

Western Australia

Dangerous Goods Safety Act 2004

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

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

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

Part 1 — Preliminary

1. Citation

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

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations except Part 5 Division 1 — on the day on which the *Dangerous Goods Safety Act 2004* comes into operation;
- (c) Part 5 Division 1 — on the day 12 months after the day on which the *Dangerous Goods Safety Act 2004* comes into operation.

3. Objectives

The objectives of these regulations are to provide for the safe storage and handling of dangerous goods except those of Class 1, Division 6.2 and Class 7.

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4. Terms used in these regulations

In these regulations, unless the contrary intention appears —

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, Seventh edition, 2007 ISBN 1-921168-57-9 published by the Commonwealth;

approved form means a form approved by the Chief Officer;

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

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

bulk, in relation to dangerous goods, means —

- (a) a quantity of the dangerous goods in a container that has a capacity greater than 500 L or a net mass greater than 500 kg; or
- (b) an undivided quantity of the dangerous goods exceeding 500 kg;

C1 combustible liquid means liquid dangerous goods that have —

- (a) a flashpoint that is higher than 60°C, but no higher than 150°C; and
- (b) a firepoint, as defined in AS 1940-2004, that is less than the boiling point;

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

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

combustible liquid means any liquid dangerous goods whose flashpoint is higher than 60°C;

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

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

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

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

dangerous goods in transit means dangerous goods that —

- (a) are supplied to a dangerous goods site in containers that are not opened at the site; and
- (b) are not used at the site; and
- (c) are kept at the site for a period of not more than 5 consecutive days;

dangerous goods offence means any of the following —

- (a) an offence against the Act, these regulations or any other regulations made under the Act;
- (b) an offence against a law of another place that substantially corresponds to the Act or the regulations made under it;
- (c) an offence against the law of this State or another place an element of which is the storage and handling of dangerous goods;

dangerous goods pipeline means a pipeline that is or is intended to be used to carry dangerous goods across one or more cadastral boundaries;

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

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

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

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

- (a) a contract of service; or
- (b) a contract for services; or
- (c) an apprenticeship agreement as defined in the *Industrial Training Act 1975* section 4(1); or
- (d) a training scheme as defined in the *Vocational Education and Training Act 1996* section 5(1);

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

FESA means the Fire and Emergency Services Authority of Western Australia established by the *Fire and Emergency Services Authority of Western Australia Act 1998* section 4;

fire risk dangerous goods means —

- (a) dangerous goods of —
 - (i) Division 2.1; or
 - (ii) Class 3; or
 - (iii) Division 4.1, 4.2 or 4.3; or
 - (iv) Division 5.1 or 5.2;or
- (b) dangerous goods of —
 - (i) subsidiary risk 2.1; or
 - (ii) subsidiary risk 3; or
 - (iii) subsidiary risk 4.1, 4.2 or 4.3; or
 - (iv) subsidiary risk 5.1 or 5.2;

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

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

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

- (a) that the container or pipeline has been —
 - (i) thoroughly cleaned so that there is no discernable trace of the dangerous goods; or
 - (ii) subjected to a process in which its contents were neutralised, cured or chemically deactivated;

and

- (b) that the atmosphere within the container or pipeline has been cleared —
 - (i) if the atmosphere includes dangerous goods of Division 2.1 or vapour from dangerous goods of Class 3 or subsidiary risk 3 — so that the concentration of the dangerous goods is less than 5% of the lower explosive limit for the goods when sampled at ambient temperature; or
 - (ii) if the atmosphere includes any other dangerous goods — so that the concentration of the dangerous goods in the atmosphere is less than the maximum specified in that standard for the dangerous goods;

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

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

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

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

- (a) has a capacity of not more than —
 - (i) for solids of packing group I in a composite, fibreboard, flexible, wooden or rigid plastics or wooden container — 1 500 L; or
 - (ii) for solids of packing group I in a metal container — 3 000 L; or
 - (iii) for solids or liquids of packing groups II and III — 3 000 L;

and

- (b) is designed for mechanical handling; and
- (c) is resistant to the stresses produced in usual handling and transport;

