



# **G** WESTERN AUSTRALIAN GOVERNMENT **Gazette**



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EXPLOSIVES AND DANGEROUS GOODS  
ACT 1961

**DANGEROUS GOODS  
REGULATIONS 1992**



**WESTERN AUSTRALIA****DANGEROUS GOODS REGULATIONS  
1992****ARRANGEMENT**

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## EXPLOSIVES AND DANGEROUS GOODS ACT 1961

## DANGEROUS GOODS REGULATIONS 1992

Made by His Excellency the Governor in Executive Council.

## PART 1 — PRELIMINARY

**Citation**

1.1. These regulations may be cited as the *Dangerous Goods Regulations 1992*.

**Commencement**

1.2. These regulations shall come into operation on 1 October 1992.

**Interpretation**

1.3. (1) In these regulations, unless the contrary intention appears —

“amount” means the numerical sum of the aggregate capacity and quantity;

“approved” means approved by the Chief Inspector;

“bulk depot” means a depot within premises in which dangerous goods are stored in bulk;

“bund” means an embankment of earth or a wall constructed of brick, stone, concrete or other approved material to form the perimeter or part of the perimeter of a compound;

“capacity” means the internal volume of a container used for liquids or gases expressed in litres;

“class label” means the class label assigned to the dangerous goods in question under the Code;

“Code” means the Australian Code for the Transport of Dangerous Goods by Road and Rail published in the *Australian Government Gazette* No. P15 on 7 April 1987 as from time to time amended;

**"compound"** means an area of land enclosed within a raised perimeter formed by the contours of the surrounding land or by a bund;

**"correct technical name"** means the name assigned to the dangerous goods in question under section 42 (2) (b) of the Act or the name assigned to the dangerous goods under the Code as the correct shipping name;

**"general fire extinguishing system"** means a fire extinguishing system designed to protect the area in the general vicinity of the point at which the system is fitted;

**"Guidance Note for Labelling"** means the publication known as Guidance Note for the Labelling of Workplace Substances issued by the National Occupational Health and Safety Commission established under the *National Occupational Health and Safety Commission Act 1985* of the Parliament of the Commonwealth;

**"Guidance Note for Placarding"** means the publication entitled "Storage of Chemicals" issued by the body known as the National Occupational Health and Safety Commission established under the *National Occupational Health and Safety Commission Act 1985* of the Parliament of the Commonwealth;

**"hand fire extinguisher"** means a fire extinguisher designed to be carried by hand;

**"Hazchem Code"** means the emergency action code assigned to the dangerous goods in question under the Code, or where no such Hazchem Code has been assigned by the Code, approved emergency action code;

**"identification number"** means, in order of preference, in relation to any dangerous goods, the United Nations number assigned to the dangerous goods in question under the Code or the identification number assigned by the Guidance Note for Labelling;

**"label"** means the class label, subsidiary risk label or mixed class label as applicable in accordance with the Code;

**"licensee"** means in relation to premises the person to whom a licence is issued under the Act;

**"LPG"** means liquefied petroleum gas;

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**“material safety data sheet”** or **“MSDS”** means a document complying with the National Occupational Health and Safety Commission’s publication “Guidance Note for Completion of a Material Safety Data Sheet”;

**“outer package”** means outer packaging containing a package or packages together with any absorbent material cushioning and any other component used to contain and protect an inner package or inner packages;

**“package depot”** means a depot in which packages are stored;

**“quantity”** means mass of solids expressed in kilograms;

**“subsidiary risk label”** means, in relation to dangerous goods, the subsidiary risk label assigned to the dangerous goods in question under the Code;

**“underground tank”** means a tank that has not less than half of its capacity below the surface of the ground and is completely covered with not less than 600 mm of earth or other cover as approved.

(2) Expressions used in these regulations that are used in the Code have in these regulations, the same respective meanings as those expressions have in the Code, unless the contrary intention appears.

(3) Subject to the Act and these regulations and unless the contrary intention appears, expressions used in the Code that are used in any of the provisions of these regulations in relation to the storage of dangerous goods have the same meanings for the purposes of those provisions as those expressions have in the Code.

(4) Unless the contrary intention appears in any code, standard, note, rule or specification referred to in these regulations a reference to —

**“a recommendation”** means a requirement;

**“should”** means “shall”;

**“statutory authority”** or **“the competent authority”** means the Chief Inspector.

**Application**

1.4. Without derogating from anything in these regulations where a packaging, bulk container or a freight container has contained dangerous goods, these regulations apply to and in relation to that packaging, bulk container or freight container as if it continued to contain such dangerous goods until it is free from those dangerous goods.

**PART 2 — PACKAGING AND BULK CONTAINERS*****Division 1 — Requirement to pack*****Application**

2.1. (1) Subject to subregulation (2), the requirements of this Part relating to packaging of dangerous goods in approved containers do not apply to combustible liquids or chronic hazardous substances if the dangerous goods are packed in packaging that is soundly constructed and can be expected to prevent the escape or leakage of the dangerous goods in normal circumstances.

(2) Where any combustible liquid is carried in bulk on a vehicle at the same time as —

- (a) flammable liquid in bulk; or
- (b) flammable liquid in packages in aggregate capacity exceeding 1 000 litres,

the requirements of this Part apply in respect of that carriage as if the combustible liquid were dangerous goods of Class 3, Packaging Group III.

**Containers for dangerous goods**

2.2. Dangerous goods shall be stored or transported in packaging or in a bulk container that is in accordance with these regulations unless those dangerous goods are held in a manner that is approved either generally or in a particular case.

***Division 2 — Packing other than in bulk containers*****Type of packaging**

2.3. (1) Subject to subregulations (2) and (3) a person shall not pack dangerous goods in packaging unless the packaging is of a type approved as being suitable for that purpose, which approval shall not be withheld where the packaging meets the specifications in respect thereof in the Code.

(2) Dangerous goods of Class 7 may be packed in packaging not of an approved type if the packaging meets the relevant requirements of or under the *Radiation Safety Act 1975*, or the *Nuclear Activities Regulation Act 1978*.

(3) This regulation does not apply to packaging which is exempt by the Code from Competent Authority approval.

**Approval of types of packaging**

2.4. (1) Application may be made in writing to the Chief Inspector for approval of packaging of a certain type for the packing of particular dangerous goods.

(2) An application under subregulation (1) shall be accompanied by —

- (a) particulars of the dangerous goods to be packed in the packaging; and
- (b) a report of the results of tests carried out on a sample of packaging of the type for which approval is sought sufficient to satisfy the Chief Inspector that the packaging is suitable for the purpose,

and, before determining the application, the Chief Inspector —

- (c) may require the applicant to provide samples of the packaging and such further particulars as he sees fit for the purposes of enabling him to determine the application;
- (d) shall, if he considers it necessary or desirable for the purpose of determining the application, examine, inspect, or test the packaging or a sample thereof and determine the fee payable in relation to the application being of an amount not exceeding the fee prescribed in item 1 of Schedule 1.

(3) Where the Chief Inspector is not satisfied that packaging of a particular type is suitable to be unconditionally approved for a particular purpose under subregulation (1) but is satisfied that the packaging has been in use for that purpose before the coming into operation of these regulations the Chief Inspector may approve packaging of that type for that purpose for such time and upon such conditions as he sees fit.

(4) Where the Chief Inspector approves packaging of a certain type under subregulation (1), packaging used pursuant to that approval shall be used in the manner that is approved by the Chief Inspector and as indicated by the marking assigned to the packaging by the Chief Inspector.

(5) A mark assigned to packaging under subregulation (4) shall be displayed in a conspicuous position on the outside of the packaging.

**Maximum contents**

2.5. (1) Packaging used for dangerous goods, not being of Class 2, that, at 55° Celsius or less, are in the form of a liquid or a paste, shall be so filled as to contain a vapour space ("ullage") when filled to allow for expansion of the contents, as provided for in the Code.

(2) Packaging used for dangerous goods of Class 2 shall not be filled so as to exceed the maximum permitted filling ratio specified in AS 2030.1 being item 1 of Schedule 2.

(3) Packaging used for dangerous goods of Class 2, other than acetylene, shall be fitted with safety devices conforming with AS 2613 being item 2 of Schedule 2.

### Sealing of containers

2.6. (1) A package in which dangerous goods are packed shall be so sealed as to prevent the contents from leaking or otherwise escaping, except that where the nature of the contents of the package is such that a build up of pressure may occur due to an increase in temperature or any other cause the package may be vented to relieve such pressure build up by permitting the escape of gas or vapour if the nature and volume of the gas or vapour so vented would not cause danger.

(2) Dangerous goods shall not be packed in packaging showing signs of external damage such as is likely to permit the escape or leakage of its contents or that shows signs of it having previously permitted the escape or leakage of its contents or if the means of securing the package appear to be so damaged as to impair its effectiveness.

### *Division 3 — Packing in bulk containers*

#### **Bulk containers to be approved**

2.7. (1) Subject to subregulation (2), a person shall not pack dangerous goods in a bulk container unless the bulk container is approved as being suitable for that purpose and a bulk container shall not be taken to be so approved by reason only of its being mounted on a vehicle licensed under these regulations.

(2) Dangerous goods may be packed in a bulk container that is not approved where —

- (a) the bulk container in which they are stored or the vehicle in which they were being transported becomes unserviceable; or
- (b) such other emergent circumstances as an inspector considers to be a sufficient reason,

and the bulk container is used pursuant to and in accordance with permission given for that purpose by an inspector.

**Approval of bulk containers**

2.8. (1) Application may be made in writing to the Chief Inspector for approval of a bulk container for the packing of particular dangerous goods and, before determining the application, the Chief Inspector —

- (a) may require the applicant to provide samples of any material used in the manufacture of the bulk container and such further particulars as the Chief Inspector sees fit for the purpose of determining the application;
- (b) may, for the purpose of determining the application, inspect, or test the bulk container; and
- (c) shall determine the fee payable in relation to the application, being an amount not exceeding the fee prescribed in item 2 of Schedule 1.

(2) The Chief Inspector may approve the bulk container in writing or decline to give his approval, and —

- (a) except where regulation 2.10 provides that approval shall not be withheld, approval given may be of such limited duration, or subject to such conditions or limitations as to the time, place, or circumstance of the use of the bulk container, as the Chief Inspector specifies in giving his approval; and
- (b) where, by reason of any approval of that bulk container by the Department of Transport of the Commonwealth or of a bulk container of the same type under these regulations or under a law of any other State or Territory of the Commonwealth, regulation 2.10 requires that approval shall not be withheld, approval given may be subject to such conditions or limitations as applied to that other approval, or to such other conditions or limitations mutually acceptable to the Chief Inspector and the applicant as the Chief Inspector specifies in the approval.

(3) The Chief Inspector shall cause to be maintained and shall keep in his custody a register in which there is recorded —

- (a) each bulk container approved under subregulation (2);
- (b) the names and address of the person for the time being nominated under subregulation (2) (a) or regulation 2.9 to be the owner of that bulk container for the purposes of these regulations;
- (c) the approval number allocated in relation to that container by the Chief Inspector; and
- (d) such other information as the Chief Inspector considers appropriate.



**Change of owner**

2.9. Where the ownership of a bulk container is transferred the person who becomes the owner of the bulk container shall notify the Chief Inspector of that fact and the Chief Inspector shall endorse the register referred to in regulation 2.8 (3) accordingly.

**Approval to be given in certain cases**

2.10. Subject to regulation 2.11, where application is made in accordance with regulation 2.8 for approval of a bulk container for the packing of dangerous goods, approval shall not be withheld —

- (a) where the bulk container is of a type that conforms to the requirements of the Code;
- (b) where the bulk container is constructed, installed and maintained to an approved standard or code of practice for the particular dangerous goods in question;
- (c) where a bulk container of the same type is approved for the same purpose under these regulations or under a law of any other State or Territory of the Commonwealth, except by reason of a defect or flaw in the bulk container concerned that is not inherent in that type of bulk container; or
- (d) where bulk containers of the same type have, before the coming into operation of these regulations, been in use for the same purpose and, although not of a type that is otherwise referred to in this regulation, the Chief Inspector is satisfied that that type of bulk container is as suitable for the purpose as other types of bulk containers for which approval has been, or would be, given.

