity" in Schedule 1 are stored or handled must ensure that any IBC containing the goods is placarded in accordance with the ADG Code.

Penalty: a level 2 fine.

[Regulation 70 inserted: Gazette 16 Mar 2012 p. 1220-1; amended: Gazette 19 Feb 2013 p. 991; 3 Mar 2017 p. 1481.]

71. Signs to be properly displayed at sites

(1) The operator of a dangerous goods site must ensure any sign required to be displayed by regulation 68, 69 or 70 is properly displayed.

Penalty: a level 3 fine.

(2) For the purposes of subregulation (1) a sign is not properly displayed unless it is —

(a) clean, in good order and unobstructed; and

(b) clearly legible to persons approaching it; and

(c) separate from any other sign or writing that contradicts, qualifies or distracts attention from it.

[Regulation 71 inserted: Gazette 16 Mar 2012 p. 1221.]

72. Placards, revision of

An operator of a dangerous goods site must ensure that all placards at the site required by this Subdivision are revised as soon as practicable after any change to the type or quantity of dangerous goods stored at the site requiring different information to be displayed.

Penalty: a level 2 fine.

Subdivision 4 — Emergency management and planning

73. Fire control equipment required on site

(1) The operator of a dangerous goods site must ensure there is adequate fire control equipment on the site.

Penalty: a level 1 fine.

(2) For the purposes of subregulation (1), fire control equipment is not adequate fire control equipment unless —

(a) it is designed and constructed either to automatically extinguish or to be capable, when used by a person, of extinguishing any fire that is reasonably foreseeable at the site having regard to —

(i) the types and quantities of dangerous goods on the site; and

(ii) the conditions under which they are handled on the site; and

(iii) any materials and other substances on the site;

and

(b) it is designed and constructed to prevent dangerous goods on the site from being affected by any such fire; and

(c) the equipment it uses to extinguish any such fire is compatible with equipment used, and can be used immediately without adaptation or modification, by any fire brigade under the control of the FES Commissioner; and

(d) each substance it uses to extinguish any such fire is compatible with the material that is on fire.

(3) The operator of a dangerous goods site must ensure the fire control equipment on the site is in proper working order.

Penalty: a level 1 fine.

(4) For the purposes of subregulation (3), fire control equipment is not in proper working order unless —

(a) it is installed, maintained and tested in accordance with the instructions of its designer and manufacturer; and

(b) it is always in working order; and

(c) it is always available for immediate use to extinguish a fire; and

(d) it is not obstructed or otherwise positioned in a manner that hinders its operation or access to it or use of it.

(5) If any fire control equipment on a dangerous goods site stops working or becomes unusable, the operator of the site must ensure that —

(a) the implications of the equipment being inoperative or unusable are assessed; and

(b) alternative measures are taken to control, to the same level of effectiveness, the risks that were controlled by the equipment when functioning fully; and

(c) the equipment is replaced or returned to full operation as soon as practicable.

Penalty: a level 1 fine.

(6) If the implications assessed by the operator under subregulation (5)(a) include a significant reduction in the effectiveness of the fire control equipment, the operator must notify the FES Commissioner of the fact as soon as practicable after the equipment stops working or becomes unusable.

Penalty: a level 2 fine.

(7) In determining the alternative measures required under subregulation (5)(b) the operator must have regard to the need for —

(a) the provision of alternative fire control equipment; and

(b) a reduction of the quantities of dangerous goods on the site; and

(c) the storing or handling of dangerous goods to stop or be limited; and

(d) modifications to systems of work.

[Regulation 73 inserted: Gazette 2 Dec 2013 p. 5532-4.]

74. Other risk control equipment, requirements for

An operator of a dangerous goods site must provide equipment and materials identified in the risk assessment as suitable for persons to use for the control of risks to people, property and the environment, other than the fire control equipment referred to in regulation 73, and ensure the equipment is —

(a) kept at the site; and

(b) properly maintained; and

(c) accessible at all times to persons at the site.

Penalty: a level 2 fine.

[Regulation 74 amended: Gazette 16 Mar 2012 p. 1222; 2 Dec 2013 p. 5534.]

75. Emergency plan required for some sites

(1) In this regulation —

emergency plan, for a dangerous goods site, means a document that contains —

(a) a plan of the actions to be taken and the procedures to be followed; and

(b) the information needed by people,

if a dangerous situation occurs on the site.

(2) This regulation applies to a dangerous goods site if dangerous goods are stored or handled on the site in quantities that exceed the manifest quantity in relation to those goods.

(3) The operator of the site must ensure there is an emergency plan for the site.

(4) The operator of the site may at any time revise the emergency plan for the site.

(5) The operator of the site must review the emergency plan for the site and, if necessary, revise it —

(a) whenever there is a significant change in the risk in relation to dangerous goods on the site to people, property or the environment; and

(b) whenever there is a significant change to the layout of or to any structure on the site; and

(c) as soon as practicable after a dangerous situation occurs on the site; and

(d) in any event, at intervals of not more than 3 years from the day on which the plan was first prepared or last reviewed.

Penalty: a level 2 fine.

(6) The operator of the site must have a copy of the current emergency plan for the site on the site.

Penalty: a level 1 fine.

(7) The operator of the site, on request, must give a copy of the current emergency plan for the site to the Chief Officer, a DGO or the FES Commissioner.

Penalty: a level 3 fine.

(8) The Chief Officer, a DGO or the FES Commissioner, by a written notice, may direct the operator of the site to make such amendments to the current emergency plan for the site as are specified in the notice before a date specified in the notice.

(9) An operator given a notice under subregulation (8) must obey it.

Penalty: a level 3 fine.

(10) A person who, under an emergency plan for a dangerous goods site, has a function and who, without a reasonable excuse, does not obey the emergency plan commits an offence.

Penalty: a level 2 fine.

[Regulation 75 inserted: Gazette 2 Dec 2013 p. 5535-6.]

76A. Information for occupier of site adjacent to dangerous goods site

(1) This regulation applies to a dangerous goods site if dangerous goods are stored or handled on the site in quantities that exceed the manifest quantity in relation to those goods.

(2) If the risk in relation to dangerous goods on the site to people, property or the environment were a dangerous situation to occur on the site would extend to a place adjacent to the site, the

operator of the site must ensure the occupier of the place is given at least the following —

(a) information about the risk and what might happen if a dangerous situation occurs on the site;

(b) information about what to do if a dangerous situation occurs on the site;

(c) information about what the operator will do if a dangerous situation occurs on the site;

(d) information to enable the occupier to contact the operator of the site.

Penalty: a level 2 fine.

[Regulation 76A inserted: Gazette 2 Dec 2013 p. 5536-7.]

76B. FES emergency response guide required for some sites

(1) In this regulation —

agreed FES emergency response guide, for a dangerous goods site, means an FES emergency response guide that has been prepared or revised by the operator of the site in consultation with the officer in charge of the fire station or of the office of the FES Department nearest the site;

FES emergency response guide, for a dangerous goods site, means a document, in a form approved by the FES Commissioner, that contains information relevant to any fire brigade or other person under the control of the FES Commissioner when dealing with any fire or dangerous situation that might occur on the site, including information about the following —

(a) the operator of the site;

(b) the layout of the site;

(c) the construction of any structure on the site;

(d) the dangerous goods on the site;

(e) the equipment and resources on the site to detect or deal with any such fire or dangerous situation.

(2) This regulation applies to a dangerous goods site if —

(a) the quantity of dangerous goods stored or handled on the site exceeds 10 times the manifest quantity in relation to those goods; and

(b) the site is not —

(i) a petrol station; or

(ii) a mine as defined in the *Mines Safety and Inspection Act 1994* section 4(1).

(3) The operator of the site must ensure there is an agreed FES emergency response guide for the site.

(4) The operator of the site may at any time revise the agreed FES emergency response guide for the site.

(5) The operator of the site must review the agreed FES emergency response guide for the site and, if necessary, revise it —

(a) whenever there is a significant change to the type or quantity of dangerous goods on the site; and

(b) whenever there is a significant change to the layout of or to any structure on the site; and

(c) as soon as practicable after a fire or dangerous situation occurs on the site; and

(d) in any event, at intervals of not more than 3 years from the day on which the guide was first prepared or last reviewed.

Penalty for this subregulation: a level 2 fine.

(6) The operator of the site must ensure the current agreed FES emergency response guide for the site is on the site.

Penalty for this subregulation: a level 1 fine.

(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.

[Regulation 76B inserted: Gazette 2 Dec 2013 p. 5537-9; amended: Gazette 20 Mar 2018 p. 1004.]

76. Dangerous goods incidents, containment of

An operator of a dangerous goods site must take all reasonably practicable measures to ensure that any dangerous goods incident will be contained within the site.

Penalty: a level 1 fine.

Subdivision 5 — Records

*[**77.** Deleted: Gazette 20 Mar 2018 p. 1004.]*

78. Manifest and dangerous goods site plan, requirements as to

(1) This regulation applies to an operator of a dangerous goods site where dangerous goods are stored or handled in quantities that exceed the manifest quantities.

(2) The operator must maintain —

(a) a manifest, containing the information specified in Schedule 3 Division 2, of the storage and handling of the dangerous goods at the site; and

(b) a dangerous goods site plan in accordance with Schedule 3 Division 3.

Penalty: a level 2 fine.

(3) The operator must review, and if necessary prepare a revised version of, the manifest and dangerous goods site plan —

(a) within 7 days after any significant change in the information specified in Schedule 3; and

(b) in any event, at intervals of not more than 3 years from the day on which the manifest and plan were developed or last revised.

Penalty: a level 2 fine.

(4) The operator of the dangerous goods site must ensure that the manifest and site plan are —

(a) kept at the site so that they are readily accessible to a DGO and officers of the FES Department; and

(b) made available, on request, to the Chief Officer or the FES Commissioner.

Penalty: a level 2 fine.

[Regulation 78 amended: Gazette 19 Feb 2013 p. 991; 2 Dec 2013 p. 5539.]

79. Requirements as to SDS for dangerous goods

(1) An operator of a dangerous goods site must —

(a) obtain the current SDS for dangerous goods stored or handled on the site, on or before the first occasion that they are supplied to the site; and

[(b) deleted]

(c) ensure that the current SDS is readily accessible to persons engaged by the operator to work at the site and to officers of the FES Department.

Penalty for this subregulation: a level 2 fine.

(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.

(3) If subregulation (2) applies, and the operator does not possess a current SDS for dangerous goods at the site, the operator must ensure that alternative information in relation to the safe storage and handling of the dangerous goods is readily accessible to persons engaged by the operator to work at the site.

Penalty for this subregulation: a level 2 fine.

(4) If an operator makes available, in addition to the SDS, information in relation to the safe storage and handling of the dangerous goods to which the SDS relates, the operator must ensure that the additional information is —

(a) consistent with the information contained in the SDS; and

(b) clearly identified as being provided by the operator.

Penalty for this subregulation: a level 2 fine.

[Regulation 79 amended: Gazette 19 Feb 2013 p. 991; 3 Mar 2017 p. 1481-2; 20 Mar 2018 p. 1004-5.]

Subdivision 6 — Duties relating to persons at a dangerous goods site

80. Persons under 15 on sites

An operator of a dangerous goods site must not permit a person under 15 years of age to store or handle the dangerous goods at the site unless the person is being supervised by the operator or an employee of the operator who is 18 years of age or more.

Penalty: a level 2 fine.

81. Training, supervision etc. of people involved with dangerous goods

(1) An operator of a dangerous goods site must ensure that a person involved with the storage and handling of dangerous goods at

the site is provided with induction, information, training and supervision that complies with subregulations (2) and (3).

(2) The induction, information, training and supervision must be —

(a) in a language or manner appropriate to the person; and

(b) relevant to the tasks undertaken and the risks associated with those tasks.

(3) The induction, information and training must include instruction in —

(a) the nature of the hazards and properties of the dangerous goods and the processes used for the identification, assessment and control of the risks relevant to the person's duties; and

(b) the purpose, use and maintenance of the measures for the control of those risks; and

(c) the systems of work and the conduct of persons at the site insofar as the systems of work and conduct of persons may affect safe storage and handling of dangerous goods; and

(d) the operation of any emergency plan for the site and any equipment kept at the site in accordance with regulation 73 or 74; and

(e) the proper use, fitting and maintenance of personal protective equipment; and

(f) the proper use, fitting and maintenance of risk control equipment referred to in regulation 74.

(4) The operator must —

(a) keep a record of induction and training activities carried out in accordance with this regulation for at least 5 years; and

(b) make the record available to a DGO on request.