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

- (a) any naked flame, exposed incandescent material, an electrical welding arc, or a mechanical or static spark; and
- (b) any electrical or mechanical equipment that is not specifically designed to be used in a hazardous area;

label includes a marking;

level 1 fine means —

- (a) for an individual, a fine of \$10 000;
- (b) for a body corporate, a fine of \$50 000;

level 2 fine means —

- (a) for an individual, a fine of \$5 000;
- (b) for a body corporate, a fine of \$25 000;

level 3 fine means —

- (a) for an individual, a fine of \$1 000;
- (b) for a body corporate, a fine of \$5 000;

liquid means a substance that —

- (a) at 50°C has a vapour pressure of not more than 300 kPa;
and
- (b) is not completely gaseous at 20°C and at a pressure of
101.3 kPa; and
- (c) melts partly or completely at 20°C or less at a pressure
of 101.3 kPa;

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

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

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

Material Safety Data Sheet (or MSDS), in relation to particular dangerous goods, means a document in English that contains the information in relation to the dangerous goods that is required by the *National Code of Practice for the Preparation of Material Safety Data Sheets* [NOHSC: 2011 (2003)], whether or not the document is in the form required by that code of practice;

MSDS stands for Material Safety Data Sheet;

operate —

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

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

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

packaged dangerous goods means —

- (a) dangerous goods or C1 combustible liquids in a container that has a capacity of not more than 500 L; or
- (b) dangerous goods in a container that has a net mass of not more than 500 kg;

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

petroleum product means a single substance or mixture of substances —

- (a) comprising at least 70% hydrocarbon by volume refined from crude oil, with or without additives; and
- (b) that is used or could be used as a fuel; and
- (c) is liquid at a temperature of 15°C and pressure of 101.325 kPa,

and includes C1 combustible liquids;

pipework means —

- (a) a pipe, assembly of pipes or pipeline; and
- (b) associated pipe fittings, valves and pipe accessories,

used to convey dangerous goods;

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

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

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

- (a) identifies all hazards relating to dangerous goods at the site; and
 - (b) for each hazard, assesses —
 - (i) the probability of the hazard causing a dangerous goods incident; and
 - (ii) the nature of the harm to people, property and the environment that would result from the occurrence of that incident;
- and
- (c) for each hazard, identifies the risk control measures; and
 - (d) in relation to each judgment required above, explains the methods used to make the judgment and the reasons for the judgment; and
 - (e) has been prepared in a form acceptable to the Chief Officer;

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

- (a) the probability of the hazard causing a dangerous goods incident; and
- (b) the harm to people, property and the environment that would result from the occurrence of that incident;

rural dangerous goods location means a place that —

- (a) is outside the part of the State that comprises the metropolitan region as defined in the *Planning and Development Act 2005* section 4(1) or a townsite as defined in the *Land Administration Act 1997* section 3(1); and
- (b) occupies an area of 5 hectares or more; and

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- (c) is used by the operator for agricultural, horticultural, floricultural, aquacultural or pastoral purposes; and
- (d) at which dangerous goods are stored or handled for the purposes other than for sale;

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

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

subsidiary risk has the meaning given to that term in regulation 9;

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

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

- (a) is at least 50% below ground level; and
- (b) is covered with at least 600 mm of earth or equivalent material;

UN Number (or “UN” followed by a number), in relation to dangerous goods, means the identification serial number under the UNTC shown in the ADG Code Chapter 3.2.3 Column 1 in relation to those goods;

UNTC means the *Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria*, Fourth revised edition ISBN 92-1-139087-7 published by the United Nations.

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

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

6. Application

These regulations do not apply to —

- (a) dangerous goods while they are being transported in accordance with the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*; or
 - (b) dangerous goods —
 - (i) while they are being handled in a port area as those terms are defined in the *Dangerous Goods Safety (Goods in Ports) Regulations 2007*; or
 - (ii) while they are being transported in the port area or on a vessel;
- or
- (c) dangerous goods that form part of batteries used in plant; or
 - (d) dangerous goods that form part of the refrigeration system of refrigerated freight containers; or
 - (e) dangerous goods in a fuel container that is fitted to a vehicle, vessel or aircraft, mobile plant, appliance or other device, where the dangerous goods are intended for use in its operation; or
 - (f) dangerous goods that are combustible liquids other than C1 combustible liquids; or
 - (g) dangerous goods in portable fire fighting equipment, portable safety equipment or portable medical equipment, where that equipment is held at premises for use at the premises; or
 - (h) asbestos; or
 - (i) a storage or handling system in respect of which an operator of a dangerous goods site has complied with regulation 63; or
 - (j) a dangerous goods pipeline in respect of which the operator has complied with regulation 115; or