**Approval not to be given in certain cases**

2.11. Where application is made in accordance with regulation 2.8 for approval of a bulk container for the packing of dangerous goods approval shall not be given —

- (a) if the bulk container is a pressure vessel within the meaning of the *Occupational Health, Safety and Welfare Act 1984* in relation to which a certificate of inspection is required under that Act, unless there is in force under that Act a valid certification of inspection in relation to the bulk container;

- (b) if the bulk container is to be used for dangerous goods of Class 7, unless the bulk container meets the relevant requirements of or under the *Radiation Safety Act 1975*, or the *Nuclear Activities Regulation Act 1978*.

### Alteration

**2.12.** (1) A person shall not alter a bulk container approved under these regulations unless that alteration is approved in writing.

(2) A person shall not alter any fitting or attachment to the bulk container unless that alteration is carried out in an approved manner.

### Inspection and testing

**2.13.** (1) Approval of a bulk container for the packing of dangerous goods for transport ceases to have effect if —

- (a) a period of 2 years and 6 months has expired commencing from the date, if any, marked on the bulk container in accordance with regulation 2.15 as being the date on which the bulk container has last passed an inspection pursuant to this regulation by a person approved for that purpose; or
- (b) a period of 5 years has expired commencing from the date, if any, marked on the bulk container in accordance with regulation 2.15 as being the date on which the bulk container has last passed a test pursuant to this regulation by a person approved for that purpose.

(2) A person may, not less than one month but not more than 2 months before the period referred to in subregulation (1) (a) is due to expire, notify the Chief Inspector of the date on which that time is due to expire and make arrangements with the Chief Inspector for the bulk container concerned to be inspected, whereupon the Chief Inspector shall cause an approved person to inspect the bulk container internally and externally together with its fittings and attachments to ascertain whether it is in suitable condition for approval to be continued.

(3) A person may, not less than one month but not more than 2 months before the period referred to in subregulation (1) (b) is due to expire, notify the Chief Inspector of the date on which that time is due to expire and make arrangements with the Chief Inspector for the bulk container concerned to be tested, whereupon the Chief Inspector shall cause an approved person

to subject the bulk container together with its fittings and attachments to such tests as the Chief Inspector considers necessary for the purpose of ascertaining whether it is in suitable condition for approval to be continued.

(4) Every bulk container used for the storage of dangerous goods, whether it is underground or aboveground, shall be checked for leakage at intervals of not more than 5 years during the period of 20 years commencing from the date of its installation, and thereafter shall be checked for leakage at intervals of every 2 years.

(5) Where a bulk container is found to be leaking the bulk container shall cease to be used for dangerous goods until that leak has been repaired to the satisfaction of the Chief Inspector.

#### **Record of inspections and tests**

2.14. The owner of a bulk container shall maintain and keep a record identifying the bulk container and specifying the date of each inspection or test pursuant to regulation 2.13 carried out on that bulk container during the last preceding 5 years, and shall produce that record to an inspector upon request.

#### **Approval marks**

2.15. (1) A bulk container that is approved under regulation 2.8 that was manufactured after the day that these regulations came into operation shall have permanently and conspicuously affixed to it or its mounting a permanent, corrosion-resistant, fire-resistant, rectangular plate on which there is stamped, embossed, or otherwise written, in permanent and legible characters at least 5 mm high, the following information —

- (a) the name of the person who manufactured the bulk container;
- (b) the date on which the manufacture of the bulk container was completed;
- (c) the serial number, if any, given by the manufacturer to the bulk container;
- (d) where applicable, the maximum allowable working pressure;
- (e) where applicable, the pressure to which the bulk container was tested when it was approved;

- (f) if the metallurgical design temperature of the bulk container is more than 50° Celsius or less than minus 20° Celsius, the metallurgical design temperature;
  - (g) where applicable, the water capacity of —
    - (i) the bulk container; and
    - (ii) each compartment into which the bulk container is divided;
  - (h) the maximum mass of the dangerous goods for which the bulk container is to be used that the bulk container is capable of containing;
  - (i) if the bulk container is to be used for transport, the aggregate of the mass of the bulk container and the mass referred to in paragraph (h) or, where the bulk container is permanently mounted on a vehicle, the vehicle together with the bulk container, and the mass referred to in paragraph (h);
  - (j) that the bulk container is approved by the Chief Inspector, and the approval number allocated in respect of that approval;
  - (k) in respect of each inspection and each test, if any, to which the bulk container has been subjected for the purposes of these regulations in the last 5 years —
    - (i) the name of the person, body, or authority responsible for the inspection or test; and
    - (ii) the date on which the inspection or test was carried out;and
  - (l) a reference to any Standard, Code, rules, or regulations to which the bulk container has been designed to conform.
- (2) A bulk container approved under regulation 2.8 manufactured before the coming into operation of these regulations shall be marked in an approved manner and position with —
- (a) the approval number allocated in respect of that container by the Chief Inspector; and
  - (b) where that container has passed an inspection or test pursuant to these regulations, the dates on which it was last so inspected and last so tested.

(3) Where a bulk container has been approved under a law of the Commonwealth or of any State or Territory of the Commonwealth relating to the transport of dangerous goods, particulars of each such approval shall be marked indelibly and conspicuously on the bulk container.

#### **Maximum contents**

2.16. (1) A bulk container used for dangerous goods, not being of Class 2, that, at 55° Celsius or less, are in the form of a liquid or a paste, shall be so filled as to contain a vapour space ("ullage") when filled to allow for expansion of the contents.

(2) The ullage in a bulk container shall conform to the relevant requirements of the Code.

(3) A bulk container used for dangerous goods of Class 2, other than those referred to in subregulation (4), shall not be filled so as to exceed the maximum permitted filling ratio specified in the Code.

(4) A bulk container used for dangerous goods of Class 2 in the form of a refrigerated liquid shall be so filled that, when the liquid phase is uniformly at the temperature at which the pressure relief device or pressure control valve starts to permit the release of pressure and the bulk container is standing as it is designed to stand in storage or during transport, the upper surface of the liquid phase is not less than 2 per cent by volume below the level of the inlet of the device or valve through which pressure is released.

(5) Where a bulk container is divided into compartments this regulation applies in relation to each compartment as if it were a separate bulk container.

#### ***Division 4 — Filling of containers***

##### **Filling by volume**

2.17. (1) Where the maximum extent to which any packaging or bulk container is filled with dangerous goods is prescribed by regulation 2.5 or 2.16, whichever applies, a person filling such packaging or bulk container with such dangerous goods shall ascertain the extent to which they are filled directly by measuring the mass except where filling by volume is approved.

(2) Where the extent to which any packaging or bulk container is filled with dangerous goods is not ascertained directly by measuring the mass but is ascertained by calculation from the volume of the dangerous goods, the volume shall be measured by means of a liquid level gauge, or in such manner as is approved having regard to —

- (a) the dangerous goods concerned; and
- (b) the type of container concerned.

#### **Dispensing from vehicles**

**2.18.** A person shall not dispense dangerous goods of Class 2 or Sub-class 3.1 or 3.2 from a vehicle to another vehicle or packaging without the approval of the Chief Inspector.

**PART 3 — LABELLING, MARKING, AND PLACARDING*****Division 1 — Labels, marks, and placarding*****Class label and sub-class label**

3.1. (1) For the purposes of these regulations, there shall be a class label for each class or sub-class of dangerous goods, other than Class 9, combustible liquids or chronic hazardous substances.

(2) The label referred to in subregulation (1) is the relevant class label or sub-class label set out in the Code.

(3) For the purposes of these regulations where in respect of particular dangerous goods those dangerous goods are specified as having a subsidiary risk, the class label for the class or sub-class or, if there be more than one, for each class or sub-class specified in the Code is the subsidiary risk label for those dangerous goods.

**Fixing of labels**

3.2. (1) Where by these regulations a class or sub-class label is required to be used the label shall be so positioned that the sides of the label are at an angle of approximately 45° to the vertical.

(2) A label prescribed under this regulation shall be in the format of and be positioned on the container in accordance with the Code.

**Packaging groups**

3.3. (1) For the purposes of these regulations dangerous goods are assigned 3 levels of hazard known as packaging groups designated, in decreasing order of hazard, by the Roman numerals "I", "II", and "III", respectively.

(2) The packaging group assigned to dangerous goods for the purposes of these regulations shall be the packaging group assigned by the Code and, where no such packaging group is assigned, the packaging group assigned to those dangerous goods by these regulations.

**Label quality**

3.4. Where by these regulations a label is required to be used, the label shall conform with relevant provisions of the Code.

### **Emergency information panels**

3.5. (1) Where, in respect of particular dangerous goods, an emergency information panel is required to be used, it shall be in the form, and of the dimensions, set out in the Code and otherwise in accordance with the relevant requirements of that Code.

(2) Where by these regulations an emergency information panel is required to be used, regulation 3.4 applies as if a reference therein to a label were a reference to an emergency information panel, except that an emergency information panel may be mounted on or in a suitable frame secured in the manner required by the Code.

## ***Division 2 — Packages, outer packages, and bulk containers***

### **Marking of packages and outer packages**

3.6. (1) Subject to subregulation (3) packages, other than packages containing combustible liquids or chronic hazardous substances, and where that package is contained within an outer package, also such outer package, shall be legibly and conspicuously marked as specified by the Code and in accordance with the Guidance Note for Labelling.

(2) Subject to subregulation (3), a package containing combustible liquids or chronic hazardous substances, and where that package is contained within an outer package, also the outer package, shall be legibly and conspicuously marked in accordance with the Guidance Note for Labelling.

(3) The requirements imposed by subregulations (1) and (2) with respect to the Guidance Note for Labelling take effect on the day fixed by the Minister by notice published in the *Government Gazette* for the purposes of this regulation.

### **Time for compliance**

3.7. Except where an inspector otherwise approves, the requirements imposed by regulation 3.6 in relation to the marking of a package of dangerous goods shall be complied with prior to the removal of a package filled with dangerous goods from the immediate vicinity of the filling point.



**Marking of bulk containers used for storage**

**3.8.** (1) Subject to subregulation (2), a bulk container used for the storage of dangerous goods shall be legibly and conspicuously marked in accordance with the recommendations of the Guidance Note for Placarding.

(2) A bulk container that is labelled and marked with an emergency information panel in accordance with the requirements of these regulations as they apply to the transport of dangerous goods is deemed to comply with the labelling and marking requirements of subregulation (1).

**Marking of bulk containers used for transport of dangerous goods**

**3.9.** A bulk container containing dangerous goods for transport shall be legibly and conspicuously marked with the emergency information panels relating to those dangerous goods in accordance with the Code.

**Marking of freight containers used for transport of dangerous goods**

**3.10.** Where dangerous goods all of which are in packaging are contained in a freight container for transport in such an amount that a vehicle transporting those dangerous goods, but no other dangerous goods than those, would be required to be marked in accordance with regulation 3.13, the freight container shall be legibly and conspicuously marked in accordance with the Code.

**Unit loads and marking of unit loads for transport**

**3.11.** A person shall not pack or transport dangerous goods in a unit load unless the unit load meets the requirements set out in the Code.

**Marking of intermediate bulk containers**

**3.12.** (1) An intermediate bulk container shall not be used for the storage of dangerous goods unless it conforms with the Code and with the marking requirements imposed by regulation 3.8.

(2) An intermediate bulk container shall not be used for the transport of dangerous goods unless it conforms with the provisions of the Code.

*Division 3 — Vehicles***Labels**

**3.13.** Subject to regulation 3.14 (2), a vehicle used for transporting dangerous goods shall be legibly and conspicuously marked with a label or labels in accordance with the Code.