Penalty: a level 2 fine.

82. Copies of risk assessment and emergency plan to be available to employees

An operator of a dangerous goods site must ensure that a copy of —

(a) any risk assessment; and

(b) any emergency plan,

is readily available to employees at the site.

Penalty: a level 2 fine.

83. Consultation with employees about risk assessment etc.

An operator of a dangerous goods site must —

(a) give every employee at the site reasonable opportunity to comment on any assessment or plan referred to in regulation 82; and

(b) consider any such comments before preparing a revised assessment or plan.

Penalty: a level 2 fine.

84. Visitors, supervision of etc.

An operator of a dangerous goods site must ensure that visitors to the site are provided with supervision and information sufficient to ensure, as far as is practicable, their safety and health while they are visiting the site.

Penalty: a level 2 fine.

85. General duties of people other than operator of site

A person at a dangerous goods site must —

(a) take all reasonably practicable measures to ensure that the person's safety and health, and the safety and health of any other person, are not adversely affected by the dangerous goods; and

(b) comply with any instructions as to the storage or handling of dangerous goods provided by the operator of the site; and

(c) not remove, deface, add, obscure, obstruct or otherwise interfere with any label or placard attached or displayed under these regulations; and

(d) not be under the influence of alcohol or drugs; and

(e) not be in possession of any ignition source within a hazardous area; and

(f) if the person works at the site, report to the operator —

(i) any dangerous goods situation referred to in regulation 121(1); and

(ii) anything that may affect the operator's ability to comply with this regulation.

Penalty: a level 2 fine.

86. Damaging etc. storage or handling system, offence

A person must not damage or otherwise interfere with a storage or handling system so as to increase the risk to people, property and the environment associated with the storage or handling system.

Penalty: a level 2 fine.

Part 5 — Dangerous goods pipelines

Division 1 — Registration of dangerous goods pipelines

Subdivision 1 — Preliminary matters

87. Terms used

In this Division, unless the contrary intention appears —

registration means a registration for a dangerous goods pipeline;

registration application means an application made under regulation 89, 90, 91 or 92.

Subdivision 2 — General matters

88. Some pipelines to be registered

(1A) In this regulation —

licensed site means a dangerous goods site that is the subject of a licence issued under Part 4.

(1) Except as provided in subregulation (2), a person must not operate a dangerous goods pipeline unless the pipeline is registered under this Part.

Penalty: a level 1 fine.

(2) Subregulation (1) does not apply to a dangerous goods pipeline —

(a) that is on and does not leave a licensed site; or

(b) that goes from one licensed site to another contiguous licensed site and does not leave a licensed site; or

(c) that has an internal diameter of less than 60 mm.

[Regulation 88 amended: Gazette 16 Mar 2012 p. 1223.]

89. Registration, applying for

(1) The owner of a dangerous goods pipeline may apply to the Chief Officer to register a dangerous goods pipeline.

(2) The application must —

(a) be in an approved form; and

(b) be accompanied by a written report prepared by the applicant demonstrating that the dangerous goods pipeline can be operated in accordance with this Part and in any event with minimal risk to people, property and the environment.

(3) A written report is not required under subregulation (2)(b) if the application relates to a dangerous goods pipeline that is wholly within a major hazard facility for which there is an approved safety report under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* Part 5.

[Regulation 89 amended: Gazette 16 Mar 2012 p. 1223-4.]

90. Registration, renewal of

(1) The Chief Officer must renew a registration that is about to expire due to the passage of time (the ***existing registration***) unless —

(a) the holder of the existing registration is dead or, being a body corporate or partnership, is dissolved; or

(b) the holder of the existing registration does not want it renewed; or

(c) the pipeline to which the existing registration relates —

(i) is not a dangerous goods pipeline; or

(ii) does not need to be registered under this Part.

(2) To renew an existing registration the Chief Officer must grant a new registration that has effect immediately after the existing

registration expires and the terms of which are the same as those of the existing registration.

[Regulation 90 inserted: Gazette 16 Mar 2012 p. 1224-5.]

91. Transfer of registration, applying for

(1) A person may apply to the Chief Officer for the transfer to that person of a registration held by another person.

(2) The application must be in an approved form and must be accompanied by —

(a) any document that is required by the approved form; and

(b) a copy of the registration granted to the other person.

92. Amending registration

(1) In this regulation —

amend a registration, includes to amend, include and remove a condition of the registration.

(2) A registration holder may apply to the Chief Officer to amend the registration.

(3) The application must —

(a) be in an approved form; and

(b) be accompanied by —

(i) each document required under regulation 89(2), varied in accordance with the proposed amendment; and

(ii) any other relevant document that is required by the approved form.

(4) If, while a registration has effect, the Chief Officer wants to amend it in any material way, the Chief Officer must —

(a) give the holder written notice of the proposal and reasons for it; and

(b) except where the removal of a condition is proposed, give the holder a reasonable opportunity to make submissions about the proposal; and

(c) consider any submissions and then decide whether to amend the registration; and

(d) give the holder written notice of the decision.

(5) If the Chief Officer decides to amend a registration, the Chief Officer must give the registration holder written notice of the decision that —

(a) states the date (being a date no earlier than the date on which the notice is received by the holder) on which the decision takes effect; and

(b) is accompanied by a replacement registration the terms of which incorporate the amendment.

(6) A decision by the Chief Officer to amend a registration has effect on the date stated in it under subregulation (5)(a).

[Regulation 92 amended: Gazette 31 Dec 2010 p. 6895; 16 Mar 2012 p. 1225.]

93. Chief Officer may request further information

(1) After receiving a registration application, the Chief Officer may, in writing, request the applicant to provide further information relating to the dangerous goods pipeline and any dangerous goods to be conveyed in the pipeline.

(2) An applicant who does not obey such a request within 21 days after the date on which it is made, or any longer period permitted by the Chief Officer, is taken to have withdrawn the application.

[Regulation 93 amended: Gazette 2 Dec 2013 p. 5539.]

94. Registration of pipeline connected to or part of major hazard facility

(1) If —

(a) a registration application is made in respect of a dangerous goods pipeline that is situated on or connected to a place that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is a major hazard facility; and

(b) under those regulations an approved safety report is required for the major hazard facility,

the Chief Officer may refuse to decide the application until, under those regulations, there is an approved safety report for the major hazard facility.

(2) If —

(a) a registration application is made in respect of a dangerous goods pipeline that is situated on or connected to a place that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is not a major hazard facility; but

(b) the type and quantity of dangerous goods that would be permitted to be conveyed in the pipeline (including dangerous goods to which the licence would relate if it were granted) are such that the place may be classified as a major hazard facility under those regulations,

the Chief Officer may refuse to decide the application until, under those regulations, either —

(c) a decision is made not to classify the place as a major hazard facility; or

(d) the place is classified as a major hazard facility and there is an approved safety report for the major hazard facility.

[Regulation 94 inserted: Gazette 16 Mar 2012 p. 1225-6.]

95. Grant of registration application

(1) Except as provided in regulation 93(2), the Chief Officer is to grant a registration application.

(2) The registration of a dangerous goods pipeline must specify the activity that the registration authorises and the dangerous goods that the registration authorises to be conveyed in the pipeline.

[Regulation 95 amended: Gazette 16 Mar 2012 p. 1226-7.]

96. Conditions of registration

(1) A registration may be subject to conditions decided by the Chief Officer and imposed when it is granted or while it has effect.

(2) Any such conditions must be specified in the registration.

(3) Conditions that may be imposed include —

(a) a condition that limits the time, place or circumstances in which an activity authorised by the registration may be conducted;

(b) any condition that is reasonably necessary to ensure, so far as is practicable, that any dangerous goods to which the registration relates will be conveyed safely;

(c) any condition that is reasonably necessary to ensure, so far as is practicable, that any activity that is authorised by the registration is conducted safely;

(d) any condition that is reasonably necessary to minimise the risks in relation to any dangerous goods to which the registration relates in relation to people, property or the environment.

97. Duration of registration

(1A) In this regulation —

existing registration means a registration granted under this Part that, immediately before 1 April 2012, is in effect.

(1B) This regulation is subject to the *Dangerous Goods Safety (General) Regulations 2007* regulation 15.

(1) Each existing registration has effect for 5 years commencing on —

(a) if it has never been renewed, the date on which it was granted; or

(b) if it has been renewed, the date on which the last renewal took effect,

unless it is cancelled in that period.

(2A) A registration granted on or after 1 April 2012 has effect for 5 years unless it is cancelled in that period.

(2) A registration is to be taken to have been cancelled if —

(a) it ceases to have effect under these regulations; or

(b) the holder, being a body corporate or a partnership, is dissolved; or

(c) the holder, being an individual, dies.

[Regulation 97 amended: Gazette 16 Mar 2012 p. 1227.]

98. Form of registration

A registration must be in writing in such form as the Chief Officer decides.

99. Registration valid according to its terms

(1) A registration is valid only for the person to whom it is granted or a person to whom it is transferred under regulation 91.

(2) A registration is valid only for the dangerous goods pipeline specified in it.

(3) A registration is valid only for the dangerous goods specified in it.

(4) A registration is valid only for the maximum quantity of dangerous goods specified in it.

100. Registration, surrender of

(1) A registration holder may surrender the registration document by giving it to the Chief Officer with written notice that it is being surrendered.

(2) On being so notified the Chief Officer must cancel the registration.

101. Lost etc. registration documents, replacement of

If the Chief Officer is satisfied that a registration document has been destroyed, lost or stolen, the Chief Officer may issue a replacement.

Subdivision 3 — Suspending and cancelling registrations

102. Grounds for suspending or cancelling

(1) Grounds to suspend a registration exist if —

(a) the holder is charged in this State or elsewhere with a dangerous goods offence; or

(b) there are reasonable grounds to suspect the holder —

(i) has not complied with the registration; or

(ii) has not complied with the Act, these regulations or any other regulations made under the Act; or

(iii) in purported compliance with the Act, these regulations, or the registration, gave false or misleading information;

or

(c) there are reasonable grounds to suspect that a place to which the registration relates does not comply with these regulations or a condition of the registration.

(2) Grounds to suspend or cancel a registration exist if the holder is convicted in this State or elsewhere of a dangerous goods offence.

103. Procedure for suspending or cancelling

(1) This regulation applies if the Chief Officer considers there are grounds to suspend or cancel a registration and proposes to suspend or cancel it (the ***proposed action***), unless regulation 104 applies.

(2) The Chief Officer must give the registration holder a written notice that —

(a) states the proposed action; and

(b) if the Chief Officer proposes to suspend the registration, states the suspension period (either as a period of time or by reference to a future event); and

(c) states the grounds and the evidence for them; and

(d) states that the holder is entitled to give the Chief Officer written submissions about the proposed action; and

(e) states the date (the ***submission date***), being at least 28 days after the date on which the notice is given to the holder, by which any such submission must be given.

(3) If after the submission date the Chief Officer, having considered any submissions received from the holder before that date, is satisfied there are grounds to do so, he or she may —

(a) suspend the registration for not longer than the suspension period stated in the notice; or

(b) cancel the registration.

(4) The Chief Officer must give the holder written notice of any decision to, or not to, suspend or cancel the registration with written reasons for any decision to suspend or cancel the registration.

(5) The suspension or cancellation of the registration has effect when the holder is given the notice or on any later date stated in it.

104. Suspension in urgent circumstances

(1) If the Chief Officer is satisfied —

(a) there are grounds to suspend or cancel a registration; and

(b) that if the procedure in regulation 103 were followed, an unacceptable risk in relation to dangerous goods in relation to people, property or the environment would exist while it is followed,

he or she may suspend the registration for such period as he or she decides by giving the holder of the registration a written notice of the suspension and the suspension period (stated either as a period of time or by reference to a future event) and written reasons for the decision.

(2) The suspension has effect when the holder is given the notice or on any later date stated in it.

(3) This regulation does not prevent the Chief Officer from also taking action under regulation 103 to cancel a registration.

105. Registration to be returned on suspension etc.

If the Chief Officer suspends or cancels a registration, the holder must return it to the Chief Officer within 14 days after the date of receiving notice of the suspension or cancellation.

Penalty: a level 3 fine.

106. Suspension may be terminated

The Chief Officer may terminate the suspension of a registration at any time by giving the holder a written notice of the fact.

Subdivision 4 — Duties of registration holders

107. Wrong information, duty to correct

(1) This regulation applies if the holder of a registration becomes aware that information given by the holder to the Chief Officer in, or in relation to, a registration application is or has become incorrect in a material respect.