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- (k) dangerous goods that are the property of the Australian Defence Force and that are on any land or in any building owned or held under lease by the Commonwealth; or
- (l) the following dangerous goods at a dangerous goods site that is not a workplace as defined in the *Occupational Safety and Health Act 1984* section 3(1) —
 - (i) compressed gas of Division 2.1 or 2.2 or compressed oxygen if —
 - (I) the total quantity of compressed gas and oxygen is contained in one or more containers each of which has a total capacity of not more than 50 L; and
 - (II) the total quantity of compressed gas and oxygen is not more than 100 L; and
 - (III) the dangerous goods as a whole form part of a welding set or are used or intended to be used with a portable flame torch;
 - or
 - (ii) dangerous goods of Division 2.2 in portable gas cylinders that are used or intended to be used for medical purposes in a total quantity of not more than 100 L; or
 - (iii) dangerous goods of Class 3 in a total quantity of not more than 250 L; or
 - (iv) pool and spa sanitising agents (comprising calcium hypochlorite, sodium dichloroisocyanurate, sodium trichloroisocyanurate, potassium dichloroisocyanurate, trichloroisocyanuric acid or any other oxidising substances, in solid form, used for sanitising water) in a total quantity of not more than 100 kg; or

- (v) hypochlorite solutions designated by UN 1791 in a total quantity of not more than 100 L; or
 - (vi) Class 9 dangerous goods in a total quantity of not more than 100 kg or L; or
 - (vii) dangerous goods of packing group I in a total quantity of not more than 5 kg or L; or
 - (viii) C1 combustible liquids in a total quantity of not more than 1 000 L; or
 - (ix) any dangerous goods other than those specified in subparagraphs (i) to (viii) (not including dangerous goods of Division 2.3) in a total quantity of not more than 100 kg or L;
- or
- (m) compressed gas in pneumatic tyres; or
 - (n) Division 2.2 dangerous goods in balloons or dirigibles; or
 - (o) dangerous goods comprising potable liquids in consumer containers at retail premises; or
 - (p) dangerous goods comprising naturally occurring gas in an underground mine; or
 - (q) C1 combustible liquid filled electrical cables.

7. Incorporation of references

- (1) If any provision of a document is incorporated, applied or referred to by these regulations, the incorporation, application or reference does not —
 - (a) include any requirement for approval from the Chief Officer in relation to the storage and handling of dangerous goods; or
 - (b) permit any departure from the requirements of the document incorporated, applied or referred to at the sole discretion of a person to whom those requirements apply.

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

Part 2 — General

8. Dangerous goods

- (1) For the purposes of these regulations, goods are dangerous goods if, under the ADG Code, the goods are within any of the following classes or divisions of dangerous goods —
 - (a) Class 2 (gases);
 - (b) Class 3 (flammable liquids);
 - (c) except as provided in subregulation (3) — Class 4 (flammable solids; substances liable to spontaneous combustion; substances that in contact with water emit flammable gases);
 - (d) Class 5 (oxidizing substances; organic peroxides);
 - (e) Division 6.1 (toxic substances);
 - (f) Class 8 (corrosive substances);
 - (g) Class 9 (miscellaneous dangerous goods and articles).
- (2) Without limiting the generality of subregulation (1) and except as provided in subregulation (3), a substance or article comprises dangerous goods if —
 - (a) it is named or described in the ADG Code Appendix A as goods too dangerous to be transported; or
 - (b) it is a C1 combustible liquid; or
 - (c) it is sulfur; or
 - (d) it —
 - (i) satisfies the UNTC for determining whether goods are dangerous goods of any of the classes listed in subregulation (1); and
 - (ii) is named in a specific entry in the ADG Code Chapter 3.2.3 Column 2, or it is named in a generic entry or in an entry where the letters “N.O.S.” are shown as part of the proper shipping name for the goods; and

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- (iii) satisfies the criteria in a Special Provision of the ADG Code that is applied by the ADG Code Chapter 3.2.3 Column 7.
- (3) Despite subregulations (1) and (2), hay is not dangerous goods for the purposes of these regulations.