**Emergency information panel**

**3.14.** (1) A vehicle used for transporting dangerous goods any of which is in a bulk container shall be legibly and conspicuously marked with the emergency information panel relating to those dangerous goods in accordance with the Code.

(2) Without affecting the operation of subregulation (1), a vehicle used for transporting dangerous goods none of which is in a bulk container —

- (a) shall be marked with the emergency information panel relating to those dangerous goods if required by the Chief Inspector to be so marked; and
- (b) may be so marked, notwithstanding that it has not been required by the Chief Inspector to be so marked, if the Chief Inspector gives his approval in that behalf.

(3) The emergency information panel required by subregulation (2) shall be marked on the vehicle in accordance with the Code as though the vehicle were transporting in bulk.

*Division 4 — General Provisions***Visibility of markings**

**3.15.** Each label or emergency information panel required by this Division to be marked on a vehicle or on its load shall be kept clean and free from obstruction at all times.

**Emergencies**

**3.16.** (1) An inspector or a member of a police force or a fire brigade may approve the transport of dangerous goods to such extent as may be necessary as a result of mechanical failure, accident, or other emergent circumstances, and in giving such approval may impose such conditions as he sees fit.

(2) This Division does not apply in respect of the transport of dangerous goods pursuant to and in accordance with an approval under subregulation (1).

### **Other markings**

**3.17.** There shall not be, on any packaging, bulk container, freight container, premises or vehicle that is marked or labelled in accordance with these regulations, any marking, sign, or other means of communicating that in any way qualifies, contradicts, or alters the effectiveness of any marking or label that is on that packaging, bulk container, freight container, or vehicle pursuant to these regulations.

### **Exclusion of other use of markings**

**3.18.** (1) Subject to subregulation (2), a placard, mark or label prescribed by these regulations shall not be used on any premises, vehicle, unit load or container except in accordance with, and for the purposes of, these regulations and an approval number allocated in respect of a container by the Chief Inspector shall not be marked on, or on a plate affixed to, any other container.

(2) Subregulation (1) does not apply to any placard, label or emergency information panel that is marked on any freight container or vehicle if it was marked thereon pursuant to regulation 3.10, 3.13 or 3.14 and it is removed or concealed within a reasonable time after the removal of the dangerous goods by reason of which it was required.

### **Concurrent requirement**

**3.19.** A requirement of these regulations that a thing be labelled or otherwise marked is not affected by that thing being in or on any premises or a vehicle, freight container, unit load, outer package, or other container that is itself labelled or marked in accordance with these regulations.

## ***Division 5 — Placarding dangerous goods premises***

### **General**

**3.20.** A person who is the occupier or licensee of any premises on which dangerous goods are stored or likely to be stored shall ensure that the premises and the storages of dangerous goods within those premises are placarded in accordance with the recommendations of the Guidance Note for Placarding.

**PART 4 — STORAGE OF DANGEROUS GOODS*****Division 1 — Licensing of Premises*****Limits on storage without a licence**

**4.1.** Subject to these regulations, a person shall not use any premises or permit any premises to be used —

- (a) on or after 1 October 1992 for the storage of flammable liquids other than combustible liquids; or
- (b) on or after 31 March 1993 for the storage of dangerous goods including combustible liquids but not flammable liquids,

unless a licence has been issued under section 45A of the Act in respect of those premises.

**Licences not required for certain premises**

**4.2.** (1) In this regulation —

“**the storage factor**” means in relation to the storage of dangerous goods the sum of the products obtained by multiplying the amount of each kind of dangerous goods stored or likely to be stored or capable of being stored on the premises in question by the factor specified in column 2 of Table 1 opposite and corresponding to the class, sub-class or packaging group of the dangerous goods, as the case requires.

(2) For the purposes of calculating the storage factor of any dangerous goods under subregulation (1) —

- (a) a reference to —
  - (i) a particular class of dangerous goods; or
  - (ii) a particular sub-class of dangerous goods,includes a reference to the class or sub-class of dangerous goods for which a subsidiary risk label is required under the Code; and
- (b) where by virtue of the application of paragraph (a) a class or sub-class of dangerous goods has a higher factor under column 2 of Table 1 that higher factor shall be used for the purposes of calculating the storage factor that applies in relation to the dangerous goods in question.

(3) Notwithstanding anything in regulation 4.1 but subject to this regulation, a licence is not required for the storage of dangerous goods on any premises —

- (a) in relation to which the storage factor does not exceed 1 000;
- (b) on which the dangerous goods constitute minor storages as defined by an approved code if the storage of dangerous goods on those premises conforms with that code;
- (c) on which are stored dangerous goods of —
  - (i) Packaging Group I in amounts not exceeding 0.5 kg or 0.5 litres;
  - (ii) Packaging Group II in amounts not exceeding 5 kg or 5 litres;
  - (iii) Packaging Group III in amounts not exceeding 20 kg or 20 litres,

in separate packages or containers but so that the storage factor in relation to those premises does not exceed 5 000;

- (d) on which dangerous goods —
  - (i) constitute minor storages of the kind referred to in paragraph (b); and
  - (ii) in which the dangerous goods are of the kind referred to in paragraph (c) are also stored,

and in relation to which the storage factor does not exceed 10 000;

- (e) on which dangerous goods are stored in bulk or otherwise for agricultural, horticultural, floricultural or pastoral purposes and not for re-sale if —
  - (i) the storage factor of the dangerous goods so stored does not exceed —
    - (A) in the case of Packaging Group I — 1 000;
    - (B) in the case of Packaging Group II — 5 000; and
    - (C) in the case of Packaging Group III — 5 000;

- (ii) the land for or in connection with which the dangerous goods are stored exceeds 4 hectares; and
- (iii) the depot in which the dangerous goods are stored is not less than 15 metres distant from any dwelling and from the boundaries of the premises on which the depot is situated.

(4) Where the area of land for or in connection with which dangerous goods are stored on premises referred to in subregulation (3) (e) exceeds 200 hectares the dangerous goods of each packaging group that may be stored on those premises without a licence may be increased by an amount equivalent to the amount set out in subregulation (3) (e) (i) for each 200 hectares or part thereof of the land for or in connection with which the dangerous goods are stored if the depot in which the dangerous goods are stored is situated not less than 500 metres from any other depot.

TABLE 1

Dangerous Goods	Factor
Sub-class 2.1	2
Sub-class 2.2	2
Sub-class 2.3	200
Class 3 (Packaging Group I)	20
Class 3 (Packaging Group II)	2
Class 3 (Combustible Liquids in Bulk)	0.2
Sub-class 4.1 (Packaging Group I)	20
Sub-class 4.1 (Packaging Group II)	2
Sub-class 4.2 (Packaging Group I)	20
Sub-class 4.2 (Packaging Group II)	2
Sub-class 4.3 (Packaging Group I)	40
Sub-class 4.3 (Packaging Group II)	4
Sub-class 5.1 (Packaging Group I)	20
Sub-class 5.1 (Packaging Group II)	2
Sub-class 5.2 (Packaging Group I)	40
Sub-class 5.2 (Packaging Group II)	4
Sub-class 6.1 (Packaging Group I)	100

Table 1 — *continued*

Dangerous Goods	Factor
Sub-class 6.1 (Packaging Group II)	10
Class 8 (Packaging Group I)	20
Class 8 (Packaging Group II)	2
Class 9 (Packaging Group I)	20
Class 9 (Packaging Group II)	2
Class S	0.5
All Packaging Group III	1

#### Application for licence

4.3. (1) An application for a licence under section 45A of the Act for the storage of dangerous goods shall be in the form of an approved form.

(2) An application under subregulation (1) shall be accompanied by —

- (a) the fee prescribed in Schedule 1;
- (b) a plan, drawn to scale, showing the position of the premises in relation to roads, railways, public buildings, protected works and other buildings within 50 metres of the external boundaries of the premises referred to in the application; and
- (c) a ground plan of the premises referred to in the application showing the relative positions in the premises of all package depots, bulk depots, protected works and other buildings.

(3) An application under subregulation (1) shall be submitted in a completed form.

#### Term of licence and renewal

4.4. (1) Subject to the Act and these regulations, a licence remains in force for a period of 12 months commencing from the date of its issue.

(2) A licence may on application be renewed for a further period of 12 months.

(3) An application under subregulation (2) shall be accompanied by the fee prescribed in items 3 and 4 of Schedule 1.

**Notification of change of ownership  
of licensed premises**

4.5. A person who becomes the owner or occupier of licensed premises shall notify the Chief Inspector of that fact.

**Approval by Chief Inspector**

4.6. Notwithstanding anything in any provision in Part 4 Divisions 2 to 7 where any act or thing referred to in such a provision complies with or conforms to an act or thing approved by the Chief Inspector that act or thing is deemed to comply with or conform to the requirements of the relevant provision of Part 4 Division 2 to 7 in relation to that act or thing.

*Division 2 — Requirements as to premises*

**Separation distances and segregation distances**

4.7. (1) Subject to these regulations, the separation distances to be provided between —

- (a) dangerous goods on licensed premises and the boundaries of those premises and other buildings or facilities in the same premises are the separation distances prescribed in Table 2;
- (b) dangerous goods in any premises and protected works outside those premises are the separation distances prescribed in Table 3,

according to the packaging group of the dangerous goods in question.

(2) Subject to these regulations, separation distances and segregation distances prescribed under these regulations shall be measured in a horizontal plane.

(3) Where a screen wall conforms to the requirements of these regulations the separation distances and segregation distances prescribed under these regulations in relation to the storage of the dangerous goods in question may be calculated in a horizontal distance around the screen wall.



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(4) Where alterations occur on either the existing or adjoining premises which result in a breach of these regulations the Chief Inspector may give such directions as are necessary to ensure that the premises conform with these regulations.

(5) For the purposes of this regulation —

- (a) dangerous goods of Sub-classes 2.1 and 2.3 of this regulation shall be regarded as being of Packaging Group I; and
- (b) dangerous goods of Sub-class 2.2 shall be regarded as being of Packaging Group II.

## TABLE 2

SEPARATION DISTANCES — BOUNDARIES AND FACILITIES  
ON PREMISES

## PART 1

## PACKAGE DEPOTS

## Separation Distances#

Separation required	Packaging Group I	Packaging Group II	Packaging Group III
Office buildings, manufacturing areas, workshops or amenities blocks on the same premises	Distance required by Table 3 but need not exceed 15 m	Distance required by Table 3 but need not exceed 15 m	Distance required by Table 3 but need not exceed 7.5 m
Boundary of the premises or public places where —			
(i) Packages are filled	15 m	8 m	3 m
(ii) Packages are opened;	10 m	5 m	1 m
(iii) Packages are stored, sealed	3 m	3 m	Not restricted

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## PART 2

## BULK DEPOTS

Separation Distances#

Separation required	Packaging Groups I and II	Packaging Group III
Filling points*, platforms or package storage	Diameter of the tank or 15 m, whichever is the lesser, but not less than 6 m	Diameter of the tank or 7.5 m, whichever is the lesser, but not less than 3 m
Office buildings, warehouses, manufacturing areas, workshops or amenities blocks on the same premises	Distance required by Table 3, but need not exceed 15 m	Distance required by Table 3, but need not exceed 7.5 m
Boundary of the premises	Diameter of the tank or 15 m, whichever is the lesser, but not less than 6 m	Diameter of the tank or 7.5 m, whichever is the lesser, but not less than 3 m

\* Points for filling packages, drums or tank vehicles and not the filling point into the storage.