(2) Within 14 days after becoming aware of the matter, the holder must inform the Chief Officer about the matter and give the correct information to the Chief Officer.

Penalty: a level 3 fine.

108. Registration holder charged with or convicted of dangerous goods offence to notify Chief Officer

A registration holder who is charged with or convicted of a dangerous goods offence, in this State or elsewhere, must give the Chief Officer written notice of the fact as soon as practicable.

Penalty: a level 3 fine.

109. Condition of registration, contravening

(1) The holder of a registration of a dangerous goods pipeline must ensure the pipeline is not used —

(a) for an activity other than the activity the registration authorises; or

(b) to carry any dangerous goods other than those the registration authorises to be carried in the pipeline.

(2) A registration holder must not contravene a condition of the registration.

Penalty: a level 1 fine.

[Regulation 109 amended: Gazette 16 Mar 2012 p. 1227-8.]

Subdivision 5 — Miscellaneous matters

110. Register of registrations

(1) The Chief Officer must keep a register of all registrations.

(2) The register must record, in relation to each registration, this information —

(a) the name of the holder of the registration;

(b) the date on which the registration was granted;

(c) the date (if any) on which the registration was renewed;

(d) the date (if any) on which the registration was suspended;

(e) the date (if any) on which the registration was cancelled.

(3A) The register may record any other information relevant to a registration holder or to the issue, amendment, renewal, suspension or cancellation of a registration that the Chief Officer thinks fit.

(3) The register must be kept in such form and in such manner as the Chief Officer decides.

(4) The Chief Officer must ensure the information in the register is up-to-date.

(5) The Chief Officer must ensure the information listed in subregulation (2) and recorded in the register is accessible to the public during normal office hours.

[Regulation 110 amended: Gazette 2 Dec 2013 p. 5540.]

Division 2 — Risk control

111. Pipelines to be designed etc. to reduce risk from dangerous goods

The owner of a dangerous goods pipeline must ensure it is not operated unless it has been designed, built and maintained so

that, so far as is reasonably practicable, it can convey the dangerous goods with minimal risk to people, property and the environment in relation to the goods.

Penalty: a level 1 fine.

[Regulation 111 inserted: Gazette 16 Mar 2012 p. 1228.]

112. Labels or signposts for pipelines

The owner of a dangerous goods pipeline must ensure that the pipeline is labelled or signposted so as to ensure so far as is practicable that the dangerous goods are clearly identified to persons in the vicinity of the pipeline.

Penalty: a level 2 fine.

[Regulation 112 amended: Gazette 16 Mar 2012 p. 1228.]

113. Pipelines to be accessible for examination and maintenance

The owner of a dangerous goods pipeline must ensure it is not operated unless it has been designed and built, so that, so far as is reasonably practicable, it can be safely examined and maintained.

Penalty: a level 2 fine.

[Regulation 113 inserted: Gazette 16 Mar 2012 p. 1229.]

114. Requirements as to SDS for goods in pipeline

An operator of a dangerous goods pipeline must —

(a) obtain the current SDS for the dangerous goods to be conveyed in the pipeline on or before the first occasion that the pipeline is operational; and

(b) ensure that the current SDS is available for all dangerous goods conveyed in the pipeline and is readily accessible to persons engaged by the operator to work on the

pipeline and to officers of the FES Department or a DGO.

Penalty: a level 2 fine.

[Regulation 114 amended: Gazette 19 Feb 2013 p. 991; 3 Mar 2017 p. 1481-2.]

115. Decommissioned pipelines to be cleaned etc.

(1) The owner of a dangerous goods pipeline must ensure that the pipeline is cleared of the dangerous goods in accordance with subregulation (2) if the pipeline is to be destroyed, dismantled or otherwise decommissioned.

Penalty: a level 2 fine.

(2) For the purposes of subregulation (1), the owner must ensure that the dangerous goods pipeline —

(a) is thoroughly cleaned so that the system is, as far as practicable, free from dangerous goods; or

(b) otherwise made safe.

[Regulation 115 amended: Gazette 16 Mar 2012 p. 1229.]

116. Damaging etc. pipeline, offence

A person must not damage or otherwise interfere with a pipeline in a manner that increases the risk to people, property and the environment associated with the pipeline.

Penalty: a level 1 fine.

Part 6 — Dangerous goods incidents at dangerous goods sites and dangerous goods pipelines

*[**117.** Deleted: Gazette 16 Mar 2012 p. 1229.]*

118. Dangerous goods incidents, response required to

(1) An operator of a dangerous goods site or a dangerous goods pipeline must respond to a dangerous goods incident at the site or on the pipeline by ensuring that immediate action is taken to assess and control any risk to people, property and the environment associated with the dangerous situation, including —

(a) bringing any fire, explosion or other release of energy comprising or resulting from the incident under control; and

(b) stopping, cleaning up and disposing of, or otherwise making safe, any spill or leak of dangerous goods comprising or resulting from the incident; and

(c) otherwise making any storage or handling system associated with the dangerous situation and the surrounding area safe so far as is practicable.

Penalty: a level 1 fine.

(2) The operator must ensure that only persons essential to carrying out the action referred to in subregulation (1) remain in the vicinity of the dangerous situation.

Penalty: a level 1 fine.

119. Affected persons to be advised of dangerous goods incident

An operator of a dangerous goods site or a dangerous goods pipeline must ensure that, if a dangerous goods incident occurs at the site or on the pipeline, any person at an adjacent place who might be affected by the incident is advised of the incident.

Penalty: a level 1 fine.

120. Investigating and recording dangerous goods incidents

An operator of a dangerous goods site or a dangerous goods pipeline must ensure that —

(a) any dangerous goods incident occurring at the site or on the pipeline is investigated and that the investigation, so far as possible, determines the cause or likely cause of the dangerous goods incident; and

(b) a record of the dangerous goods incident and the investigation is —

(i) made; and

(ii) kept until the site or pipeline is decommissioned; and

(iii) made available, on request, to the Chief Officer.

Penalty: a level 2 fine.

121. Reportable situations prescribed (Act s. 9)

(1) For the purposes of section 9(1) of the Act —

(a) any dangerous goods incident at a dangerous goods site or that involves dangerous goods in a pipeline is a reportable situation; and

(b) any other situation at a dangerous goods site or that involves dangerous goods in a pipeline is a reportable situation if it resulted in, or but for intervening events could have resulted in, an unexpected —

(i) spill, leak or other emission of dangerous goods; or

(ii) fire, explosion or other release of energy.

Note for this subregulation:

The Act s. 9 (Duty to report certain situations).

(2) The report required by the Act section 9(2) must include the following —

(a) the location of the dangerous goods site;

(b) the name of the operator of the dangerous goods site;

(c) the date and time of the reportable situation;

(d) the type and quantity of the dangerous goods involved;

(e) the manner in which the dangerous goods were stored or handled;

(f) a description of the reportable situation and of the events leading up to and after the reportable situation;

(g) details of any —

(i) injuries, deaths or hospitalisation to people; or

(ii) damage to property and the environment,

resulting from the reportable situation, and otherwise an assessment of the risk to people, property or the environment resulting from the reportable situation;

(h) details of any evacuation of people from the dangerous goods site or adjacent places resulting from the reportable situation;

(i) an assessment of the cause of, and any contributing factors to, the reportable situation;

(j) details of any measures taken to control any leak or spill of the dangerous goods or any fire or explosion resulting from the reportable situation;

(k) the measures taken after the reportable situation to prevent a similar situation arising again.

[Regulation 121 amended: Gazette 16 Mar 2012 p. 1229-30.]

122. Reports about dangerous goods incidents

(1) If a DGO suspects on reasonable grounds that a dangerous goods incident has occurred at a dangerous goods site or in

respect of a dangerous goods pipeline, the DGO may give the operator of the site or pipeline, as the case requires, a notice that requires the operator to give the DGO a written report about —

(a) the cause or effect of the incident; and

(b) any action taken by the person as a result of the incident.

(2) The notice must —

(a) be in writing and be signed by the DGO; and

(b) specify the dangerous goods incident concerned; and

(c) specify the date by which the report must be given to the DGO.

(3) More than one notice may be given to a person under this regulation in relation to one dangerous goods incident.

(4) A person given a notice under this regulation must obey it.

Penalty: a level 3 fine.

(5) A person is not excused from obeying a notice given under this regulation on the ground that obeying the notice might tend to incriminate the person but, except in the case of a body corporate, information in the report is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against subregulation (4) or regulation 139.

[Regulation 122 inserted: Gazette 16 Mar 2012 p. 1230-1.]

Part 7 — Rural dangerous goods locations or small quantity dangerous goods locations

Division 1 — Provisions relating to rural dangerous goods locations and small quantity dangerous goods locations

123. Spill or leak to be cleaned up

An occupier of a rural dangerous goods location or small quantity dangerous goods location must ensure that if a spill or leak of dangerous goods occurs at the location, action is taken to clean up and dispose of the goods as soon as practicable after the spill or leak.

Penalty: a level 2 fine.

124. Segregation of dangerous goods

An occupier of a rural dangerous goods location or small quantity dangerous goods location must take all reasonably practicable measures to ensure that the dangerous goods cannot —

(a) interact with goods that are not compatible; and

(b) contaminate any other goods.

Penalty: a level 2 fine.

125. Dangerous goods to be protected from impact

An occupier of a rural dangerous goods location or small quantity dangerous goods location must take all reasonably practicable measures to ensure that the dangerous goods and any storage or handling system at the location is protected against damage from impact.

Penalty: a level 2 fine.

126. Ignition sources in hazardous areas, requirements as to

An occupier of a rural dangerous goods location or small quantity dangerous goods location must ensure that any ignition

source in a hazardous area at the location is eliminated or, if this is not reasonably practicable, the risk arising from the ignition source is controlled.

Penalty: a level 2 fine.

127. Packaged dangerous goods, requirements as to delivery of etc.

(1) An occupier of a rural dangerous goods location or small quantity dangerous goods location to whom packaged dangerous goods are delivered in circumstances where the occupier could reasonably be expected to know that any label on the container in which the goods are packaged does not comply with the ADG Code must either not accept delivery of the goods or —

(a) if the occupier accepts delivery of the goods — ensure that each container is labelled in accordance with the ADG Code; and

(b) ensure that, during the period that the dangerous goods remain in the container —

(i) the container remains so labelled; and

(ii) the label remains legible.

Penalty: a level 3 fine.

(2) If —

(a) the dangerous goods are removed from the container; and

(b) the container remains labelled as it was when it was received,

the container must not be used to contain dangerous goods other than dangerous goods of the type that was in the container when it was first received.

Penalty: a level 3 fine.

(3) An occupier of a rural dangerous goods location or small quantity dangerous goods location must not dispose of an empty container previously used to store dangerous goods unless —

(a) any label on the container relating to the dangerous goods is removed or rendered illegible; and

(b) the container is rendered unusable.

Penalty: a level 3 fine.

128. Decommissioned storage or handling systems to be cleaned etc.

(1) An occupier of a rural dangerous goods location or small quantity dangerous goods location must ensure that any storage or handling system used in connection with the dangerous goods is cleared of the dangerous goods in accordance with subregulation (2) if the system is to be destroyed, dismantled, disposed of or otherwise decommissioned.

Penalty: a level 2 fine.

(2) For the purposes of subregulation (1), the occupier must ensure that the storage or handling system —

(a) is thoroughly cleaned so that the system is, as far as practicable, free from dangerous goods; or

(b) otherwise made safe.

129. Personal protective equipment etc., provision etc. of

An occupier of a rural dangerous goods location or small quantity dangerous goods location must provide and maintain personal protective equipment or safety equipment that is suitable for use with the dangerous goods stored or handled at the location.

Penalty: a level 2 fine.

130. Security of locations

An occupier of a rural dangerous goods location or small quantity dangerous goods location must, as far as practicable, prevent access by unauthorised persons to the dangerous goods stored or handled at the location.

Penalty: a level 2 fine.

131. Requirements as to SDS for dangerous goods

(1) An occupier of a rural dangerous goods location or small quantity dangerous goods location must —

(a) obtain the current SDS for dangerous goods stored or handled at the location, on or before the first occasion that they are supplied to the location; and

(b) ensure the current SDS is readily accessible to persons at the location and to officers of the FES Department.

Penalty: a level 3 fine.

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

(a) dangerous goods in transit; or

(b) stored and handled at a retail outlet in consumer containers that are intended for retail sale and that remain sealed and unopened until sold.