9. Subsidiary risk

- (1) In these regulations, a reference to the subsidiary risk of dangerous goods is a reference to the subsidiary risk assigned to those goods under subregulation (2), consisting of —
 - (a) the class number indicating the hazard exhibited by it; and
 - (b) any hazard division number.
- (2) Dangerous goods are assigned a subsidiary risk if the goods —
 - (a) are assigned the subsidiary risk in the ADG Code Chapter 3.2.3 Column 4; or
 - (b) are assigned the subsidiary risk in a Special Provision of the ADG Code applying to the goods; or
 - (c) are assigned to that subsidiary risk by the Chief Officer; or
 - (d) satisfy the UNTC for determining whether goods are to be assigned to that subsidiary risk.

10. Packing groups

- (1) In these regulations, a reference to the packing group of a class of dangerous goods is a reference to the packing group assigned to those goods under subregulation (2).
- (2) Dangerous goods (except dangerous goods of Class 1, Class 2, Division 6.2 or Class 7) are assigned to a packing group if the goods —
 - (a) are assigned to the packing group in the ADG Code Chapter 3.2.3 Column 5; or

- (b) are assigned to the packing group in a Special Provision of the Code applying to the goods; or
- (c) are assigned to that packing group by the Chief Officer; or
- (d) satisfy the UNTC for determining whether goods are to be assigned to that packing group.

11. Goods too dangerous to transport

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

- (a) mentioned in the ADG Code Appendix A; or
- (b) determined by the Chief Officer to be too dangerous to transport.

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

12. Determination of quantity of dangerous goods

- (1) If these regulations require the determination of the quantity of dangerous goods, the quantity must be determined in accordance with this regulation.
- (2) In relation to packaged dangerous goods in a container that are —
 - (a) non-liquid dangerous goods (other than Class 2 dangerous goods) — the quantity is to be determined as the mass in kilograms of the goods in the container;
 - (b) liquid dangerous goods (other than Class 2 dangerous goods) — the quantity is to be determined as the capacity of the container;
 - (c) Class 2 dangerous goods — the quantity is to be determined as the total capacity of the container.
- (3) In relation to dangerous goods in bulk that are —
 - (a) non-liquid dangerous goods (other than Class 2 dangerous goods) — the quantity is to be determined as

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- the mass in kilograms that the container is designed to hold;
 - (b) liquid dangerous goods (other than Class 2 dangerous goods) — the quantity is to be determined as the design capacity of the container;
 - (c) Class 2 dangerous goods — the quantity is to be determined as the total capacity of the container;
 - (d) solid dangerous goods not in a container — the quantity is to be determined as the undivided mass in kilograms.
- (4) In relation to dangerous goods in a storage or handling system other than a container, the quantity is to be determined as —
- (a) in the case of liquid dangerous goods or Class 2 dangerous goods — the capacity of the storage or handling system; or
 - (b) in the case of solid dangerous goods — the mass of the goods in the storage or handling system.
- (5) In relation to dangerous goods that are articles or things, the quantity is to be determined as the net quantity of that part of the articles or things that in itself comprises dangerous goods.

Part 3 — Duties of manufacturers, importers and suppliers

Division 1 — General duties

13. Packing and container labelling

- (1) A person must not supply dangerous goods to another person unless the person has ensured that the provisions of the ADG Code are complied with —
- (a) in relation to the condition of the goods; and
 - (b) in the case of dangerous goods in bulk — in relation to the container and placarding for the goods; and
 - (c) in the case of all other dangerous goods — in relation to the packing and container labelling for the goods.

Penalty: a level 2 fine.

- (2) A person must not supply C1 combustible liquids or goods too dangerous to be transported unless the person has ensured that the liquids or goods are packed in packaging that is —
- (a) of a type and in a condition that will retain the liquids or goods and will not react adversely with the liquids or goods; and
 - (b) clearly labelled with the product name of the liquids or goods.

Penalty: a level 2 fine.