# Refer to the Code or approved Standard for alternative distances when vapour barriers are used.

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TABLE 3

**SEPARATION DISTANCES FOR PACKAGE DEPOTS AND  
ABOVE GROUND BULK DEPOTS TO PROTECTED WORKS OUTSIDE  
THE PREMISES**

<u>Column 1</u>	<u>Column 2</u>		
Minimum distance metres	Amount x 10 <sup>3</sup> (see notes 2, 3 and 4)		
	A	B	C
	Packaging Group I	II	III
Unrestricted	0.1	0.5	2.5
3	1	4	10
4	2	8	20
5	4	16	40
6	7	28	70
7	10	40	100
8	14	56	140
9	20	80	200
10	26	104	260
11	34	136	340
12	42	168	420
13	52	208	520
14	64	256	640
15	77	308	770
20	170	680	1 700
25	310	1 240	3 100
30	500	2 000	or over
35	750	3 000	
40	1 100	or over	
45	1 500		
50	2 000		
	or over		

- NOTE:**
1. For distances above 3 m the distances applicable for any intermediate amount may be obtained by interpolation.
  2. Amount in respect of bulk depots refers to individual bulk container capacity or quantity.

3. Where dangerous goods which are liquid are stored within a bulk depot, the distance from the top inside of the bund to Protected Works shall not be less than one half of the distance specified in the Table or 15m whichever is the lesser.

(6) Where dangerous goods of more than one packaging group are stored on any premises the separation distances to be provided for the purposes of this regulation are the separation distances that apply in accordance with the following formula —

$$S = \left[ \frac{PG I}{TDG} \times S_1 \right] + \left[ \frac{PG II}{TDG} \times S_2 \right] + \left[ \frac{PG III}{TDG} \times S_3 \right]$$

Where —

- S represents the separation distance to be provided;
- PG I represents the amount of dangerous goods of Packaging Group I stored in the depot;
- TDG represents the total amount of dangerous goods stored in the depot;
- S<sub>1</sub> represents the separation distance under Table 3 for the total amount of dangerous goods stored assuming the total is of Packaging Group I;
- PG II represents the amount of dangerous goods of Packaging Group II stored in the depot;
- S<sub>2</sub> represents the separation distance under Table 3 for the total amount of dangerous goods stored assuming the total is of Packaging Group II;
- PG III represents the amount of dangerous goods of Packaging Group III stored in the depot;
- S<sub>3</sub> represents the separation distance under Table 3 for the total amount of dangerous goods stored assuming the total is of Packaging Group III.

(7) Where a separation distance or the amount of dangerous goods is an intermediate number the number to be used for the calculation of the separation distance to be provided for the purposes of these regulations is to be obtained by interpolation.

**Screen walls**

4.8. (1) A screen wall —

- (a) shall be impervious to liquid and vapour;
- (b) shall be constructed of non-combustible materials that are chemically resistant to and compatible with the dangerous goods being stored;
- (c) may be an existing building wall provided that the building wall does not have any openings; and
- (d) shall, where the height of the screen wall is subject to any by-laws in force under the *Local Government Act 1960*, conform with the height requirement of those by-laws but where there is an inconsistency between those by-laws and these regulations the latter prevails to the extent of the inconsistency.

(2) A screen wall intended to separate a dangerous goods depot from protected works shall —

- (a) have a fire resistance level of at least 120/120/120, except where any of the dangerous goods being stored are of Class 2, 3, 4 or 5, in which case a screen wall shall have a fire resistance level of not less than 240/240/240;
- (b) in the case of protected works which adjoin the storage depot, extend to a height not less than one metre above the height of the protected works; and
- (c) in the case of protected works which do not adjoin the storage depot, extend to a height at least equal to the height of the protected works or not less than one metre above the height of the storage, whichever is the lesser.

(3) A screen wall intended for the segregation of dangerous goods shall —

- (a) if used for dangerous goods of Class 2, 3, 4 or 5, have a fire resistance level of not less than 240/240/240; and
- (b) be of sufficient height to enable the required segregation distances to be maintained when measured over the top of the screen wall.

**Electrical apparatus and wiring**

4.9. Electrical wiring and equipment in any area within licensed premises shall conform with the requirements of AS 3000 being item 3 of Schedule 2.

**Bundling**

4.10. (1) Subject to subregulations (2) and (3) and regulations 4.11 and 4.14, a package depot or a bulk depot, other than a bulk depot for an underground tank or a depot for dangerous goods of Class 2, shall be surrounded by a bund, the holding capacity of which shall conform with Table 4.

TABLE 4

## BUNDING FOR DANGEROUS GOODS STORAGES

Packaging Group	Bulk Depot		Package Depot	
	Solid	Liquid	Solid	Liquid
I	H	A	G	D
II	J	B	K	E
III	K	C	K	F

Where —

A represents 100% of aggregate storage capacity;

B represents 100% of capacity of largest bulk container plus the aggregate volume below the level of the bund crest displaced by all bulk containers and foundations within the bund;

C represents 100% of capacity of largest bulk container;

D represents 50% of aggregate storage capacity;

E represents 25% of aggregate storage capacity;

F represents 25% of the aggregate storage capacity up to 10 000 litres plus 10% of any storage capacity in excess thereof;

G represents 10% of volume expressed in litres occupied by the aggregate storage capacity;

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H represents 10% of volume expressed in litres occupied by the aggregate storage capacity and the dangerous goods must be kept in a bulk container;

J represents no bund required but the dangerous goods must be kept in a bulk container;

K represents no bund required.

(2) Subject to this regulation and regulations 4.11 and 4.14 where a package depot or a bulk depot is used for the purposes of storing both solid and liquid dangerous goods the bunding to be provided for the package depot or the bulk depot for the purposes of these regulations shall be the bunding required under Table 4 for the sum of the amounts of the solids and liquids being stored on the premises.

(3) Subject to this regulation and regulations 4.11 and 4.14 where a package depot or a bulk depot is used for the purpose of storing dangerous goods that belong to different packaging groups, the bund capacity to be provided for the package depot or bulk depot for the purposes of these regulations shall be the bunding required under Table 4 for the total amount of the dangerous goods being stored on the premises assuming the total amount stored is of the most hazardous type of dangerous goods being stored.

#### **Bunded areas with sprinkler systems**

4.11. Where within a bunded area an automatic sprinkler system is installed, the capacity of the bund shall be increased by a volume equal to the output of the sprinkler system over 20 minutes.

#### **Construction of bunds**

4.12. A bund within licensed premises shall be —

- (a) designed and constructed —
  - (i) to withstand exposure to fire;
  - (ii) to effectively contain the dangerous goods when filled with these dangerous goods to its full capacity;
  - (iii) to enable safe and quick entry and exit, in case of an emergency, when the bund wall is higher than 1.5 m above the interior grade;

- (iv) so that the location of the bund wall relative to the closest tank shall be such that no portion of the tank lies outside a line drawn from the top inside edge of the bund at angle of  $\varnothing$  to the vertical (where  $\tan\varnothing = 0.5$ ) and the clearance between the bund wall and any tank is not less than 1 metre; and
- (v) so that any pipe passing through a bund wall shall be designed to withstand stresses from the bund wall and the point where it passes shall be liquid tight;
- (b) sloped in such a manner that the area within the bund shall —
  - (i) drain away from tanks to a sump at the lowest practicable level, from where liquid can be emptied by a manually controlled valve or pump;
  - (ii) be maintained free of water to such extent as to not reduce the prescribed capacity; and
- (c) maintained so as to be capable of retaining the dangerous goods therein to its designed capacity.

#### **Bund for environmental protection**

4.13. Notwithstanding anything in these regulations where the Chief Inspector is of the opinion that an area in which dangerous goods are stored is an environmentally sensitive area, the Chief Inspector may require that bunding be provided for the storage area to the satisfaction of the Chief Inspector and that all product transfer points be sealed and drained into a banded area.

#### **Exceptions from bunding requirements**

4.14. Bunding is not required in the case of a package depot in which the amount of dangerous goods stored does not exceed —

- (a) in the case of dangerous goods of Packaging Group I — amount of 50;
- (b) in the case of dangerous goods of Packaging Group II — amount of 500; and
- (c) in the case of dangerous goods of Packaging Group III — amount of 1 000.



### Security

4.15. An occupier or a licensee shall ensure that licensed premises are secured from access by unauthorized persons and attended by a responsible person, or if not so attended, that the premises are securely locked.

### Ventilation

4.16. (1) An occupier or licensee of licensed premises within which is situated a package or bulk depot shall ensure that those premises are effectively ventilated.

(2) A person shall not obstruct a vent provided for a natural ventilation on any premises in which dangerous goods are stored or prevent the effective operation of any mechanical system of ventilation installed on such premises.

### Detection systems

4.17. (1) The Chief Inspector may require a gas detection system to be installed on a dangerous goods premises by reason of the type or nature of the dangerous goods being stored on those premises.

(2) A gas detection system, required under subregulation (1) shall be installed so that it will readily detect the presence of the dangerous goods.

(3) An occupier or licensee shall ensure that a gas detection system installed in accordance with subregulation (2) is tested and calibrated periodically according to the manufacturer's specifications.

(4) An occupier or licensee shall ensure that a record is maintained of all tests and calibrations carried out under subregulation (3).

### *Division 3 — Management of and conduct on premises on which dangerous goods are stored*

### General

4.18. (1) The licensee, occupier and any person in or about any premises in which dangerous goods are stored shall take all practical precautions to prevent the occurrence of an accident through fire, explosion or leakage of dangerous goods in or at those premises.

(2) Without derogating from the generality of subregulation (1) the licensee or occupier of premises in which dangerous goods are stored shall ensure that the provisions of this Division are complied with.

### **Handling of goods**

**4.19.** (1) Dangerous goods received into licensed premises and not required for immediate use shall immediately be conveyed into the appropriate depot in which they are to be kept in or on the premises according to the provisions of these regulations.

(2) Dangerous goods taken from a depot in or on licensed premises for dispatch from the premises shall be removed from the premises as soon as is practicable after the vehicle for their transport is loaded.

(3) Dangerous goods other than solid goods of Packaging Group III shall not be conveyed within licensed premises except —

- (a) in approved packaging or other suitable container; or
- (b) if by means of pipes, the pipes are so constructed and connected that the goods or vapour from the goods cannot escape from the pipes during conveyance except through approved relief devices.

(4) Dangerous goods when received in approved containers shall be stored in those containers until ready for use, but if the container in which they are received is a bulk container the bulk container or its contents shall be transferred directly into a bulk depot or the dangerous goods transferred forthwith at an approved filling station to other approved containers.

(5) A package containing dangerous goods —

- (a) shall not be opened in or on licensed premises except in the area in which the goods are to be used or in the immediate vicinity of the depot in which the goods have been or are to be kept; and
- (b) when opened for the removal of goods —
  - (i) shall be left open only for the time necessary for the removal of the goods, and then immediately closed;
  - (ii) shall, if not required again for immediate use, be placed in a depot; and

- (iii) shall, if no goods remain in the package, be immediately removed to a safe place.

(6) All practicable precautions shall be taken for preventing the escape of dangerous goods, or vapour from dangerous goods, from a package or bulk container.

(7) A person who stores dangerous goods on any premises shall ensure that where any packaging containing dangerous goods kept in or on, or received into, those premises is damaged, leaking or otherwise defective, the dangerous goods shall be immediately repacked, if it is safe to do so, into sound packaging.

(8) A person who stores dangerous goods shall ensure that dangerous goods spilled in or on the premises shall be cleaned up and so disposed of that they will not constitute a danger to any person or property.

#### **Dangerous goods to be held in depot until required**

4.20. Dangerous goods that are stored on licensed premises shall be stored in the particular depot or depots that conform to these regulations having regard to the kind of dangerous goods in question and only such amounts as are required for immediate use or sale shall be withdrawn from the relevant depot.

#### **Goods permitted in licensed depots**

4.21. (1) Subject to subregulation (2), dangerous goods shall not be stored in a package depot or bulk depot within licensed premises unless the only other goods stored therein are —

- (a) goods which are compatible with the dangerous goods in that depot or dangerous goods as permitted under regulation 4.34; and
- (b) anything that is required for the purposes of these regulations.

(2) The amount of dangerous goods stored on any premises shall not exceed the amount specified in the licence issued in respect of those premises.