(3) If subregulation (2) applies, and the occupier does not possess a current SDS for dangerous goods at the location, the occupier must ensure that alternative information in relation to the safe storage and handling of the dangerous goods is readily accessible to persons engaged by the occupier to work at the location.

Penalty: a level 3 fine.

(4) If an occupier makes available, in addition to the SDS, information in relation to the safe storage and handling of the

dangerous goods to which the SDS relates, the occupier must ensure that the additional information is —

(a) consistent with the information contained in the SDS; and

(b) clearly identified as being provided by the operator.

Penalty: a level 3 fine.

[Regulation 131 amended: Gazette 16 Mar 2012 p. 1231-2; 19 Feb 2013 p. 991; 3 Mar 2017 p. 1481-2.]

132. Training, supervision etc. of people involved with dangerous goods

(1) An occupier of a rural dangerous goods location or small quantity dangerous goods location must ensure that a person involved with the storage and handling of dangerous goods at the location is provided with induction, information, training and supervision that complies with subregulations (2) and (3).

Penalty: a level 2 fine.

(2) The induction, information, training and supervision must be —

(a) in a language or manner appropriate to the person; and

(b) relevant to the tasks undertaken and the risks associated with those tasks.

(3) The induction, information and training must include instruction in —

(a) the nature of the hazards and properties of the dangerous goods and the processes used for the identification, assessment and control of the risks relevant to the person's duties; and

(b) the purpose, use and maintenance of the measures for the control of those risks; and

(c) the systems of work and the conduct of persons at the location in so far as the systems of work and conduct of

persons may affect safe storage and handling of dangerous goods; and

(d) the location and proper use, fitting and maintenance of any personal protective equipment or safety equipment kept at the location in accordance with regulation 129.

[Regulation 132 amended: Gazette 2 Dec 2013 p. 5540-1.]

Division 2 — Provisions relating only to rural dangerous goods locations

133. Underground storage or handling systems for Class 3 dangerous goods and petroleum products, requirements for

(1A) For the purposes of this regulation —

(a) AS 4897 clause 4.3.1 is taken to require the manufacturer of the piping to provide the written specification and performance warranty required by that clause; and

(b) AS 4897 clause 4.3.2(b) is taken to require a corrosion specialist to provide the certification required by that clause; and

(c) AS 4897 clause 4.3.3 is taken to require the manufacturer of the product piping to provide the written specification and performance warranty required by that clause; and

(d) AS 4897 clause 9.3.2(a) is taken to require the repairer of the tank to provide the warranty required by that clause.

(1) An occupier of a rural dangerous goods location must ensure that any underground storage or handling systems for Class 3 dangerous goods or petroleum products at the location are designed, installed, operated and maintained so that they do not leak.

Penalty: a level 2 fine.

(2) In addition the occupier must ensure that an underground storage or handling system for petroleum products complies with subregulation (3) if —

(a) the underground storage or handling system was installed or replaced after these regulations came into operation; and

(b) the underground storage or handling system is used for the storage of petroleum products.

Penalty: a level 2 fine.

(3) An underground storage or handling system for petroleum products must —

(a) meet the requirements in AS 4897 sections 3 and 4 for underground petroleum storage systems; and

(b) have the equipment required by AS 4897 sections 3 and 4 for Equipment level 1 under AS 4897, irrespective of how the site where the system is situated is classified under AS 4897; and

(c) be designed, certified and installed in accordance with AS 4897 section 6, other than clause 6.3,

or, subject to subregulation (4), be designed, certified, constructed, installed, operated, maintained and tested in compliance with alternative safety measures that result in a level of risk in relation to the dangerous goods in relation to people, property and the environment that is equal to or lower than the level of risk that results from complying with the primary requirements.

(4) A person may comply with the alternative safety measures referred to in subregulation (3) if the person makes a written record of the alternative measures and why they result in the equal or lower level of risk.

(5) If requested to do so by a DGO, a person must give the DGO a copy of the record required by subregulation (4) in relation to alternative safety measures with which the person complies, or purports or intends to comply.

Penalty: a level 3 fine.

(6) If alternative safety measures with which a person complies, or purports or intends to comply, do not or will not result in the equal or lower level of risk referred to in subregulation (3) the person is to be taken, for the purposes of the Act and in particular section 47 of it, to be contravening or about to contravene these regulations.

(7A) If a provision of AS 4897 section 4, 6, 8 or 9 requires a person involved in the design, manufacture, installation or repair of an underground storage or handling system for petroleum products to do an act and the person contravenes the provision, the person commits an offence.

Penalty: a level 1 fine.

(7) The operator of a rural dangerous goods location at which there is an underground storage or handling system for Class 3 dangerous goods or petroleum products who does not —

(a) ensure the system is monitored for leaks in accordance with AS 4897 clause 4.5; or

(b) make a written record of the monitoring carried out under AS 4897 clause 4.5 and retain it for at least 2 years after the date of the monitoring; or

(c) comply with AS 4897 clause 7.3 (other than clause 7.3.4); or

(d) ensure the system is maintained and tested in accordance with AS 4897 section 8; or

(e) retain the records referred to in AS 4897 clause 8.4 of an inspection or test for at least 2 years after the date on which the inspection or test is conducted; or

(f) ensure any repair of the system is done in accordance with AS 4897 clause 9.2,

commits an offence.

Penalty: a level 2 fine.

(8) The owner of a rural dangerous goods location at which there is an underground storage or handling system for Class 3 dangerous goods or petroleum products must retain any record that AS 4897 requires to be retained, other than a record referred to in subregulation (7), for the period specified in AS 4897.

Penalty: a level 2 fine.

(9) The occupier must ensure that a leaking component of an underground storage or handling system for petroleum products is emptied, sealed off from the storage and handling system and not otherwise used until the leak has been repaired.

Penalty: a level 1 fine.

[Regulation 133 amended: Gazette 16 Mar 2012 p. 1232-5.]

Part 8A — Dangerous goods in ports

[Heading inserted: Gazette 2 Dec 2013 p. 5541.]

Division 1 — Preliminary matters

[Heading inserted: Gazette 2 Dec 2013 p. 5541.]

134. Terms used

In this Part, unless the contrary intention appears —

berth means a berth in a port area but does not include any vessel moored at the berth;

consignor, of dangerous goods, has the meaning given in regulation 135A;

explosion risk goods has the meaning given in regulation 135B;

handle, dangerous goods, means (despite section 3(1) of the Act) —

(a) to load them on to a vehicle or into a container;

(b) to unload them from a vehicle or container;

(c) to carry, move or transport them by any means;

(d) to store them while they await being so loaded, unloaded, carried, moved or transported;

harbour master —

(a) of a port subject to the *Port Authorities Act 1999*, has the meaning given in section 3(1) of that Act;

(b) of a port subject to the *Shipping and Pilotage Act 1967*, has the meaning given in section 3 of that Act;

operator, of a berth, means the person who controls and manages the operations at the berth;

port means —

(a) a port as defined in the *Port Authorities Act 1999* section 3(1); or

(b) a port as defined in the *Shipping and Pilotage Act 1967* section 3;

port area means the area associated with a port being —

(a) if the port is subject to the *Port Authorities Act 1999* — the area or areas described in relation to the port under section 24 of that Act; and

(b) if the port is subject to the *Shipping and Pilotage Act 1967* — the area bounded by the limits specified in relation to the port under section 10 of that Act;

special berth (non-explosives) means a berth that, under regulation 135K, is declared to be a special berth (non-explosives);

vessel means anything, including a hovercraft, capable of transporting people or things by water.

[Regulation 134 inserted: Gazette 2 Dec 2013 p. 5541-2.]

135A. Meaning of consignor

For the purposes of these regulations, a person is the consignor of dangerous goods in a port area —

(a) if the person, with the person's authority, is named or otherwise identified as the consignor of the goods in documentation associated with transporting the goods into or from the port area; or

(b) if paragraph (a) does not apply to the person or anyone else — if the person —

(i) engages another person, either directly or through an agent or other intermediary, to transport the goods into or from the port area; or

(ii) has possession of, or control over, the goods immediately before the goods are transported into or from the port area;

or

(c) if neither paragraph (a) nor (b) applies to the person or anyone else and the goods are being imported into Australia — if the person is the importer.

[Regulation 135A inserted: Gazette 2 Dec 2013 p. 5542-3.]

135B. Meaning of explosion risk goods

For the purposes of this Part, the dangerous goods listed in the Table are explosion risk goods.

Table

Dangerous goods	**UN No.**	**Class**
Ammonium nitrate, with not more than 0.2% total combustible material, including any organic substance, calculated as carbon to the exclusion of any other added substance	1942	5.1
Ammonium nitrate based fertiliser	2067	5.1
Ammonium nitrate, liquid (hot concentrated solution)	2426	5.1
Ammonium nitrate emulsion or suspension or gel, immediate for blasting explosives	3375	5.1
Calcium hypochlorite, dry or calcium hypochlorite mixture, dry, with more than 39% available chlorine (8.8% available oxygen)	1748	5.1
Calcium hypochlorite, dry with more than 10% but not more than 39% available chlorine	2208	5.1

Dangerous goods	UN No.	Class
Calcium hypochlorite, hydrated or calcium hypochlorite, hydrated mixture, with not less than 5.5% but not more than 16% water	2880	5.1
Calcium hypochlorite, dry, corrosive or calcium hypochlorite mixture, dry, corrosive with more than 39% available chlorine (8.8% available oxygen)	3485	5.1
Calcium hypochlorite mixture, dry, corrosive with more than 10% but not more than 39% available chlorine	3486	5.1
Calcium hypochlorite, hydrated, corrosive or calcium hypochlorite, hydrated mixture, corrosive with not less than 5.5% but not more than 16% water	3487	5.1

[Regulation 135B inserted: Gazette 2 Dec 2013 p. 5543-4.]

Division 2 — Non-explosives in port areas

[Heading inserted: Gazette 2 Dec 2013 p. 5545.]

135C. Application of this Division

This Division applies to dangerous goods in a port area, whether or not at a special berth (non-explosives).

[Regulation 135C inserted: Gazette 2 Dec 2013 p. 5545.]

135D. Packaging and documentation requirements for non-explosives

(1) In this regulation —

ADG compliant has the meaning given in subregulation (2);

designated ADG document, for dangerous goods, means the dangerous goods transport document for the goods that complies with the ADG Code Chapter 11.1;

designated IMDG documents, for dangerous goods, means these documents —

(a) the dangerous goods transport document that, under the IMDG Code, has to be signed by the consignor of the goods and to accompany the goods;

(b) the container/vehicle packing certificate that, under the IMDG Code, has to be provided for the goods;

IMDG compliant has the meaning given in subregulation (3).

(2) In this regulation, dangerous goods are ***ADG compliant*** if —

(a) they are packed, marked, labelled and placarded in accordance with; and

(b) their packaging complies with,

the ADG Code.

(3) In this regulation, dangerous goods are ***IMDG compliant*** if —

(a) they are packed, marked, labelled and placarded in accordance with; and

(b) their packaging complies with,

those provisions of the IMDG Code that that Code says are mandatory.

(4) A person must not import dangerous goods into a port area by sea from within Australia unless the goods are ADG compliant or IMDG compliant.

Penalty: a level 1 fine.

(5) A person must not import dangerous goods into a port area by sea from within Australia unless the goods are accompanied by the designated ADG document, or the designated IMDG documents, for the goods.

Penalty: a level 1 fine.

(6) A person must not import dangerous goods into a port area by sea from outside Australia unless the goods are IMDG compliant.

Penalty: a level 1 fine.

(7) A person must not import dangerous goods into a port area by sea from outside Australia unless the goods are accompanied by the designated IMDG documents for the goods.

Penalty: a level 1 fine.

(8) The consignor of dangerous goods in a port area for the purposes of being transported by sea to a place within Australia commits an offence if the goods are neither ADG compliant nor IMDG compliant.

Penalty: a level 1 fine.

(9) The consignor of dangerous goods in a port area for the purposes of being transported by sea to a place within Australia commits an offence if the goods are not accompanied by the designated ADG document, or the designated IMDG documents, for the goods.

Penalty: a level 1 fine.

(10) The consignor of dangerous goods in a port area for the purposes of being transported by sea to a place outside Australia commits an offence if the goods are not IMDG compliant.

Penalty: a level 1 fine.

(11) The consignor of dangerous goods in a port area for the purposes of being transported by sea to a place outside Australia

commits an offence if the goods are not accompanied by the designated IMDG documents.

Penalty: a level 1 fine.