14. Application of regulation 13 to retailers

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

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

- (b) in relation to all other dangerous goods — has taken all reasonable steps to ensure that the container —
 - (i) is of a type and in a condition that will retain the goods and will not react adversely with the goods; and
 - (ii) is clearly labelled with the product name of the goods; and
 - (iii) is not a container that could be mistaken for or confused with one that is used for food.

15. Restriction of supply to certain persons

- (1) A person who wishes to supply dangerous goods in a quantity greater than the manifest quantity to a particular dangerous goods site must, before supplying the dangerous goods, ensure that the dangerous goods site is licensed under Part 4 Division 1.
Penalty: a level 2 fine.
- (2) A person who wishes to supply dangerous goods in a pipeline must, before supplying the dangerous goods, ensure that the pipeline is registered under Part 5 Division 1.
Penalty: a level 2 fine.

Division 2 — Safe storage and handling information

16. Terms used in this Division

importer means an importer of dangerous goods;

manufacturer means a manufacturer of dangerous goods;

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

17. Application to C1 combustible liquids

This Division does not apply to C1 combustible liquids.

18. Preparation of MSDS

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

Penalty: a level 2 fine.

19. Revised MSDS

- (1) A manufacturer or importer must ensure that a revised MSDS for the dangerous goods is prepared —
- (a) as often as is necessary to ensure that the MSDS contains accurate and current information; or
 - (b) in any case, at least every 5 years after the MSDS is first prepared or last revised.

Penalty: a level 2 fine.

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

20. Supply of current MSDS

- (1) A manufacturer, importer or supplier of dangerous goods must ensure that the current MSDS for the dangerous goods is provided —
- (a) to any person to whom the dangerous goods are supplied for the first time by the manufacturer, importer or supplier; and
 - (b) on request, to an operator of —
 - (i) any dangerous goods site on which the dangerous goods are stored or handled; or
 - (ii) any dangerous goods pipeline in which the dangerous goods are conveyed,or any person engaged by the operator to work on the site or pipeline.

Penalty: a level 3 fine.

- (2) Subregulation (1) does not apply to a supplier if the supplier is —
- (a) a retailer or a retail warehouse operator and the dangerous goods are supplied in consumer containers that each do not exceed 30 kg or L; or
 - (b) a retailer supplying fuel to a vehicle, vessel or aircraft; or
 - (c) a retailer to whom regulation 14 applies.

21. Information on containers used at a dangerous good site

- (1) An operator of a dangerous goods site must ensure that any dangerous goods used at a site are held in a container that —
- (a) is clearly labelled with the class label, subsidiary risk label and the proper shipping name of the dangerous goods; or
 - (b) otherwise clearly identifies the dangerous goods.

Penalty: a level 2 fine.

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

22. Other safe storage and handling information

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

- (a) is relevant to the safe storage and handling of the dangerous goods; and
- (b) is available to the supplier at the time of the request.

Penalty: a level 2 fine.

23. Information to medical practitioner

- (1) A manufacturer, importer or supplier of dangerous goods must, as soon as practicable after being requested by a medical practitioner, disclose the chemical identity of an ingredient of the dangerous goods to the medical practitioner if —
- (a) the MSDS for the dangerous goods, or the label on the container in which the dangerous goods are supplied, does not disclose the chemical identity of the ingredient; and
 - (b) the medical practitioner requires the chemical name of the ingredient to assist with the management of a patient.

Penalty: a level 2 fine.

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

Penalty: a level 2 fine.

Part 4 — Dangerous goods sites

Division 1 — Licensing of dangerous goods sites

Subdivision 1 — Preliminary matters

24. Terms used in this Division

In this Division, unless the contrary intention appears —

licence means a licence for a dangerous goods site;

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

Subdivision 2 — General matters

25. Dangerous goods sites to be licensed

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

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

- (2) Despite subregulation (1), a dangerous goods site is not required to be licensed only because dangerous goods referred to in an item of Schedule 1 exceed the manifest quantity if —
- (a) the dangerous goods are stored in more than one area on the site; and
 - (b) the quantity of dangerous goods stored in each area is less than the manifest quantity; and
 - (c) each area is located outdoors or in a separate building dedicated to storing the dangerous goods; and
 - (d) each area is separated from every other area by a distance that is sufficient to ensure that a dangerous goods incident in one area cannot cause a dangerous goods incident in another area.