#### **Separation of bulk depots**

4.22. (1) Where —

- (a) dangerous goods of Packaging Group I of different classes or sub-classes; or

- (b) dangerous goods which may interact dangerously,

are stored in tanks other than in underground tanks on any premises the dangerous goods so stored shall be held separately in individual bulk depots and the tanks shall be separated by the separation distances prescribed in Table 3 for Packaging Group III for the capacity of the largest tank within the depot and as though each other tank were protected works.

(2) Subject to this Division an underground bulk depot shall not be constructed within any premises in which dangerous goods are stored unless the location of the underground bulk depot in relation to the dangerous goods is approved.

#### **Young persons prohibited**

4.23. (1) A person under the age of 14 years shall not be employed in a package depot or bulk depot on licensed premises.

(2) The occupier or licensee of licensed premises or any person in charge of licensed premises shall not permit or suffer a person who appears to be under the age of 14 years to enter a package depot or bulk depot on licensed premises except in the presence of and under the supervision of a person of or over the age of 18 years.

#### **Persons under the influence of alcohol or drugs**

4.24. (1) A person who is under the influence of alcohol or drugs or alcohol and drugs, shall not enter or remain in any package depot or bulk depot.

(2) The occupier of licensed premises or any person in charge of licensed premises shall not permit or suffer a person who is or appears to be under the influence of alcohol or drugs, to enter or remain in any package depot or bulk depot.

#### **General housekeeping**

4.25. (1) All package depots and bulk depots on licensed premises shall at all times be kept clean and in good order.

(2) Before any repair, process or operation involving a flame or source of ignition is carried out in or to a depot within licensed premises the area in which the repair, process or operation is to be carried out shall be separated by a screen wall or by an approved safe working distance from the place where the dangerous goods are stored, handled or dispensed.

(3) Packages kept in a package depot shall be so stacked or arranged that no package is liable to fall outside of the bunded area.

(4) A package depot shall be so constructed that it does not contain any sharp edges or protrusions likely to damage containers.

### Fire hazards

4.26. (1) A person shall not —

- (a) smoke in a package depot or an above ground bulk depot; or
- (b) take into a package depot or an above ground bulk depot —
  - (i) any substance or thing which is or could be a potential source of ignition; or
  - (ii) any substance or thing liable to spontaneous ignition, or liable to cause or contribute to fire or explosion, unless it is to be kept in the depot in accordance with these regulations.

(2) Subject to subregulation (3), a person shall not within a hazardous zone as defined by AS 2430 being item 5 of Schedule 2 —

- (a) smoke, ignite, carry, or have in his possession any fire or flame; or
- (b) carry out any welding, oxy-acetylene cutting, or hot tapping, or any other process or operation liable to cause fire or explosion.

(3) A person does not commit an offence against subregulation (2) if —

- (a) the person is acting with the approval of the Chief Inspector;
- (b) acting for the purposes of averting danger in an emergency; or
- (c) there is a screen wall between the depot and the place where the act is done and the distance around the screen wall to any part of the bund wall or to the opening into the depot is at least 15 m.

(4) Where —

- (a) a process or operation is carried out in an emergency; and
- (b) the carrying out of the process or operation but for subregulation (3) would contravene subregulation (2),

the person who carries out the process or operation shall immediately notify the Chief Inspector thereof.

(5) The licensee shall ensure that the area within and 3 m from a depot within the licensed premises shall be kept clear of dry grass, unmown grass, undergrowth and all other combustible material.

### **Emergency response equipment**

4.27. (1) Any emergency response equipment held on any licensed premises for the purpose of an emergency shall conform to an approved Australian Standard or other approved standard.

(2) A licensee shall ensure that any person who is required to use the equipment required by subregulation (1) is trained for that purpose.

(3) A licensee shall ensure that the equipment required by subregulation (1) shall be —

- (a) maintained in working order and ready to be used; and
- (b) kept in a clearly marked readily accessible location for use in the event of an emergency.

(4) An occupier or licensee of premises on which dangerous goods are stored shall ensure that a record is maintained of all maintenance carried out under subregulation (3) (a).

### **Emergency plan**

4.28. (1) An occupier or licensee of premises on which dangerous goods are stored shall maintain a manifest of dangerous goods stored at the premises in accordance with the Guidance Note for Emergency Services Manifests issued by the National Occupational Health and Safety Commission.

(2) A licensee shall in relation to the licensed premises formulate and prepare an emergency plan in accordance with guidelines given by the Chief Inspector and shall ensure that all persons engaged in the handling of dangerous goods —

- (a) are aware of any emergency plan applicable in relation to those premises; and

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- (b) are competent to operate all safety equipment including vehicles, pumps, fire protection equipment and breathing apparatus, they may be required to use in connection with an emergency.

(3) Nothing in an emergency plan shall prevent a person from refusing to carry out any operation where that person has reasonable grounds to believe that to carry out the operation would expose him or her to a risk of imminent and serious harm to his or her health.

(4) The manifest required to be kept by subregulation (1) shall be made available upon request to any police officer, officer of a fire brigade or an officer of the department principally assisting the Minister charged with the administration of the *Occupational Health, Safety and Welfare Act 1984* in the administration of that Act.

#### **Material Safety Data Sheet (MSDS)**

4.29. (1) The occupier of licensed premises or the licensee of those premises shall —

- (a) obtain from the manufacturer or agent supplying the dangerous goods a material safety data sheet (referred to as the "MSDS") in relation to each of the dangerous goods being stored on the premises; and
- (b) inform those persons handling the dangerous goods where the MSDS is kept.

(2) Where an MSDS referred to in subregulation (1) has been substituted or amended the occupier or the licensee of the premises shall as far as is practicable obtain the current MSDS from the supplier.

#### **Training**

4.30. (1) The occupier of licensed premises or the licensee shall ensure that persons engaged in the handling of dangerous goods stored at those premises —

- (a) are adequately and regularly trained for the purposes of the safe handling of those dangerous goods;
- (b) have knowledge of the properties of those dangerous goods and of their storage and the segregation requirements that apply in relation to those dangerous goods;

- (c) have a knowledge of the requirements of Division 3 of this Part, in so far as it applies to those dangerous goods;
- (d) have a knowledge of information on the relevant MSDS and the manner of implementing the actions referred to therein; and
- (e) are familiar with the emergency plan referred to in regulation 4.28.

(2) The training and instruction required for paragraphs (c) and (d) of subregulation (1) shall include —

- (a) the format of the markings, placards and MSDS;
- (b) the information that each part of the marking, placard or MSDS provides; and
- (c) why the information is provided.

(3) The occupier or licensee of premises on which dangerous goods are stored shall review the instructions given to employees engaged in handling dangerous goods at least annually and whenever any significant change in the operation of work procedures occurs, or whenever there is a change in the hazard information.

#### **Consignment and delivery records**

**4.31.** (1) Subject to subregulation (2), every occupier or licensee of premises on which dangerous goods are stored, shall make and keep in or on those premises, in a book or some other approved form, a record of —

- (a) the name of every person to whom;
- (b) the address to which; and
- (c) the date on which,

any dangerous goods are consigned or delivered from those premises, together with the description and amount of the goods consigned or delivered.

(2) Subregulation (1) does not apply to —

- (a) the consignment or delivery of dangerous goods of any class in an amount or quantity less than that required under regulation 3.20 to be placarded in relation to goods of that class; or
- (b) the delivery of any goods into the fuel tank of a vehicle or vessel.



(3) Any record in relation to a consignment or delivery made pursuant to subregulation (1), shall be preserved for a period of 2 years after the date on which it is made.

(4) The book, or other approved form of record required by subregulation (1), shall, except when used for the purposes of checking the amount of dangerous goods stored in the package depot or bulk depot, be kept in a place of safe custody outside the package depot or bulk depot and at least 5 m from the depot.

(5) The book or other approved form of record required to be kept by subregulation (1) shall be made available to emergency services personnel upon request.

(6) Before making or causing a delivery of dangerous goods into a bulk container to be made, the consignor shall ensure that any premises to which the dangerous goods are consigned that are required to be licensed in accordance with these regulations are so licensed.

## Records

4.32. A person shall not —

- (a) obliterate, alter or falsify any entry or signature in a book or record required by these regulations to be kept or made; or
- (b) make a false or misleading entry in such a book or record.

## Segregation of dangerous goods within premises

4.33. (1) Subject to this regulation and regulation 4.34, where more than one class or sub-class of dangerous goods is stored in packages on any premises, the dangerous goods shall be segregated in accordance with Table 5.

(2) For the purposes of subregulation (1) a reference to —

- (a) a particular class of dangerous goods includes a reference to the class or sub-class of those dangerous goods for which a subsidiary risk label is required under the Code; and
- (b) a particular sub-class of dangerous goods includes a reference to the class or sub-class of those dangerous goods for which a subsidiary risk label is required under the Code.

(3) This regulation does not prevent the storage in a depot of dangerous goods that are all of the same kind.

(4) Dangerous goods which are combustible liquids shall be segregated from other dangerous goods in accordance with Table 5 as though the first-mentioned goods are dangerous goods of Class 3 — Flammable Liquids.

(5) Dangerous goods which are chronic hazardous substances shall be segregated from other dangerous goods in accordance with the Table to this regulation as though the first-mentioned dangerous goods are dangerous goods of Class 6.1 — Poisonous Substances.

TABLE 5  
SEGREGATION OF DANGEROUS GOODS

	Class	2.1	2.2	2.3	3	4.1	4.2	4.2	4.3	5.1	5.1	5.2	6.1	6.1	6.2	7	8	8	9*	Food-stuffs
							S	L		S	L		S	L			S	L		
Explosives	1	REFER TO EXPLOSIVES REGULATIONS 1963																		
Compressed Gases	2.1	0	1	3	X	X	X	X	X	X	X	X	3	3	X	X	3	X	3	3
	2.2	1	0	0	3	3	X	X	X	1	1	3	0	0	X	X	3	X	1	3
	2.3	3	0	0	X	X	X	X	X	X	X	X	0	0	X	X	3	X	3	X
Flammable Liquids	3	X	3	X	0	3	X	X	X	X	X	X	3	3	X	X	1	3	3	3
Flammable Solids	4.1	X	3	X	3	0	X	X	X	X	X	X	3	3	X	X	1	1	1	1
Spontaneous Combustible	4.2 S	X	X	X	X	0	1	X	X	X	X	X	3	3	X	X	1	1	1	3
	4.2 L	X	X	X	X	1	0	X	X	X	X	X	3	3	X	X	1	1	3	3
Dangerous When Wet	4.3	X	X	X	X	X	X	0	X	X	X	X	X	X	X	X	X	X	X	X
Oxidisers	5.1 S	X	1	X	X	X	X	X	0	1	3	X	X	X	X	X	X	X	3	X
	5.1 L	X	1	X	X	X	X	X	1	0	3	X	X	X	X	X	X	X	3	X
Organic Peroxides	5.2	X	3	X	X	X	X	X	3	3	0	X	X	X	X	X	X	X	3	X
Poisonous & Infectious Substances	6.1 S	3	0	0	3	3	3	3	X	X	X	X	0	1	X	X	1	3	3	X
	6.1 L	3	0	0	3	3	3	3	X	X	X	X	1	0	X	X	3	1	3	X
	6.2	X	X	X	X	X	X	X	X	X	X	X	X	X	0	X	X	X	X	X
Radioactives	7	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	X	X	X	X
Corrosives	8 S	3	3	3	1	1	1	1	X	X	X	X	1	3	X	X	0	1	3	X
	8 L	X	X	X	3	1	1	1	X	X	X	X	3	1	X	X	1	0	3	X
Miscellaneous	9*	3	1	3	3	1	1	3	X	3	3	3	3	3	X	X	3	3	0	X
Foodstuffs	3	3	X	3	1	3	3	X	X	X	X	X	X	X	X	X	X	X	X	0

\* Aerosols which are flammable, toxic or corrosive shall be segregated as Sub-class 2.1, Sub-class 6.1 or Class 8, respectively.

Notes

- L — Substances which are liquids.
- S — substances which are solids.

Table 5 — Notes — *continued*

0 — No general segregation required.