[Regulation 135D inserted: Gazette 2 Dec 2013 p. 5545-7.]

135E. Master's duties as to emergency plan for vessel

The master of a vessel transporting more than the manifest quantity of dangerous goods must not take the vessel into a port area unless —

(a) there is on board a written emergency plan for dealing with any dangerous situation involving the goods that arises on the vessel while the vessel is in the port area; and

(b) the vessel has adequate crew and equipment to carry out the plan should the need to do so arise; and

(c) the master has consulted the harbour master of the port about the management of any emergency that might arise from handling or transporting the goods in the port area.

Penalty: a level 1 fine and imprisonment for 10 months.

[Regulation 135E inserted: Gazette 2 Dec 2013 p. 5547.]

135F. Berth operator's duties as to emergency plan for berth

(1) This regulation applies to a berth for which regulation 75 requires that the berth operator have an emergency plan.

(2) The berth operator of a berth to which this regulation applies must not handle dangerous goods at the berth unless —

(a) the berth operator has given the harbour master of the port a copy of the emergency plan for the berth required by regulation 75; and

(b) the harbour master has agreed to the plan.

Penalty: a level 1 fine and imprisonment for 10 months.

[Regulation 135F inserted: Gazette 2 Dec 2013 p. 5548.]

135G. Berth operator's duty to minimise time dangerous goods kept at berth

(1) This regulation applies when dangerous goods are unloaded from or loaded on to a vessel at a berth.

(2) The operator of the berth must ensure that any handling of the dangerous goods at the berth is completed as soon as practicable after the vessel berths at the berth or the dangerous goods arrive on the berth.

Penalty: a level 1 fine and imprisonment for 10 months.

(3) The operator of the berth must ensure that the vessel does not remain at the berth for any longer than is reasonably necessary to complete any handling of the dangerous goods.

Penalty: a level 1 fine and imprisonment for 10 months.

[Regulation 135G inserted: Gazette 2 Dec 2013 p. 5548.]

Division 3 — Explosion risk goods in port areas

[Heading inserted: Gazette 2 Dec 2013 p. 5549.]

135H. When special berth (non-explosives) required

(1) If a vessel carrying more than 1 030 t of explosion risk goods is moored at a berth that is not a special berth (non-explosives), the operator of the berth commits an offence.

Penalty: a level 1 fine.

(2) If 30 t or more of explosion risk goods are unloaded from or loaded on to a vessel at a berth that is not a special berth (non-explosives), the operator of the berth commits an offence.

Penalty: a level 1 fine.

(3) If 30 t or more of explosion risk goods are on a berth that is not a special berth (non-explosives), the operator of the berth commits an offence.

Penalty: a level 1 fine.

[Regulation 135H inserted: Gazette 2 Dec 2013 p. 5549.]

135I. Applying for declaration of special berth (non-explosives)

(1) Only these persons may apply for a berth to be declared a special berth (non-explosives) —

(a) the harbour master of the port;

(b) the operator of the berth.

(2) An application for a berth to be declared a special berth (non-explosives) must —

(a) be made to the Chief Officer; and

(b) be in an approved form; and

(c) specify the following —

(i) the name of the berth operator;

(ii) the location and dimensions of the berth;

(iii) the UN Number and proper shipping name of the explosion risk goods that will be handled at the berth;

(iv) the maximum quantity of the explosion risk goods that will be at the berth and on any vessel at the berth, including any such goods on board that are not handled while the vessel is at the berth;

(v) the maximum quantity of the explosion risk goods that will be handled at the berth in respect of any one vessel;

(vi) any other matter required by the approved form;

and

(d) be signed by the applicant; and

(e) be accompanied by the following —

(i) an aerial photo of the berth and its surroundings on which are marked concentric circles with radii of 500 m, 1 000 m and 2 000 m from the centre of the berth;

(ii) a risk assessment for the berth that complies with regulation 135J(1);

(iii) an implementation plan that complies with regulation 135J(2);

(iv) an emergency plan that complies with regulation 75;

(v) a fee of $5 110.00.

(3) One application may specify more than one kind of explosion risk goods.

[Regulation 135I inserted: Gazette 2 Dec 2013 p. 5549-50; amended: Gazette 24 Jun 2016 p. 2329; 23 Jun 2017 p. 3290; 25 Jun 2018 p. 2305; 18 Jun 2019 p. 2044; SL 2023/36 r. 17; SL 2024/97 r. 10; SL 2025/90 r. 12; SL 2026/94 r. 10.]

135J. Content of risk assessment and implementation plan

(1) For the purposes of regulation 135I(2)(e)(ii), a risk assessment for a berth is a document that —

(a) is in a form acceptable to the Chief Officer; and

(b) identifies all hazards relating to the explosion risk goods specified in the application and to handling them at the berth; and

(c) for each hazard, assesses —

(i) the probability of the hazard causing a fire or explosion; and

(ii) the nature and extent of the harm to people, property and the environment that is likely to result from any such fire or explosion;

and

(d) for each hazard, identifies the measures that will eliminate or, if it is not reasonably practicable to eliminate, that will reduce so far as is reasonably practicable —

(i) the probability of the hazard causing a fire or explosion; and

(ii) the harm to people, property and the environment that is likely to result from any such fire or explosion;

and

(e) records the method of reasoning used to determine the matters referred to in paragraphs (b) to (d); and

(f) contains the information listed in, and addresses, the items listed in AS 3846 clause 6.5.2.

(2) For the purposes of regulation 135I(2)(e)(iii), an implementation plan must —

(a) state which measures in the risk assessment have been taken at the time the application is made; and

(b) state which such measures have not been taken and when they will be taken; and

(c) state the procedures that will be followed by people when handling the explosion risk goods at the berth.

[Regulation 135J inserted: Gazette 2 Dec 2013 p. 5551-2.]

135K. Dealing with application under r. 135I

(1) Any decision made by the Chief Officer under this regulation must be in writing.

(2) The Chief Officer may ask a person who has made an application under regulation 135I for more information to enable the Chief Officer to decide it and may delay deciding it until the information is supplied.

(3) A person who does not obey such a request within 21 days after the date on which it is made, or any longer period permitted by the Chief Officer, is taken to have withdrawn the application and is entitled to a refund of the fee.

(4) On an application made under regulation 135I, the Chief Officer may declare the berth to be a special berth (non-explosives) for a period, not over 5 years, specified in the declaration.

(5) Without limiting the matters the Chief Officer may consider before making a declaration under subregulation (4), he or she must not make a declaration unless he or she has considered —

(a) the adequacy of the risk assessment accompanying the application; and

(b) the items listed in AS 3846 clause 6.5.2.

(6) A declaration made under subregulation (4) must specify the following —

(a) the name of the berth operator;

(b) the berth to which it applies;

(c) the UN Number and proper shipping name of the explosion risk goods that can be handled at the berth.

(7) A declaration made under subregulation (4) may specify more than one kind of explosion risk goods.

(8) A declaration made under subregulation (4) may specify any of these requirements that the Chief Officer considers necessary to ensure the explosion risk goods are handled safely at the special berth (non-explosives) —

(a) the maximum quantity of the explosion risk goods that are permitted to be on any vessel at the berth, including

any such goods on board that are not handled while the vessel is at the berth;

(b) the maximum quantity of the explosion risk goods that are permitted to be handled at the berth in respect of any one vessel;

(c) any requirements that must be obeyed when the explosion risk goods are handled at the berth.

(9) The Chief Officer at any time may amend or cancel a declaration made under subregulation (4).

(10) If the Chief Officer —

(a) refuses an application; or

(b) makes a declaration that includes a requirement,

he or she must give reasons for the decision.

[Regulation 135K inserted: Gazette 2 Dec 2013 p. 5552-3.]

135L. Explosion risk goods not to be in loose form

(1) For the purposes of this regulation, explosion risk goods are in a loose form if they are to be handled while they are not in a container that itself can be loaded on to or unloaded from a vehicle.

(2) The consignor of explosion risk goods in a port area for transport by sea commits an offence if the goods are consigned in a loose form.

Penalty: a level 1 fine.

(3) A person who imports explosion risk goods into a port area by sea commits an offence if the goods are imported in a loose form.

Penalty: a level 1 fine.

(4) The operator of a berth commits an offence if explosion risk goods in a loose form are handled at the berth.

Penalty: a level 1 fine.

(5) It is a defence to a charge of an offence under subregulation (4) to prove the explosion risk goods were in a loose form because they had spilled as a result of a broken container.

[Regulation 135L inserted: Gazette 2 Dec 2013 p. 5554.]

135M. Ammonium nitrate (UN 1942 and 2067) not to be imported, consigned or handled without evidence of analysis and testing

(1) In this regulation —

alleged, in relation to goods, means alleged in the documents accompanying the goods;

designated AN means these dangerous goods of Division 5.1 —

(a) ammonium nitrate, with not more than 0.2% total combustible material, including any organic substance, calculated as carbon to the exclusion of any other added substance;

(b) ammonium nitrate based fertiliser;

sufficient evidence has the meaning given in subregulation (2).

(2) For the purposes of this regulation, evidence is not sufficient evidence that goods are designated AN unless it includes these documents —

(a) written evidence that the goods have been chemically analysed;

(b) written evidence of the analysis stating, as percentages, each constituent, including organic carbon, of the goods;

(c) written evidence that the goods have undergone —

(i) the UN gap test, being test Type 2(a) in Test Series 2 described in section 12 of the UNTC, in accordance with that section 12; or

(ii) a test, approved by the Chief Officer, as to whether the goods have explosive properties;

(d) written evidence of the result of the test;

(e) written evidence that the classification code of the goods has been assigned to them in accordance with the IMDG Code,

and the documents confirm the goods are designated AN.

(3) A person must not import into a port area by sea 30 t or more of goods that are alleged to be designated AN unless the goods are accompanied by sufficient evidence that the goods are designated AN.

Penalty: a level 1 fine and imprisonment for 10 months.

(4) If 30 t or more of goods alleged to be designated AN are unloaded from or loaded on to a vessel at a berth, the operator of the berth commits an offence if the goods are not accompanied by sufficient evidence that the goods are designated AN.

Penalty: a level 1 fine and imprisonment for 10 months.

(5) If 30 t or more of goods alleged to be designated AN are on a berth, the consignor of the goods commits an offence if the goods are not accompanied by sufficient evidence that the goods are designated AN.

Penalty: a level 1 fine and imprisonment for 10 months.

[Regulation 135M inserted: Gazette 2 Dec 2013 p. 5554-6.]

135N. Master's duties

(1) This regulation applies when 30 t or more of explosion risk goods are unloaded from or loaded on to a vessel at a berth.

(2) The master of the vessel commits an offence if any of the following occurs in relation to the unloading or loading —

(a) any of the requirements of AS 3846 clause 6.6.1(i) is contravened;

(b) any of the requirements of AS 3846 clause 6.6.1(b), (e), (f), (g), (j), (k) or (l) is contravened on board the vessel;

(c) any of the requirements of AS 3846 clause 6.6.2 is contravened.

Penalty: a level 1 fine and imprisonment for 10 months.

(3) The master of the vessel commits an offence if any of the following occurs in relation to the unloading or loading —

(a) any of the requirements of the IMDG Code clause 5.4.3 is contravened;

(b) any of the requirements of the IMDG Code Chapter 7.1 is contravened;

(c) any of the requirements of the IMDG Code Chapter 7.2 is contravened.

Penalty: a level 1 fine and imprisonment for 10 months.

[Regulation 135N inserted: Gazette 2 Dec 2013 p. 5556-7.]

135O. Berth operator's duties

(1) In this regulation —

damaged, in relation to a container, means damaged or defective to the extent that the container is not safe to use to transport explosion risk goods;

hot work means any use of a welding device, or of a tool or device that causes or might cause heat, sparks or a flame.

(2) This regulation applies when —

(a) 30 t or more of explosion risk goods are unloaded from or loaded on to a vessel at a berth; or

(b) 30 t or more of explosion risk goods are on a berth.

(3) Subregulations (4), (5), (6), (10) and (11)(a) apply if a vessel carrying more than 1 030 t of explosion risk goods is moored at a berth.

(4) The operator of the berth commits an offence if any requirement specified in a declaration made under regulation 135K is contravened at the berth.

Penalty: a level 1 fine and imprisonment for 10 months.

(5) The operator of the berth must ensure any handling of the explosion risk goods at the berth is completed as soon as practicable after the vessel berths at the berth or the goods arrive on the berth.

Penalty: a level 1 fine and imprisonment for 10 months.

(6) The operator of the berth must ensure the vessel does not remain at the berth for any longer than is reasonably necessary to complete any handling of the explosion risk goods.

Penalty: a level 1 fine and imprisonment for 10 months.

(7) The operator of the berth must not handle the explosion risk goods at the berth unless the operator has written procedures for controlling and managing the movement of road and rail vehicles on the berth.

Penalty: a level 1 fine and imprisonment for 10 months.

(8) The operator of the berth must not handle the explosion risk goods at the berth unless the operator has written procedures that state the maximum quantity of the goods that can be on the berth at any one time.

Penalty: a level 1 fine and imprisonment for 10 months.

(9) The operator of the berth must ensure all people and vehicles are excluded from the berth and from a reasonable area surrounding the vessel other than these —

(a) any member of the vessel's crew;

(b) any person who has a statutory duty to fulfil in respect of the berth, the vessel, its cargo or the explosion risk goods;

(c) any person whose presence is essential to enable the explosion risk goods to be handled at the berth;

(d) any person who is a member of an emergency service,

and any vehicle carrying such a person.

Penalty: a level 1 fine and imprisonment for 10 months.

(10) The operator of the berth must ensure signs prohibiting hot work, smoking and the lighting of a flame or fire are displayed prominently on the vessel and the berth.

Penalty: a level 1 fine and imprisonment for 10 months.

(11) The operator of the berth commits an offence if any of the following occurs at the berth —

(a) if a person on the berth does any hot work, smokes or lights a flame or fire;

(b) if there are any other dangerous goods or any explosives on the berth;

(c) if any substance that could contaminate the explosion risk goods, and any combustible dust or debris, is not cleaned from the berth before the explosion risk goods are handled;

(d) if any damaged container containing the explosion risk goods is not removed from the berth as soon as practicable after the damage is discovered;

(e) if any damaged container containing the explosion risk goods is removed from the berth for any purpose other than to enable the explosion risk goods to be —

(i) repackaged; or

(ii) dealt with in some other way so that the explosion risk goods can be safely handled;

(f) if any spillage of the explosion risk goods is not cleaned up immediately;

(g) if any of the explosion risk goods are on the berth after the handling of them is completed.

Penalty: a level 1 fine and imprisonment for 10 months.

(12) For the purposes of subregulation (11), the berth includes the reasonable area surrounding the vessel from which subregulation (9) requires that all people (other than those specified in subregulation (9)(a) to (d)) be excluded.

[Regulation 135O inserted: Gazette 2 Dec 2013 p. 5557-60.]

135P. Berth operator to give Chief Officer report after handling explosion risk goods

(1) This regulation applies if —

(a) explosion risk goods are handled at a special berth (non-explosives); and

(b) before, during or after the explosion risk goods are handled, any of the following occurs —

(i) a failure to comply with this Part;

(ii) a failure to comply with the procedures required by regulation 135O(7) and (8);

(iii) a failure to take a measure specified in the risk assessment required by regulation 135I(2)(e)(ii) for the berth.

(2) If this regulation applies then, within 14 days after the explosion risk goods are handled at the special berth (non-explosives), the operator of the berth must give the Chief Officer a written report that complies with subregulation (3).

Penalty: a level 2 fine.

(3) The report required by subregulation (2) must include the following —

(a) a description of the failure referred to in subregulation (1)(b) that gave rise to the report;

(b) a statement of whether or not the failure resulted in any adverse consequences, and (if it did) a description of those consequences and what measures were, are being or will be taken to remedy them;

(c) a description of what measures have been, are being or will be taken to ensure that the failure does not happen again;

(d) if any measures of the kind referred to in paragraph (c) have not been taken, when those measures will be taken.

[Regulation 135P inserted: Gazette 2 Dec 2013 p. 5560-1.]

Part 8 — Miscellaneous

135. Storage or handling systems and pipelines, duties of manufacturers etc. of

(1) A manufacturer or supplier of a storage or handling system or dangerous goods pipeline must ensure that the system or pipeline has been designed and built so that, so far as is reasonably practicable, it can be operated with minimal risk to people, property and the environment.

Penalty: a level 2 fine.

(2) An installer of a storage or handling system or dangerous goods pipeline must ensure that the system or pipeline has been installed and commissioned so that, so far as is reasonably practicable, it can be operated with minimal risk to people, property and the environment.

Penalty: a level 2 fine.

*[**136.** Deleted: Gazette 20 Mar 2018 p. 1005.]*

137. Flammable liquids, filling of tanks etc. with

(1) A person must not smoke or have any open flame within 4 m of a fuel tank or other storage or handling system while flammable liquid is being supplied from a discharge facility to that tank or system.

Penalty: a level 2 fine.

(2) A person must not dispense any flammable liquid into the fuel tank of an engine while the engine is running except as permitted under the *Civil Aviation Act 1988* of the Commonwealth.

Penalty: a level 2 fine.

(3) Except as provided in subregulation (4), a person at a service station must not fill a container other than a fuel tank with any flammable liquid unless the container —

(a) has a capacity of 25 L or less; and

(b) is in contact with the ground; and

(c) complies with AS/NZS 2906 or is otherwise leak proof, made of metal and is capable of being securely closed.

Penalty: a level 2 fine.

(4) Despite subregulation (3), a person at a service station may fill a container that has a capacity of more than 25 L with a flammable liquid if —

(a) the container has a capacity of not more than 250 L; and

(b) the flammable liquid is to be used at the service station.

138. Storage of Class 3 or combustible liquids in vehicles

A person must not use a vehicle for the storage of dangerous goods of Class 3 or combustible liquids unless —

(a) the goods or liquids are stored in a tank for the purpose of propelling the vehicle; or

(b) the goods or liquids are stored for the purpose of transport under the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* and not otherwise.

Penalty: a level 2 fine.

[Regulation 138 amended: Gazette 3 Mar 2017 p. 1481.]

139. False or misleading information, offence

A person must not give materially false or misleading information in, or in connection with —

(a) any notice or report that the person is required to give to another person under these regulations; or

(b) an application for or in relation to a licence or registration; or

(c) any other application that may be made under these regulations; or

(d) any certificate that may be given under these regulations.

Penalty: a level 1 fine and imprisonment for 10 months.

[Regulation 139 amended: Gazette 16 Mar 2012 p. 1235; 2 Dec 2013 p. 5561-2.]

140. Infringement notices, offences and modified penalties (Act s. 56(3))

(1) Except as provided in subregulation (2), for the purposes of section 56(3) of the Act —

(a) each offence under these regulations the penalty for which is a level 2 fine or a level 3 fine is a prescribed offence; and

(b) the modified penalty for each such offence is 10% of the maximum fine for the offence under these regulations.

Note for this subregulation:

The *Dangerous Goods Safety (General) Regulations 2007* prescribe the form of an infringement notice and other matters for the purposes of the Act s. 56.

(2) Subregulation (1) does not apply to the offences specified in the Table to this subregulation.

Table

r. 22	r. 65
r. 48(3)	

[Regulation 140 amended: Gazette 20 Mar 2018 p. 1005.]

141. Savings and transitional (Sch. 6)

Schedule 6 sets out savings and transitional provisions.

Schedule 1 — Quantities of dangerous goods

[r. 4, 68(1) and (2), 70(2) and (3)]

[Heading amended: SL 2022/58 r. 12.]

1. For the purposes of the Table below, the placarding quantity or manifest quantity is equal to the total of the quantities determined in accordance with regulation 12.

2. In the Table below —

kg or L means, where this combination of letters immediately follows numbers, the combined total of —

(a) the number of kilograms of non-liquid dangerous goods; and

(b) the number of litres of liquid dangerous goods; and

(c) the capacity of containers of Class 2 dangerous goods,

determined in accordance with regulation 12.

Table

Item	Description of dangerous goods	Packing group	Placarding quantity	Manifest quantity
1.	Division 2.1 except aerosols	N/A	500 L	5 000 L
2.	Division 2.2 except aerosols	N/A	1 000 L	10 000 L
3.	Division 2.3	N/A	50 L	500 L
4.	Division 2.1 and 2.2 aerosols	N/A	5 000 L	10 000 L
5.	Any one of Class 3, Division 4.1, 4.2 or 4.3, Division 5.1 or 5.2, Division 6.1, Class 8 or Class 9, or any combination of those classes or divisions	I	50 kg or L	500 kg or L
		II and III (aggregate)	1 000 kg or L	10 000 kg or L
		I, II and III (aggregate) where quantity of goods in packing group I does not exceed 50 kg or L	1 000 kg or L	10 000 kg or L

Item	Description of dangerous goods	Packing group	Placarding quantity	Manifest quantity
6.	Goods too dangerous to transport	N/A	5 kg or L	50 kg or L
7.	combustible liquids with fire risk dangerous goods	N/A	1 000 L	10 000 L
8.	Other combustible liquids	N/A	10 000 L	100 000 L

Note for this Schedule:

For the purposes of item 5 in the Table —

(a) all Type B Division 4.1 Self Reactive Substances that do not have a packing group assigned to them are to be taken to be assigned to packing group I;

(b) all Types C to F Division 4.1 Self Reactive Substances that do not have a packing group assigned to them are to be taken to be assigned to packing group II;

(c) all Type B Division 5.2 Organic Peroxides that do not have a packing group assigned to them are to be taken to be assigned to packing group I;

(d) all Types C to F Division 5.2 Organic Peroxides that do not have a packing group assigned to them are to be taken to be assigned to packing group II;

(e) Class 9 dangerous goods that do not have a packing group assigned to them are to be taken to be assigned to packing group III;

(f) all other articles and things that do not have a packing group assigned to them are to be taken to be assigned to packing group II.

[Schedule 1 amended: Gazette 3 Mar 2017 p. 1481.]

[Schedule 2 deleted: Gazette 2 Dec 2013 p. 5562.]

Schedule 3 — Manifest and dangerous goods site plan

[r. 26(4), 78(2) and (3)]

[Heading amended: SL 2022/58 r. 13.]

Division 1 — General

1. Term used: storage location

In this Schedule —

storage location means any place or area on a dangerous goods site where dangerous goods of a particular type are kept either in bulk or in a quantity exceeding that specified in the column headed "Placarding quantity" in Schedule 1.

Division 2 — Manifest

2. General information in manifest

The manifest must contain —

(a) the name of the operator of the dangerous goods site; and

(b) the address of the dangerous goods site; and

(c) the date when the manifest was prepared or last revised.

3. Emergency contacts in manifest

The manifest must contain contact information for at least 2 persons (or for one person if that person is available at all times) who may be contacted in the event of an emergency for information as to the nature and quantity of dangerous goods likely to be at the dangerous goods site.

4. Dangerous goods at site, information in manifest about

The manifest must contain a summary list that specifies the maximum quantity of —

(a) each packing group of each class or division of dangerous goods that has packing groups; and

(b) each class or division of dangerous goods that does not have packing groups; and

(c) combustible liquids; and

(d) each type of goods too dangerous to be transported,

that the dangerous goods site may store or handle.

[Clause 4 amended: Gazette 3 Mar 2017 p. 1481.]

5. Bulk dangerous goods not in IBCs and certain other dangerous goods, information in manifest about

(1) In relation to each container (other than an IBC) and each other form of storage of dangerous goods in bulk at the site, the manifest must contain —

(a) any identification number or code of the container or storage area; and

(b) the type of container or manner of storage; and

(c) the quantity or mass of the dangerous goods being stored in the container or other form of storage.

(2) In relation to dangerous goods that are —

(a) dangerous goods other than combustible liquids or goods too dangerous to be transported — the manifest must contain the proper shipping name, the UN Number, and the class or division, of the dangerous goods; and

(b) combustible liquids — the manifest must contain the product name and the words "combustible liquid"; and

(c) goods too dangerous to be transported — the manifest must contain the name of the goods specified in the ADG Code Appendix A and the statement "Goods too dangerous to be transported"; and

(d) packing group I — the manifest must contain the packing group.

[Clause 5 amended: Gazette 16 Mar 2012 p. 1235-6; 3 Mar 2017 p. 1481.]