[Substances should be stored according to hazards — see Reg. 4.34].

1 — Segregate by a distance of at least 1 metre;

3 — Segregate by a distance of at least 3 metres;

X — Segregate by a distance of at least 5 metres, in separate depots or by a screen wall.

**Separate depots for certain classes of dangerous goods**

4.34. (1) Where dangerous goods of a class or sub-class that are permitted by regulation 4.33 to be stored within the same depot are of a type that may interact dangerously, the dangerous goods shall be stored in separate depots or segregated by a screen wall as prescribed by note "X" in Table 5.

(2) Dangerous goods of a class or sub-class referred to in subregulation (1) include dangerous goods of —

- (a) Sub-class 2.1 when stored with dangerous goods of Class 3 in a bulk container;
- (b) Class 3 being nitromethane when stored with dangerous goods of Sub-class 6.1 being amines;
- (c) Sub-class 5.1 —
  - (i) when stored with combustible liquids;
  - (ii) when stored with chronic hazardous substances which are capable of combustion or dangerous goods of Class 9 which are capable of combustion;
  - (iii) being ammonium nitrate when stored with dangerous goods of the same sub-class being a chlorate, chlorite, di- or tri-chloroisocyanuric acid or chloroisocyanurates, tetranitromethane or any combination of these substances;
  - (iv) being hypochlorites when stored with dangerous goods of —
    - (A) the same sub-class being di- or tri- chloroisocyanuric acid or chloroisocyanurates;

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- (B) Class 8 being acids;
- (d) Sub-class 5.2 when stored with —
  - (i) combustible liquids; or
  - (ii) chronic hazardous substances which are capable of combustion or dangerous goods of Class 9 which are capable of combustion;
- (e) Sub-class 6.1 being cyanides when stored with dangerous goods of Class 8 being acids; and
- (f) Class 8 being concentrated acids when stored with dangerous goods of the same class being concentrated alkalies.

#### **Special hazardous substances**

4.35. Dangerous goods of Class R, Restricted Dangerous Substances, presenting special storage and transport hazards shall not be stored without written approval.

#### ***Division 4 — Particular requirements as to storage of dangerous goods of Sub-class 2.1: Liquefied Petroleum Gas (LPG)***

#### **Application**

4.36. Nothing in this Division applies to portable devices using LPG for heating appliances or containers forming part of a vehicle in which LPG is carried for the operation of the vehicle.

#### **AS 1596 applies**

4.37. The design, construction and operation of package depots and bulk depots for the storage of LPG shall, in addition to the requirements of these regulations, comply with AS 1596 being item 7 in Schedule 2.

**Prevention of accidents in unlicensed premises**

4.38. Where LPG is kept on premises whether or not those premises are required to be licensed by these regulations, the occupier of the premises and every person on the premises, shall take all reasonable precautions for the prevention of accident by fire or explosion and shall comply with the relevant sections of AS 1596 being item 7 of Schedule 2.

**Unodorised LPG installations**

4.39. A person shall not store unodorised LPG without the approval of the Chief Inspector.

**Charging of aerosol and disposable containers**

4.40. (1) In this regulation "charging" means the action of filling aerosol containers or disposable containers with unodorised LPG.

(2) A person shall not in a building, cause or permit any aerosol containers or disposable containers to be charged with unodorised LPG —

- (a) without the prior approval of the Chief Inspector; and
- (b) unless the building and facilities used for that purpose conform with these regulations.

(3) The LPG charging area in a building shall be separated from all other parts of the building by a wall which may have the following but no other openings —

- (a) a doorway; and
- (b) openings each not exceeding 0.1 m<sup>2</sup> in area for the passage of containers into and from the charging area.

(4) A charging area shall be equipped with a system of mechanical ventilation that is separate from any other such system in the building, and so constructed, maintained and operated that —

- (a) the atmosphere in the charging area is kept less than 25% of the lower explosive limit for the gas; and
- (b) escaping gas does not flow through any doorway or other opening referred to in subregulation (3).

(5) The ducting of the system of mechanical ventilation shall not pass through any part of the building other than the charging area and shall be such that the air drawn from the charging area is discharged into the atmosphere outside the building at a point above every part of the roof of the building that is within 10 m, measured laterally, from that point.

(6) The door of a doorway referred to in subregulation (3) shall —

- (a) have double hinges so as to be capable of being opened both inwards and outwards; and
- (b) be kept closed at all times except when opened for the passage of persons or materials.

(7) All pipes carrying LPG from the storage tank to the charging area shall —

- (a) conform to Australian Standard CB 18 being item 8 in Schedule 2, or be approved;
- (b) be joined by welding;
- (c) be equipped with a manual shut-off valve at the tank and manual shut-off valve immediately outside the building; and
- (d) be equipped with an excess flow valve and a manual shut-off valve at every point where the gas enters a flexible connection to the charging machine.

(8) The valves referred to in subregulation (7) (c) and (d) shall conform to AS 1596 being item 7 in Schedule 2.

(9) A gas detector which will function whenever LPG is present in the air at any concentration of 25% or more of the lower explosive limit for the gas shall be installed in a position adjacent to every charging machine and every opening referred to in subregulation (3) (b).

(10) For the purpose of subregulation (9) a gas detector is regarded as functioning only if it —

- (a) produces a continuous sound of not less than 105 decibels;
- (b) gives a continuous visible signal; and
- (c) shuts off the flow of gas into the building referred to in subregulation (3).

(11) Power operated machines used within the charging area shall comply with requirements of AS 2359 being item 9 in Schedule 2.

#### **Cylinder filling**

4.41. LPG cylinders of capacity exceeding 10 litres, shall not be filled by any person other than the owner of the cylinder or an authorized agent of the owner of the cylinder.

#### ***Division 5 — Particular requirements as to storage of dangerous goods of Sub-class 2.3: Chlorine***

#### **AS 2927 applies**

4.42. The design, construction and operation of package depots and bulk depots for the storage of chlorine shall, in addition to the requirements of these regulations, comply with AS 2927 being item 10 in Schedule 2.

#### ***Division 6 — Particular requirements as to storage of dangerous goods of Class 3: Flammable and Combustible Liquids***

#### **Application**

4.43. Nothing in this Division applies to portable devices using flammable or combustible liquids for heating appliances or to containers forming part of a vehicle in which flammable or combustible liquids are used for the operation of the vehicle.

#### **AS 1940 applies**

4.44. (1) Package depots and bulk depots for the storage of flammable liquids and combustible liquids shall, in addition to the requirements of these regulations, comply with AS 1940 being item 11 in Schedule 2.

(2) Notwithstanding subregulation (1) the design, installation and operation of underground bulk depots shall be in accordance with the code of practice CP-4-1991 being item 4 in Schedule 2.

**Conditions for discharge facilities**

4.45. A dispensing head shall not be installed within a building unless the following conditions are complied with —

- (a) the floor is so drained that any spilled liquid will flow into an intercepting trap;
- (b) any pump used in the discharge facility is situated within 2 m of a vehicle entrance to the building, unless otherwise approved by the Chief Inspector;
- (c) there is adequate ventilation around the pump to ensure rapid dispersion of any vapours;
- (d) no means exist whereby liquid or vapour can flow or spread to a lower level beneath the floor on which any pump used in the discharge facility is situated, unless otherwise approved by the Chief Inspector;
- (e) where any pump used in the discharge facility is situated within a building and near to a carriage entrance, there shall be other adequate means of exit from the building available for use in the event of fire at the pump; and
- (f) the building is constructed of approved fire-resistant materials.

**Filling of containers exceeding 70 litres**

4.46. A person shall not dispense any flammable liquid into a container the capacity of which exceeds 70 litres except at a filling station approved for that purpose, or a drum depot so approved.

**Warning notice to be displayed**

4.47. There shall be displayed by the licensee or occupier of licensed premises where flammable liquid is dispensed a notice, or if so directed by the Chief Inspector more than one notice, to read "DANGER, NO SMOKING STOP ENGINE" or such other words as are approved in capital letters not less than 50 mm high as to be easily legible and visible to all persons entering the fuel dispensing area.



**Filling of fuel tanks and receptacles**

4.48. (1) A person shall not smoke or have any open flame within 4 m of a fuel tank or other receptacle while flammable liquid is being supplied from a discharge facility to that tank or receptacle.

(2) A person shall not dispense any flammable liquid into the fuel tank of an engine while the engine is running.

(3) A person shall not dispense any flammable liquid into a receptacle, the capacity of which does not exceed 70 litres unless the receptacle is used as a vehicle fuel tank or it complies with Parts 2 and 3 of these regulations and is standing at ground level at the base of the dispenser.

(4) A person of an age that is less than 14 years shall not, within licensed premises, dispense any flammable liquid into a fuel tank or other receptacle.

*Division 7 — Particular requirements as to storage of dangerous goods of Sub-class 6.1: Cyanides*

**General**

4.49. In addition to the other provisions of these regulations package depots and bulk depots in which cyanide is stored that require licensing under these regulations shall comply with the requirements of this Division.

**Spillages**

4.50. Package depots and bulk depots for the storage of cyanides shall be capable of retaining all spillage of cyanide within the premises and approved provision shall be made for the treatment of any such spillage.

**Separation distances for package depots and bulk depots**

4.51. Any area in which liquid cyanide is transferred from a vehicle to a bulk container shall be separated from protected works and boundaries by a distance that is not less than the separation distance specified in Part 2 of Table 2 for Packaging Group I substances and when assessing the separation distance required the diameter of the bulk tank in the bulk depot shall be taken as the basis of the calculation.

**Certain fire extinguishers prohibited**

4.52. Water acid or carbon dioxide type fire extinguishers shall not be kept within 30 m of a depot used for the storage of cyanides and shall not be used in depots in which cyanides are stored.

**Bunding and placement of containers**

4.53. (1) The bunding for cyanide storages shall be lined with suitable heavy duty plastic liner or where the Chief Inspector is of the opinion that the area is an environmentally sensitive area, with concrete, or with some other impervious material as approved.

(2) Every container storing cyanides shall be located above ground level and the surrounding area suitably sloped and drained to prevent the accumulation of water in the storage area.

**Security**

4.54. All storage areas for cyanides shall be provided with adequate security in the form of lockable buildings, security fences or by using freight containers and all entrances shall be kept locked when not attended.

**Depots not within a building**

4.55. A depot used for the storage of cyanides that is not located within an enclosed structure or building and is located within one kilometre of a townsite established under any Act shall be provided with a roofed cover.

**Depots within a building**

4.56. Where a depot used for the storage of cyanides is a building or is an area within another building ("the relevant area") —

- (a) the building or relevant area shall be constructed of fire resistant materials of 1 hour fire rating; and
- (b) there shall be no other openings in the building or relevant area except those for the doors and those required for ventilation.

**Vent to be fitted to bulk container**

4.57. Every bulk container for the storage of liquid cyanides, unless otherwise approved, shall be fitted with a free vent pipe that —

- (a) extends to a height of at least 4 m above ground level;
- (b) discharges at least 4 m from any work access areas;
- (c) terminates with an approved vent head; and
- (d) is of a size that the pressure or vacuum resulting from filling, emptying or atmospheric temperature changes, will not cause stresses in excess of the maximum design stress for the bulk container.

**Overflow pipes, discharge pipes and gauges for bulk container**

4.58. Every bulk container used for the storage of liquid cyanides shall —

- (a) be fitted with an overflow pipe positioned 300 mm below the top of the container which discharges at ground level and within the tank bund;
- (b) have all discharge pipes connected to pump suction fitted with 2 valves in series and a bleed valve intervening the 2 valves and be located between the container and the pump; and
- (c) be fitted with a liquid level gauge, not being a sight glass, or alarm system —
  - (i) which is constructed of materials compatible with the liquids being stored; and
  - (ii) which is clearly visible or audible to the operator.

**Drain valves to have flange**

4.59. Any outlet from a drain valve fitted to a bulk container shall be fitted with a blank flange.

**Non-ferrous metals not to be used**

4.60. All valves in direct contact with liquid cyanides shall not comprise or be constructed from any non-ferrous metals or their alloys.