6. Packaged dangerous goods etc., information in manifest about

In relation to each storage location that contains packaged dangerous goods or dangerous goods in IBCs, and that is required to be

placarded in accordance with Part 4 Division 2 Subdivision 3, the manifest must contain —

(a) the identification number or code for the storage location; and

(b) for dangerous goods of packing group I or Division 2.3 that are likely to be kept in the storage location —

(i) the proper shipping name of the dangerous goods that are assigned to a class; and

(ii) the class or division and packing group; and

(iii) the current aggregate quantity or maximum quantity of each of the dangerous goods that may be stored or handled in the storage location;

and

(c) for goods too dangerous to be transported that are likely to be kept in the storage location —

(i) the name of the dangerous goods specified in the ADG Code Appendix A; and

(ii) the statement "Goods too dangerous to be transported"; and

(iii) the current aggregate quantity or maximum quantity of each of the dangerous goods that may be stored or handled in the storage location;

and

(d) for other dangerous goods that are likely to be kept in the storage location —

(i) for dangerous goods with an assigned class or division — the class or division for the dangerous goods; and

(ii) for combustible liquids — the words "combustible liquid"; and

(iii) in any case, the current aggregate quantity or maximum quantity of —

(I) each class or division of dangerous goods; and

(II) combustible liquids,

that may be stored or handled in the storage location.

[Clause 6 amended: Gazette 16 Mar 2012 p. 1236; 3 Mar 2017 p. 1481.]

7. Dangerous goods in manufacture or process, information in manifest about

In relation to each storage location where dangerous goods are manufactured or processed, the manifest must contain —

(a) the identification number or code of the manufacturing or processing location; and

(b) for dangerous goods with an assigned class or division — the class or division of each type of dangerous goods and the maximum quantity of each class or division that can be handled in the location; and

(c) for goods too dangerous to be transported — the statement "Goods too dangerous to be transported" and the maximum quantity of those goods that can be handled in the location; and

(d) for combustible liquids — the statement "combustible liquid" and the maximum quantity of combustible liquids that can be handled in the location.

[Clause 7 amended: Gazette 3 Mar 2017 p. 1481.]

8. Dangerous goods in transit, information about for cl. 4, 5 and 6

If, in relation to dangerous goods in transit there are dangerous goods transport documents that comply with the ADG Code available for the goods, the information required by clauses 4, 5 and 6 may be provided in the form of a compilation of those transport documents.

Division 3 — Dangerous goods site plan

9. General information in plan

The dangerous goods site plan must contain —

(a) the name of the operator of the dangerous goods site; and

(b) the address of the dangerous goods site; and

(c) the date when the dangerous goods site plan was prepared or last revised; and

(d) specify the scale to which the plan is drawn.

10. Other information in plan

The plan of the dangerous goods site must —

(a) be accurate; and

(b) show the site's boundaries; and

(c) show any buildings on the site together with a textual description; and

(d) show the location of —

(i) the containers and other forms of storage of dangerous goods in bulk referred to in clause 5; and

(ii) the storage locations for packaged dangerous goods and dangerous goods in IBCs referred to in clause 6; and

(iii) the storage locations where dangerous goods are manufactured or processed referred to in clause 7;

and

(e) include a description in words of the location of —

(i) the items referred to in paragraph (d); and

(ii) areas where dangerous goods in transit may be located;

and

(f) provide the identification number or code for the items referred to in paragraph (e); and

(g) provide a legend for the identification numbers and codes referred to in paragraph (f); and

(h) show the location of —

(i) the main entrance and the other points of entry to the site; and

(ii) essential site services, including fire services and isolation points for fuel, gas, water and power; and

(iii) the manifest; and

(iv) all drains on the site;
and

(i) describe the nature of the occupancy of adjoining sites or site; and

(j) show the direction of north.

Schedule 4 — Placarding requirements

[r. 68(2), 69(1) and 70(1)]

[Heading inserted: Gazette 16 Mar 2012 p. 1236; amended: SL 2022/58 r. 14.]

1. Figures referred to in Sch. 4

In this Schedule a reference to a figure followed by a number is a reference to a figure with that number in this clause.

Notes for this subclause:

1. For the purposes of Figure 2 the numerals and letters used for showing the proper shipping name or name of the goods, UN Number and Hazchem Code must be —
   (a) black on a white background, except where a letter of the Hazchem Code is white on a black background; and
   (b) at least 100 mm high, except where the proper shipping name requires 2 lines to be used, in which case the lettering must be at least 50 mm high.
2. For the purposes of Figure 3 the placard shown in Figure 3 must have sides at least 100 mm long.
3. For the purposes of Figure 4 the label shown in Figure 4 must have sides at least 100 mm long.

Figure 1 — Form and dimensions of an outer warning placard

Figure 2 — Template for a placard for dangerous goods (other than combustible liquids) in bulk

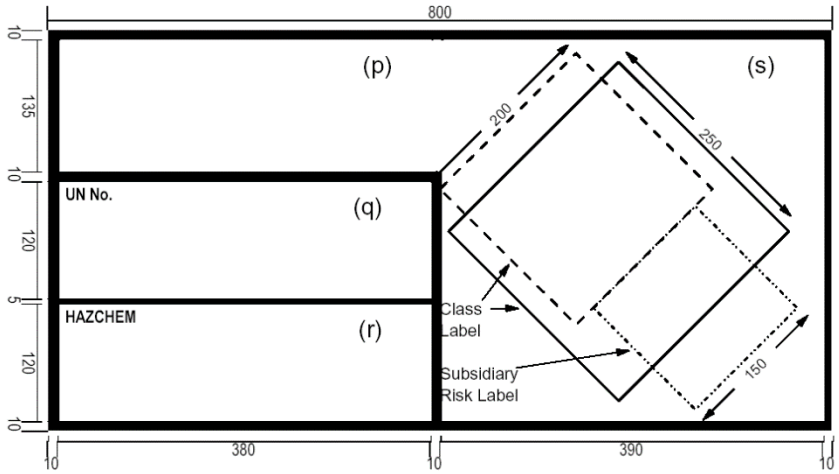

Figure 3 — Form and dimensions of a placard for storage of packaged dangerous goods

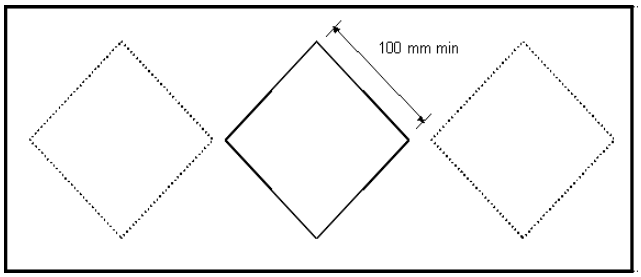

Figure 4 — Form of a label for mixed classes or divisions

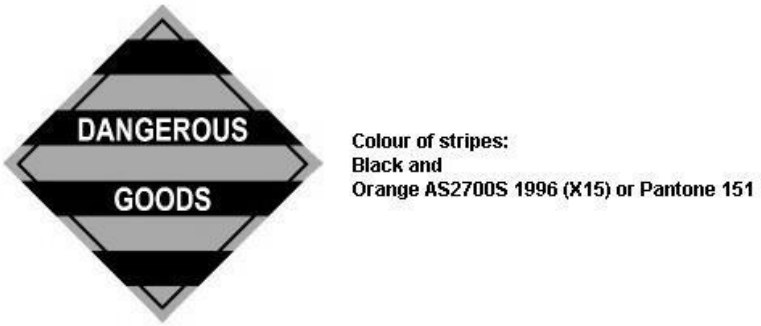

Figure 5 — Form of a label for goods too dangerous to be transported

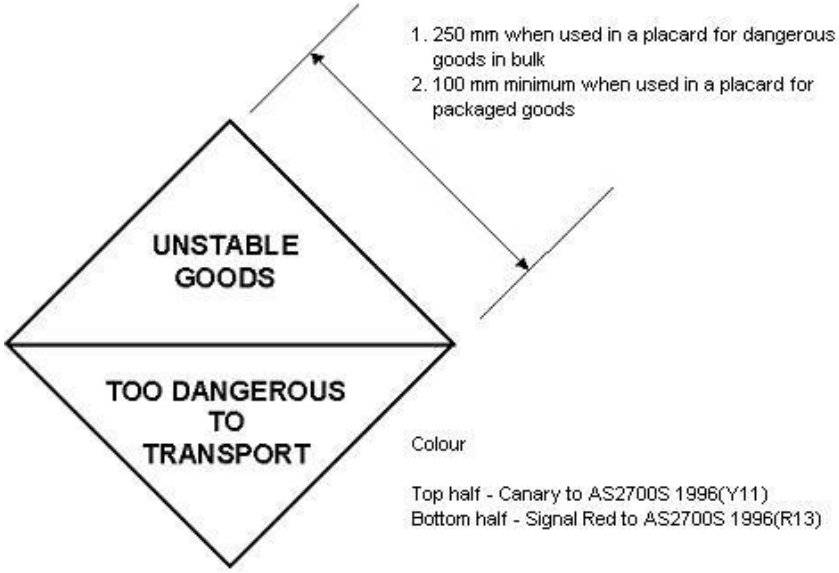

Figure 6 — Placard for combustible liquids

[Clause 1 inserted: Gazette 16 Mar 2012 p. 1236-9; amended: Gazette 3 Mar 2017 p. 1481.]

2. Outer warning placard (r. 68)

(1) The placard must have —

(a) the form shown in Figure 1; and

(b) dimensions not less than those shown in Figure 1.

(2) The placard must display the word "HAZCHEM" in red letters not less than 100 mm high and of the style shown in Figure 1, on a white or silver background.

(3) For the purposes of subclause (2), ***red*** means the colour Signal Red in accordance with AS 2700S (R13).

[Clause 2 inserted: Gazette 16 Mar 2012 p. 1239; amended: SL 2024/285 r. 17.]

3. Placard for dangerous goods in bulk that are not goods too dangerous to transport or combustible liquids (r. 69)

(1) The placard must have —

(a) the form shown in Figure 2; and

(b) dimensions not less than those shown in Figure 2.

(2) The placard must contain the following information —

(a) in space (p) in Figure 2, the proper shipping name;

(b) in space (q) in Figure 2, the UN Number;

(c) in space (r) in Figure 2, the Hazchem Code for the dangerous goods specified in the ADG Code Appendix C;

(d) in space (s) in Figure 2, the class or division label and subsidiary hazard label, if any.

(3) For the purposes of subclause (2)(d) —

(a) the class or division label and the subsidiary hazard label, if any, must have the form and colouring specified in the ADG Code; and

(b) if there is more than one subsidiary hazard label, the width of the right hand portion of the placard may be extended.

[Clause 3 inserted: Gazette 16 Mar 2012 p. 1239-40; amended: Gazette 3 Mar 2017 p. 1481; SL 2020/193 r. 32.]

4. Placard for dangerous goods in bulk that are goods too dangerous to transport (r. 69)

(1) The placard must have —

(a) the form shown in Figure 2; and

(b) dimensions not less than those shown in Figure 2.

(2) The placard must comply with the following —

(a) space (p) in Figure 2 must contain the name for the goods specified in the ADG Code Appendix A;

(b) space (q) in Figure 2 must be left blank;

(c) space (r) in Figure 2 must be left blank;

(d) space (s) in Figure 2 must contain the label specified in Figure 5.

[Clause 4 inserted: Gazette 16 Mar 2012 p. 1240.]

5. Placard for packaged dangerous goods (r. 70)

(1) The placard must have the form shown in Figure 3 and be of sufficient size to accommodate the labels to be displayed on it.

(2) The placard must have a white or silver background.

(3) The placard must display —

(a) for dangerous goods present in the storage area, other than goods too dangerous to be transported —

(i) the corresponding class or division label for each class or division of dangerous goods present in a quantity that exceeds the quantity specified in the column headed “Placarding quantity” in Schedule 1; and

(ii) if the total quantity of any combination of the classes or divisions of dangerous goods specified in item 5 of the Table in Schedule 1 exceeds the placarding quantity — a class or division label for each class or division of dangerous goods, or the label specified in Figure 4; and

(iii) if the goods are combustible liquids in a total quantity of more than 1 000 L and they are stored with fire risk dangerous goods — a class label for Class 3;

and

(b) for goods too dangerous to be transported present in the storage area, the label specified in Figure 5.

[Clause 5 inserted: Gazette 16 Mar 2012 p. 1240-1; amended: Gazette 3 Mar 2017 p. 1481.]

6. Placard for combustible liquids (in bulk or in containers) (r. 69 and 70)

A placard for combustible liquids in bulk or in containers must display the words "COMBUSTIBLE LIQUID" as shown in Figure 6, in black letters in the style shown, not less than 100 mm high and on a white or silver background.

[Clause 6 inserted: Gazette 16 Mar 2012 p. 1241; amended: Gazette 3 Mar 2017 p. 1481.]

Schedule 5 — Fees

[r. 24]

[Heading amended: SL 2020/197 r. 15; SL 2021/85 r. 17(1); SL 2022/58 r. 15(1).]