**Open and shut positions to be indicated on valves**

4.61. All manually operated valves shall clearly show the open and shut positions and shall be fitted with non-removable handles.

**Bulk containers connected to process plant**

4.62. Where a bulk container for the storage of liquid cyanides is connected to a processing plant, manufacturing plant or some other consuming device —

- (a) the Chief Inspector may, where he considers necessary, require that the design of the delivery system to the plant incorporate a line pressure drop cut-out switch to shut down the pump if a sustained low discharge pressure is experienced; and
- (b) a non-return valve shall be fitted in the discharge line to prevent any other liquids from entering the container.

**Sumps to be provided**

4.63. At every loading position for bulk containers, the ground shall be so graded that any spillage from the delivery vehicle drains into a sump or containment area having a capacity at least equal to the capacity of the largest tank on the delivery vehicle.

**Procedures to be displayed**

4.64. (1) There shall be displayed at every loading position for containers written instructions as to the procedure to be adopted for transferring liquid cyanides.

(2) The Chief Inspector may at any time direct that the list of procedures referred to in subregulation (1) be amended or substituted in accordance with that direction.

(3) The list of procedures referred to in this regulation shall be posted in a conspicuous position in the premises and shall be maintained so as to be legible.

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**Air padding to be used for discharge**

4.65. The discharge of liquid cyanides from delivery vehicles to storage tanks shall be by use of air padding, unless otherwise approved.

## **PART 5 — FIRE FIGHTING EQUIPMENT**

### **Equipment to be maintained in working order**

5.1. (1) The licensee or occupier of premises on which dangerous goods are stored shall maintain in proper order and condition all appliances required by these regulations to be provided on the premises for the control or extinction of fire and all hand fire extinguishers, in accordance with AS 1851 being item 13 in Schedule 2 except to the extent that any provision of that standard is inconsistent with these regulations.

(2) The licensee or occupier of premises on which dangerous goods are stored shall have all fire extinguishing equipment and fire alarm systems required under these regulations to be installed at those premises inspected, tested and maintained in accordance with the appropriate standards being items 13 to 21, inclusive, in Schedule 2.

(3) In the event that equipment referred to in subregulation (2) of this regulation is found to be defective the licensee or occupier of the premises shall on receipt of a report to that effect immediately cause the defect to be remedied.

### **Extinguishers to be recharged**

5.2. Fire extinguishing equipment after being used or accidentally discharged, shall be recharged or otherwise repaired or replaced and made ready for further use as soon as practicable after that test or discharge.

### **Types of fire extinguishers**

5.3. The capacity and discharge rate of any general fire extinguishing system shall be adequate for the area and the storage to be protected.

### **Containment of fire water run-off**

5.4. Areas which are affected by a general fire extinguishing system which is designed to operate automatically shall be so graded or bunded that any run off produced when the system is operating for 20 minutes is contained on the licensed premises.

### Application of Australian Standards

5.5. (1) Except as recommended in the relevant Australian Standards for the dangerous goods stored, the type, number and capacity of hand fire extinguishers which shall be provided in all premises, whether package depots or bulk depots, licensed under these regulations shall be in accordance with AS 2444 being item 19 in Schedule 2.

(2) Notwithstanding the provisions of subregulation (1), where a fire extinguisher of a type other than those specified in that subregulation is approved for use in a package depot or bulk depot the extinguisher so approved may be used as an alternative to those so specified.

(3) Any extinguishing substance used in fire extinguishers referred to in subregulations (1) and (2) shall be compatible with the product stored in the depot and with all other fire extinguishing systems used.

### Foam generating and deluge systems

5.6. (1) Except as otherwise provided in these regulations, fire hydrants required to be provided under these regulations shall be in accordance with AS 2419 being item 20 in Schedule 2 and shall conform to the *Building Regulations 1989* made under the *Local Government Act 1960*.

(2) Where the relevant Australian Standard so provides fire hydrant installations shall be maintained in accordance with that standard otherwise a fire hydrant installation shall be tested at least once in every interval of 12 months in accordance with the commissioning tests prescribed in AS 2419 being item 20 in Schedule 2.

(3) Automatic sprinkler fire alarm systems shall be in accordance with AS 2118 being item 21 in Schedule 2.

(4) Any foam installation shall be in accordance with the relevant parts of section 9 of AS 1940 being item 11 in Schedule 2 or as otherwise approved.

**PART 6 — TRANSPORT OF DANGEROUS GOODS*****Division 1 — General*****Code adopted**

**6.1.** (1) Subject to these regulations the Code applies to and in relation to —

- (a) any vehicle used for the purposes of the transport of dangerous goods; and
- (b) any transport operation or procedure carried out for the purposes of the transport of dangerous goods,

but nothing in these regulations applies to the transport of dangerous goods by rail, sea or air.

(2) Where a provision of these regulations is inconsistent with a provision of the Code the provision of these regulations applies to the extent of the inconsistency.

***Division 2 — Licensing of vehicles*****Vehicles to be licensed**

**6.2.** (1) Subject to subregulation (2), a person shall not —

- (a) carry dangerous goods on a vehicle; or
- (b) otherwise use a vehicle for the carriage of dangerous goods,

unless a licence issued by the Chief Inspector for the purposes of section 46B of the Act is currently in force in relation to the vehicle.

(2) Subregulation (1) —

- (a) does not apply —
  - (i) where the vehicle on which dangerous goods are carried is not required by Division 3 of Part 3 of these regulations to be marked; or
  - (ii) where none of the dangerous goods carried on the vehicle are in a bulk container;

and



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- (b) notwithstanding paragraph (a), applies where a vehicle is required to be marked under a direction given by the Chief Inspector under regulation 3.14.

(3) A prime mover drawing a vehicle on which dangerous goods are carried is for the purposes of these regulations a vehicle on which dangerous goods are carried.

### Application for licence

6.3. (1) Application for a licence under these regulations in respect of a vehicle shall be made to the Chief Inspector in an approved form duly completed.

(2) An application made under subregulation (1) shall be accompanied by —

- (a) evidence to the satisfaction of the Chief Inspector that the vehicle to which the application relates has, within 6 months before the application is made, been found by a person having authority under the *Road Traffic Act 1974*, to comply with all relevant requirements under that Act;
- (b) evidence that the applicant is registered as the owner of the vehicle under the *Road Traffic Act 1974*;
- (c) evidence to the satisfaction of the Chief Inspector that a contract of insurance for the purposes of regulation 6.4 is in force in relation to the vehicle; and
- (d) the fee prescribed in item 4 of Schedule 1.

(3) The Chief Inspector may before determining an application made under subregulation (1) require the applicant to —

- (a) provide such drawings, specifications or other particulars in relation to the vehicle as he sees fit for the purposes of assisting with the determination of the application; and
- (b) submit the vehicle to which the application relates to an inspection —
  - (i) at a time satisfactory to the Chief Inspector; and
  - (ii) at a place within 150 km of the place specified in the application as the place at which the vehicle is normally based that is satisfactory to the Chief Inspector, or another place that is mutually acceptable to the applicant and the Chief Inspector.

**Conformity with Code and insurance**

6.4. A vehicle shall not be used in a manner that gives rise to a requirement under Division 3 of Part 3 that the vehicle be marked unless the owner holds a contract of insurance in accordance with the Code.

**Vehicle**

6.5. A licence shall not be issued for the purposes of regulation 6.7 in respect of a vehicle unless the Chief Inspector is satisfied that the vehicle has, within 6 months before application for the licence is made, been found by a person having authority under the *Road Traffic Act 1974*, to comply with all the relevant requirements of and under that Act.

**Validity of licence**

6.6. A licence under these regulations in respect of a vehicle is valid only for the transport of the dangerous goods specified in the licence and subject to any conditions that may be specified in the licence.

**Term of licence and renewal**

6.7. (1) A licence in respect of a vehicle may be issued for such period not exceeding 12 months as is specified in the licence.

(2) An application for the renewal of a licence shall be made not later than 30 days before the licence is due to expire and shall be accompanied by —

- (a) the evidence required for the purposes of the issue of a licence referred to in regulation 6.3 (2) (a), (b) and (c); and
- (b) subject to subregulation (3) the fee prescribed in item 4 of Schedule 1.

(3) Where the term of a licence in respect of a vehicle is for a period that is less than 12 months the fee payable in relation to the issue or renewal of the licence shall be reduced proportionately for each month that the term of the licence is less than 12 months rounded off to the nearest dollar but a minimum fee of half the fee prescribed in item 4 of Schedule 1 shall be payable in relation to the licence.

**Transfer of vehicle**

**6.8.** (1) The person to whom the ownership of a vehicle in relation to which a licence is in force under this Part is transferred shall if that person intends to use the vehicle for the transport of dangerous goods notify the Chief Inspector in writing of the fact of that transfer.

(2) A notification under subregulation (1) shall be given to the Chief Inspector not later than 30 days after such transfer.

**Production of licence**

**6.9.** The original of the licence issued in respect of a vehicle under these regulations, or a copy thereof, shall accompany the vehicle whenever the vehicle is used under the authority of the licence and the driver of the vehicle shall produce the original or a copy of the licence upon request to —

- (a) an inspector;
- (b) a member of the Police Force; or
- (c) a person acting in the execution of a power or duty conferred on him by or under the *Transport Co-ordination Act 1966*.

**Licences issued in other States or Territories**

**6.10.** (1) For the purposes of regulation 6.2 —

- (a) a licence issued in respect of a vehicle under a law of any other State or a Territory of the Commonwealth authorizing the transport of dangerous goods; or
- (b) where a State or a Territory of the Commonwealth does not have a statutory licensing scheme for authorizing vehicles to transport dangerous goods, a certificate of roadworthiness issued not more than 6 months previously under the law of the State or Territory relating to the regulation of road traffic generally together with approval in writing to use the vehicle for the transport of dangerous goods given under the law of the State or Territory relating to dangerous goods,

is or are, during the currency thereof and so long as a contract of insurance providing the cover required by regulation 6.4 is in force in respect of the vehicle, to be regarded as a licence under these regulations in respect of the vehicle.

(2) Whenever a vehicle is so used that, but for subregulation (1), it would be required to be licensed under these regulations, evidence of the licence or of the certificate and approval referred to in subregulation (1), as the case may be, shall accompany the vehicle and shall be produced upon request to —

- (a) an inspector;
- (b) a member of the Police Force; or
- (c) a person acting in the execution of a power or duty conferred on him by or under the *Transport Co-ordination Act 1966*.

### *Division 3 — Vehicle requirements*

#### **Vehicle to conform to Code and requirements under the *Road Traffic Act 1974***

6.11. (1) A vehicle shall not be used for the purposes of the transport of dangerous goods unless the vehicle conforms with the requirements of the Code.

(2) A vehicle that is used for the purpose of carrying dangerous goods in packages shall not be used in a manner that gives rise to a requirement under Division 3 of Part 3 that the vehicle be marked unless the vehicle has, within 12 months before such use, been found by a person having authority under the *Road Traffic Act 1974*, to comply with all the relevant requirements of and under that Act and a certificate to that effect has been issued in respect of the vehicle under that Act.

### *Division 4 — Transport Procedures*

#### **Responsibility of consignor**

6.12. A consignor of dangerous goods and a person who offers dangerous goods for transport shall —

- (a) comply with such provisions of the Code as are applicable to consignors or persons who offer dangerous goods for transport;
- (b) ensure that the dangerous goods are contained in packaging that conforms with these regulations or in a bulk container that conforms with these regulations; and
- (c) ensure that the requirements of Division 2 of Part 3 are complied with.

**Responsibility of prime contractor**

6.13. A prime contractor shall —

- (a) comply with such provisions of the Code as are applicable to prime contractors;
- (b) take all necessary steps to ensure that every vehicle on which the prime contractor causes or permits dangerous goods to be transported complies in every respect with these regulations and, where required, is licensed under these regulations and driven by a person licensed under these regulations; and
- (c) take all necessary steps not to cause or permit dangerous goods to be transported in containers that are contrary to Part 2 of these regulations or contravene the marking requirements of Division 2 of Part 3 of these regulations.

**Responsibility of owner and driver**

6.14. The owner and driver of a vehicle on which dangerous goods are transported shall comply with such provisions of the Code as are applicable to the owner or driver respectively.

**Special requirements for road trains**

6.15. Dangerous goods shall not be transported in a vehicle that is required to be marked with an emergency information panel under these regulations that is part of a road train within the meaning of the *Road Traffic (Vehicle Standards) Regulations 1977*, as amended, unless pursuant to prior written approval which may be limited to such routes or areas as may be specified in the approval and may be subject to such conditions as may be specified.

**Identification of separate compartment on a bulk container**

6.16. Where a bulk container is divided into separate compartments not all of which contain the same dangerous goods, dangerous goods shall not be transported in the bulk container unless the delivery valve connected to each compartment is identified in such manner as to indicate the nature of the contents of that compartment.

**Incidents to be reported**

**6.17.** Where, any incident resulting in leakage or other escape of dangerous goods is reported to a prime contractor, the prime contractor shall —

- (a) ensure that such assistance as may be appropriate is rendered to the driver of the vehicle involved;
- (b) as soon as is reasonably practicable, report the occurrence to the Chief Inspector;
- (c) ensure that any dangerous goods that escaped from the vehicle are cleaned up to the satisfaction of an inspector; and
- (d) within 14 days after the occurrence, furnish the Chief Inspector with a written report of the occurrence detailing —
  - (i) the circumstances in which the escape of dangerous goods, or fire, occurred; and
  - (ii) the measures taken or proposed to be taken, if any, to prevent a repetition of such an occurrence.

***Division 5 — Licensing of Drivers*****Drivers to be licensed**

**6.18.** (1) A person who is not currently licensed under this Division to do so shall not drive a vehicle —

- (a) on which dangerous goods are carried in a bulk container; or
- (b) which is required under regulation 3.14 to be placarded with an emergency information panel.

(2) Where an inspector or a member of the Police Force or a fire brigade drives a vehicle on which dangerous goods are carried, subregulation (1) does not apply to the driving of the vehicle by that person to the extent that it is necessary as a result of emergent circumstances.

**Application for licence**

**6.19.** (1) Application for a licence under this Division may be made to the Chief Inspector in the approved form and shall be accompanied by a certificate of a legally qualified medical practitioner given not earlier than

6 months before the date of the application to the effect that the applicant has undergone a physical examination, including an examination of cardiac condition, hearing and eyesight, and is, in the opinion of the medical practitioner giving the certificate, physically fit to drive a vehicle in which dangerous goods may be transported in a bulk container.

(2) The Chief Inspector shall not issue a licence under this Part unless the applicant provides the certificate referred to in subregulation (1).

#### Issue of licence

**6.20.** Where upon an application made under regulation 6.19, the Chief Inspector is satisfied —

- (a) that the applicant has attained the age of 21 years and is the holder of a driver's licence under the *Road Traffic Act 1974* that —
  - (i) is appropriate to the type of vehicle on which dangerous goods are to be carried; and
  - (ii) is, or is deemed to be, an unrestricted licence within the meaning of section 45 of that Act;
- (b) that the applicant has undergone an approved course of training and attained a certificate or other evidence of proficiency recognized by the Chief Inspector; and
- (c) as to the matters referred to in regulation 6.19,

he may issue to the applicant a licence upon payment of the fee prescribed in Schedule 1.

#### Duration of licence

**6.21.** (1) Subject to subregulation (2) and the Act a licence under this Part has effect for a period of 3 years from the date on which it was issued or last renewed.

(2) Where the holder of a licence under this Part has attained the age of 50 years, the licence has effect, subject to the Act, for a period of one year from —

- (a) the date on which the licence was issued or last renewed; or
- (b) the date on which the holder attained the age of 50 years,

whichever is the later, but so that in any case the licence does not have effect for more than the period applicable under subregulation (1).

#### **Renewal of licence**

**6.22.** (1) Subject to these regulations, a licence under this Division may be renewed on application made to the Chief Inspector and upon payment of a renewal fee as prescribed in Schedule 1.

(2) An application under subregulation (1) shall be accompanied by the certificate referred to in regulation 6.19.

#### **Production of licence**

**6.23.** A licence shall be issued in such form as the Chief Inspector sees fit and shall be produced by the holder upon request to —

- (a) an inspector;
- (b) a member of the Police Force; or
- (c) a person acting in the execution of a power or duty conferred on him by or under the *Transport Co-ordination Act 1966*.



**PART 7 — PIPELINES****Pipelines to be approved**

7.1. (1) A person shall not install, re-lay, renew, extend, alter or repair a pipeline unless an application for that purpose has been made to the Chief Inspector and the Chief Inspector has approved the application.

(2) An application under subregulation (1) shall be accompanied by details of the operating and maintenance conditions and work proposed to be undertaken.

(3) Subregulations (1) and (2) do not apply in the case of an emergency which may adversely affect public safety and if the Chief Inspector is notified not later than 14 days of the event.

(4) Where the Chief Inspector is of the opinion that it is in the interests of public safety the Chief Inspector may by notice in writing require the owner of a pipeline to change the operating and maintenance conditions, re-lay, renew or repair the pipeline in accordance with such requirements as the Chief Inspector specifies in writing.

**Operation and maintenance of pipelines**

7.2. (1) The owner of a pipeline shall cause the pipeline to be examined in accordance with AS 2885 being item 12 in Schedule 2 at intervals not exceeding 5 years during the period of 20 years commencing from the construction of the pipeline and thereafter at intervals of not less than 2 years.

(2) A pipeline carrying dangerous goods to or from licensed premises, shall be constructed, installed, tested, operated and maintained in accordance with an approved Code of Practice and with the requirements of such of these regulations as are applicable.

(3) All above ground pipelines and pipes used for the transfer of dangerous goods shall be colour coded or clearly identified in accordance with AS 1345 being item 6 in Schedule 2.

(4) Pipelines and pipes carrying dangerous goods shall not pass over or go through package depots or bulk depots where the dangerous goods in the depots are required to be segregated, as indicated by Table 5, from those being carried in the pipeline or pipes.

**PART 8 — MISCELLANEOUS****Offences**

**8.1.** (1) Where any matter or thing in relation to premises or to a vehicle is required under these regulations or is required to conform with any requirement specified in these regulations and is omitted or does not conform with the requirements so specified then unless these regulations otherwise provide —

- (a) the licensee or occupier of the premises, in relation to a matter or thing relating to premises; or
- (b) the licensee of the vehicle, in relation to a matter or thing relating to a vehicle,

is guilty of an offence against these regulations.

(2) Where an act is required to be done or is forbidden to be done under these regulations and is omitted to be done or is done in contravention of these regulations then unless these regulations otherwise provide —

- (a) the person in charge of the premises, in relation to a matter relating to premises; or
- (b) the person in charge of the vehicle, in relation to a matter relating to a vehicle,

is guilty of an offence against these regulations.

**Repeal**

**8.2.** The *Dangerous Goods (Road Transport) Regulations 1983* are repealed and the *Flammable Liquids Regulations 1967* are repealed.

**Savings and transitional**

**8.3.** (1) Notwithstanding anything in regulation 6.7 but subject to subregulation (3), the term of a licence first issued for the storage of dangerous goods within 12 months from the commencement of these regulations shall be the term fixed by the Chief Inspector in the licence, being a term not less than 6 months or more than 18 months from the commencement of these regulations.

(2) Notwithstanding anything in Schedule 1 where the term of a licence issued for the storage of dangerous goods, other than flammable liquids, is, pursuant to subregulation (1), fixed for a term that is less than or more than 12 months the fee payable under these regulations in respect of the licence shall be proportionately decreased or increased, respectively, for each whole month that the term of the licence is less than or more than 12 months and for that purpose fractions of a cent shall be ignored.

(3) Notwithstanding anything in these regulations, any licence issued under the *Flammable Liquids Regulations 1967* or the *Dangerous Goods (Road Transport) Regulations 1983* before the day that these regulations come into operation and in force on that day continues in force under and subject to these regulations.

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## SCHEDULE 1

Subject to these regulations, the following fees are payable in respect of the matters specified below —

	\$
1. For approval of packaging (reg. 2.4 (2) (d))	199
2. For approval of a bulk container (reg. 2.8 (1) (b))	199
3. For the issue or renewal of a licence when the premises are used or proposed to be used to store dangerous goods according to the amount stored or proposed to be stored (reg. 4.3 (2) (a))	) ) see ) Table ) below ) )
4. For the issue or renewal of a licence for a vehicle to transport dangerous goods (regs. 6.3 (2) and 6.7)	99
5. For the issue or renewal of a driver's licence (reg. 6.20)	8

## TABLE

Column 1	Column 2
(Amount x 10 <sup>-3</sup> )	\$
Not exceeding 1	13
Exceeding 1 but not exceeding 25	26
Exceeding 25 but not exceeding 50	66
Exceeding 50 but not exceeding 100	166
Exceeding 100 but not exceeding 500	330
Exceeding 500 but not exceeding 1 000	1 057
Exceeding 1 000 but not exceeding 5 000	1 586
Exceeding 5 000 but not exceeding 10 000	1 982
Exceeding 10 000 but not exceeding 15 000	2 381
Exceeding 15 000 but not exceeding 20 000	2 777
Exceeding 20 000	3 302

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## SCHEDULE 2

Australian and other Standards and amendments thereto referred to in these regulations

Item	AS No. or other reference	Description of standard, and amendments thereto
1.	AS 2030 Part 1 — 1985 Part 2 — 1985 Part 3 — 1982 Part 4 — 1985 Supp No. 1 (1986)	Gas Cylinders Code
2.	AS 2613-1983	Safety Devices for Gas Cylinders
3.	AS 3000-1991	SAA Wiring Rules
4.	CP-4-1991	Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems (UPSS) issued by the Australian Institute of Petroleum Ltd.
5.	AS 2430 Part 1 — 1987 Part 2 — 1986 Part 3 — 1987	Classification of Hazardous Areas
6.	AS 1345-1982	Identification of the Contents of Piping, Conduits and Ducts
7.	AS 1596-1989	Storage and Handling of Liquefied Petroleum Gas

Item	AS No. or other reference	Description of standard, and amendments thereto
8.	CB18, Part 1 — 1967	SAA Pressure Piping Code
9.	AS 2359 Part 1 — 1985 Part 2 — 1985	SAA Industrial Truck Code
10.	AS 2927-1987	Storage and Handling of Liquefied Chlorine Gas
11.	AS 1940-1988	SAA Flammable and Combustible Liquids Code
12.	AS 2885-1987	Pipelines — Gas and Liquid Petroleum
13.	AS 1851 Part 1 — 1985 Part 2 — 1988 Part 3 — 1985 Part 4 — 1988 Part 5 — 1981 Part 6 — 1983 Part 7 — 1984 Part 8 — 1987 Part 9 — 1988	Maintenance of Fire Protection Equipment
14.	AS 1844-1985	Portable Fire Extinguishers — Foam (Gas Container)
15.	AS 1845-1985	Portable Fire Extinguishers — Foam (Stored Pressure)
16.	AS 1846-1985	Portable Fire Extinguishers — Powder Type
17.	AS 1847-1985	Portable Fire Extinguishers — Carbon Dioxide Type

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Item	AS No. or other reference	Description of standard, and amendments thereto
18.	AS 1848-1985	Portable Fire Extinguishers — Halon Type
19.	AS 2444-1985	Portable Fire Extinguishers — Selection and Location
20.	AS 2419 Part 1 — 1988	Fire Hydrant Installations
21.	AS 2118-1982	SAA Code for Automatic Fire Sprinkler Systems

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By His Excellency's Command,  
M. C. WAUCHOPE, Clerk of the Council.



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DANGEROUS GOODS