Division 1 — Fees for grant, renewal or amendment of licence for dangerous goods site

[Heading amended: Gazette 31 Dec 2010 p. 6895.]

1. Interpretation

(1) For the purposes of the Table to clause 2, the quantity of dangerous goods stored or handled is equal to the total of the quantities determined in accordance with regulation 12.

(2) In this Division —

kg or L means, where this combination of letters immediately follows numbers, the combined total of —

(a) the number of kilograms of non-liquid dangerous goods; and

(b) the number of litres of liquid dangerous goods; and

(c) either —

(i) in the case of liquid dangerous goods or Class 2 dangerous goods — the capacity of the storage or handling system; or

(ii) in the case of solid dangerous goods — the mass of the goods in the storage or handling system,

determined in accordance with regulation 12.

[Clause 1 amended: Gazette 2 Dec 2013 p. 5562.]

2. Annual fee for Part 4 licence

The fee for a licence granted under Part 4 for a dangerous goods site, for a year or part of a year, is the fee in the Table that relates to the site.

Table

Item	Maximum quantity of dangerous goods specified in the licence for the site	Fee ($)
1.	Less than 50 000 kg or L	282.00
2.	50 000 kg or L or more	903.00

[Clause 2 inserted: Gazette 16 Mar 2012 p. 1241-2; amended: Gazette 26 Jun 2015 p. 2263; 24 Jun 2016 p. 2329; 23 Jun 2017 p. 3290; 25 Jun 2018 p. 2305; 18 Jun 2019 p. 2045; SL 2021/85 r. 17(2); SL 2022/58 r. 15(2); SL 2023/36 r. 18; SL 2024/97 r. 11; SL 2025/90 r. 13; SL 2026/94 r. 11.]

*[**3.** Deleted: Gazette 2 Dec 2013 p. 5562.]*

[Division 2 deleted: Gazette 16 Mar 2012 p. 1242.]

Schedule 6 — Savings and transitional provisions

[r. 141]

Division 1 — Provisions relating to the commencement of these regulations

1. Terms used

In this Division —

commencement day means the day on which these regulations come into operation;

repealed regulations means the *Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992*.

2. Dangerous goods sites

(1) This clause applies to a dangerous goods site that, immediately before the commencement day, constituted licensed premises under the repealed regulations Part 4 Division 1.

(2) If, within 2 years after the commencement day, the operator of the dangerous goods site makes an application under regulation 26 for the site to be licensed, then the licence under the repealed regulations is to continue as if it were a licence for a dangerous goods site under these regulations, until the Chief Officer decides the application.

(3) For the purposes of subclause (2), an application under regulation 26 does not have to be accompanied by a written report referred to in subregulation (2)(c)(i) or (ii) of that regulation if the application is made within one year after the commencement day.

(4) However each licence granted within one year after the commencement day is subject to the condition that a written report referred to in regulation 26(2)(c)(i) or (ii) is provided to the Chief Officer within one year after the licence is granted.

3. Dangerous goods pipelines

(1) This clause applies to a dangerous goods pipeline that was, immediately before the commencement day, approved by the Chief Officer under the repealed regulations Part 7.

(2) If, within 2 years after the commencement day, the operator of the dangerous goods pipeline makes an application under regulation 89 for the pipeline to be registered, then the approval under the repealed regulations is to continue as if it were a registration of a dangerous goods pipeline under these regulations, until the Chief Officer grants or refuses the application in accordance with regulation 95.

4. Spill containment

Regulation 51 does not apply to the operator of a dangerous goods site where dangerous goods are stored in vertical, flat-bottomed above ground containers if —

(a) the site was in operation before the commencement day; and

(b) it is impracticable to provide spill or leak containment of the kind referred to in regulation 51; and

(c) the operator conducts an assessment of the containers and ensures that they are in good condition and are unlikely to leak; and

(d) on request, the operator provides to a DGO evidence relating to the fulfilment of the operator's obligation under paragraph (c); and

(e) the operator complies with any additional spill containment measures relating to the containers as specified in writing by the Chief Officer.

Division 2 — Provisions relating to *Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2012*

[Heading inserted: Gazette 16 Mar 2012 p. 1242.]

5. Placards about combustible liquids

On and after 1 April 2012, a placard that states —

(a) "C1 COMBUSTIBLE LIQUID"; or

(b) "COMBUSTIBLE LIQUID C1",

and that otherwise complies with, and is displayed in accordance with, these regulations is taken to comply with these regulations notwithstanding that it does not state "COMBUSTIBLE LIQUID".

[Clause 5 inserted: Gazette 16 Mar 2012 p. 1242.]

Division 3 — Provisions relating to *Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2013*

[Heading inserted: Gazette 2 Dec 2013 p. 5562.]

6. Term used: commencement day

In this Division —

commencement day means the day on which the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2013*, other than regulations 1 and 2, come into operation.

[Clause 6 inserted: Gazette 2 Dec 2013 p. 5562.]

7. Emergency plans

If, immediately before commencement day, the operator of a dangerous goods site has an emergency plan for the site that complies with the *Dangerous Goods Sites — Emergency Planning code* ISBN 978-1-921163-09-7 published by the Department, then on and after commencement day the plan is taken to be an emergency plan for the purposes of regulation 75.

[Clause 7 inserted: Gazette 2 Dec 2013 p. 5563.]

8. Special risk plans deemed FES emergency response guides

If, immediately before commencement day, the operator of a dangerous goods site has a special risk plan prepared in accordance with the *Dangerous Goods Sites — Emergency Planning code* ISBN 978-1-921163-09-7 published by the Department, then on and after commencement day the plan is taken to be an agreed FES emergency response guide for the purposes of regulation 76B.

[Clause 8 inserted: Gazette 2 Dec 2013 p. 5563.]

9. Deferral of licensing requirement for unlicensed dangerous goods site in port area

(1) If a dangerous goods site in a port area (as defined in regulation 134) is not licensed under Part 4 immediately before commencement day, regulation 25 does not apply to the site until the day after the period of 6 months beginning on commencement day.

(2) Subclause (1) does not prevent the application for or grant of a licence under Part 4 for such a dangerous goods site on and after commencement day.

[Clause 9 inserted: Gazette 2 Dec 2013 p. 5563.]

Division 4 — Provisions relating to *Dangerous Goods Safety (Goods in Ports) Repeal Regulations 2013*

[Heading inserted: Gazette 2 Dec 2013 p. 5564.]

10. Term used: commencement day

In this Division —

commencement day means the day on which the *Dangerous Goods Safety (Goods in Ports) Repeal Regulations 2013* regulation 3 comes into operation [2].

[Clause 10 inserted: Gazette 2 Dec 2013 p. 5564.]

11. Special berth declarations

If, immediately before commencement day, a declaration made under the *Dangerous Goods Safety (Goods in Ports) Regulations 2007* [3] regulation 33 is in force in relation to a berth, then on and after commencement day —

(a) the declaration is taken to be a declaration made under regulation 135K(4) for the same period and with the same terms and requirements; and

(b) the berth is taken to be a special berth (non-explosives) for the purposes of Part 8A.

[Clause 11 inserted: Gazette 2 Dec 2013 p. 5564.]

12. Application of Part 8A to certain cargoes

(1) If a term is given a meaning in Part 8A, it has the same meaning in this clause.

(2) In this clause —

threshold amount, of explosion risk goods, means —

(a) if the goods are in —

(i) a freight container (as defined in the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* regulation 4); or

(ii) a portable tank (as defined in that regulation); or

(iii) a combination of those,

400 t; or

(b) if the goods are in an IBC (as defined in regulation 34 of those regulations), 150 t.

(3) Regulations 135H(2) and (3), 135O(4), (7) and (8) and 135P do not apply in the 6 months after commencement day if 30 t or more of explosion risk goods but less than the threshold amount of the goods are —

(a) unloaded from or loaded on to a vessel at a berth that is not a special berth (non-explosives); or

(b) at a berth that is not a special berth (non-explosives).

[Clause 12 inserted: Gazette 2 Dec 2013 p. 5564-5.]

Notes

This is a compilation of the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007	31 Dec 2007 p. 6777-892	r. 1 and 2: 31 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2 and Pt. 5 Div. 1: 1 Mar 2008 (see r. 2(b) and *Gazette* 29 Feb 2008 p. 669); Pt. 5 Div. 1: 1 Mar 2009 (see r. 2(c) and *Gazette* 29 Feb 2008 p. 669)
Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 2) 2009	16 Jun 2009 p. 2192-3	r. 1 and 2: 16 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 2) 2010	25 Jun 2010 p. 2872-3	r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b))
Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 3) 2010	31 Dec 2010 p. 6893-6	r. 1 and 2: 31 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2011 (see r. 2(b))
Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2012	16 Mar 2012 p. 1197-242	r. 1 and 2: 16 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Apr 2012 (see r. 2(b))
Reprint 1: The *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* as at 24 Aug 2012 (includes amendments listed above)		
DGS (Storage and Handling of Non-explosives) Amendment Regulations (No. 3) 2012	19 Feb 2013 p. 990-1	r. 1 and 2: 19 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Feb 2013 (see r. 2(b))

Citation	Published	Commencement
Dangerous Goods Safety (Storage and Handling of Non explosives) Amendment Regulations 2013	2 Dec 2013 p. 5517-65	r. 1 and 2: 2 Dec 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2014 (see r. 2(b))
Reprint 2: The *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* as at 25 Jul 2014 (includes amendments listed above)		
Dangerous Goods Safety (Storage and Handling of Non explosives) Amendment Regulations 2015	26 Jun 2015 p. 2262-3	r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
Dangerous Goods Safety Regulations Amendment Regulations 2016 Pt. 7	5 Feb 2016 p. 343-68	6 Feb 2016 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Levies) Regulations 2016 Pt. 6	24 Jun 2016 p. 2325-34	1 Jul 2016 (see r. 2(b))
Dangerous Goods Safety Regulations Amendment Regulations 2017 Pt. 5	3 Mar 2017 p. 1474-82	4 Mar 2017 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 6	23 Jun 2017 p. 3279-309	1 Jul 2017 (see r. 2(b))
Dangerous Goods Safety Regulations Amendment Regulations 2018 Pt. 3	20 Mar 2018 p. 996-1005	21 Mar 2018 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 6	25 Jun 2018 p. 2297-324	1 Jul 2018 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 6	18 Jun 2019 p. 2040-56	1 Jul 2019 (see r. 2(b))
Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations 2020 Pt. 5	SL 2020/103 29 Jun 2020	Repealed by SL 2020/104 r. 3 prior to commencement
Mines and Petroleum Regulations Amendment (COVID-19 Response) Repeal Regulations 2020	SL 2020/104 29 Jun 2020	29 Jun 2020 (see r. 2)
Dangerous Goods Safety Regulations Amendment Regulations 2020 Pt. 6	SL 2020/193 9 Oct 2020	10 Oct 2020 (see r. 2(c))
Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020 Pt. 5	SL 2020/197 27 Oct 2020	28 Oct 2020 (see r. 2(b))

Citation	Published	Commencement
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 6	SL 2021/85 21 Jun 2021	1 Jul 2021 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Work Health and Safety) Regulations 2022 Pt. 3	SL 2022/24 11 Mar 2022	31 Mar 2022 (see r. 2(b) and SL 2022/18 cl. 2)
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 6	SL 2022/58 20 May 2022	1 Jul 2022 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2023 Pt. 6	SL 2023/36 5 May 2023	1 Jul 2023 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2024 Pt. 5	SL 2024/97 12 Jun 2024	1 Jul 2024 (see r. 2(b))
Dangerous Goods Safety Regulations Amendment Regulations 2024 Pt. 3	SL 2024/285 18 Dec 2024	18 Apr 2025 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2025 Pt. 6	SL 2025/90 11 Jun 2025	1 Jul 2025 (see r. 2(b))
Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2026 Pt. 5	SL 2026/94 10 Jun 2026	1 Jul 2026 (see r. 2(b))

Other notes

[1] Repealed by the *Safe Work Australia (Consequential and Transitional Provisions) Act 2008* Sch. 1 (Cwlth). Now see the *Safe Work Australia Act 2008* (Cwlth).

[2] Commenced on 1 January 2014.

[3] Repealed by the *Dangerous Goods Safety (Goods in Ports) Repeal Regulations 2013*.

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
ADG Code	4
ADG compliant	135D(1) and (2)
agreed FES emergency response guide	76B(1)
alleged	135M(1)
amend	29(1), 92(1)
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