- (3) Despite subregulation (1), a dangerous goods site is not required to be licensed if —
- (a) dangerous goods are intended to be stored or handled at the site for not more than 6 months; and
 - (b) the quantity of the dangerous goods does not exceed 3 times the manifest quantity; and
 - (c) the dangerous goods site is not a major hazard facility; and
 - (d) the operator of the site is in possession of a risk assessment in relation to the dangerous goods site; and
 - (e) the operator of the site notifies the Chief Officer in writing of the operator's intention to store or handle the dangerous goods at the site; and
 - (f) the operator of the site complies with any directions given to the operator by the Chief Officer in relation to the storage or handling of the dangerous goods.
- (4) In subregulation (3) —
- handle***, in relation to dangerous goods, does not include to manufacture or process the dangerous goods.
- (5) An operator of a dangerous goods site referred to in subregulation (3) must, on request, provide to the Chief Officer or a DGO a copy of the risk assessment referred to in paragraph (d) of that subregulation within a reasonable time specified by the Chief Officer or DGO.

Penalty: a level 2 fine.

26. Application for grant of a licence

- (1) A person may apply to the Chief Officer to grant a licence.
- (2) The application must be in an approved form and be accompanied by —
 - (a) a location plan showing the position of the dangerous goods site relative to any roads, railways and buildings; and

- (b) a draft of the manifest and site plan referred to in regulation 78; and
 - (c) either —
 - (i) a written report prepared by the applicant demonstrating that the dangerous goods site can be operated in accordance with this Division and in any event with minimal risk to people, property and the environment; or
 - (ii) a written report by an approved person demonstrating that the dangerous goods site can be operated in accordance with this Division and in any event with minimal risk to people, property and the environment;and
 - (d) any other relevant document that is required by the approved form; and
 - (e) unless a fee will be payable under regulation 134 —
 - (i) the relevant fee specified in Schedule 5 clause 2; and
 - (ii) if the application is not accompanied by a report referred to in paragraph (c)(ii) — the relevant fee specified in Schedule 5 clause 3.
- (3) On and after the day one year after these regulations came into operation, a written report referred to in subregulation (2)(c) must include a risk assessment in relation to the dangerous goods site.
- (4) In an application the applicant must not give any information which to the applicant's knowledge is false or misleading.
- Penalty: a level 2 fine.

27. Renewing licences, procedure for

- (1) The holder of a licence, the term of which, under regulation 34(1)(a) or (2A)(a), will expire within 3 months may apply to the Chief Officer for a new licence of the same kind before it expires.
- (2) An application cannot be made under this regulation if the licence has ceased to have effect.
- (3) The application must be in an approved form and be accompanied by —
 - (a) any relevant document that is required by the approved form; and
 - (b) unless a fee will be payable under regulation 134 — the relevant fee specified in Schedule 5 clause 2.
- (4) Regulation 34, with any necessary changes, applies in relation to renewing a licence in the same way as it applies to granting a licence.
- (5) If the application is not decided before the date on which the term of the licence expires under regulation 34(1)(a) or (2A)(a), the licence has effect after that date until the application is granted or refused, unless in the meantime the licence is cancelled or the application is withdrawn.
- (6) If the Chief Officer grants the application before or after the date on which the term of the licence expires under regulation 34(1)(a) or (2A)(a), the Chief Officer may grant a licence that has effect on and from that date instead of the date it is granted, despite regulation 34(1) or (2A).

[Regulation 27 amended in Gazette 31 Dec 2010 p. 6893-4.]

28. Application for transfer of a licence

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

- (2) The application must be in an approved form and must be accompanied by —
 - (a) any document that is required by the approved form; and
 - (b) a copy of the licence document issued to the other person.

29. Amending licences

- (1) In this regulation —
amend a licence, includes to amend, include and remove a condition of the licence.
- (2) A licence holder may apply to the Chief Officer to amend the licence.
- (3) The application must be in an approved form and must be accompanied by —
 - (a) each document required under regulation 26(2)(a), (b) and (c), varied in accordance with the proposed amendment; and
 - (b) any other relevant document that is required by the approved form; and
 - (c) unless a fee will be payable under regulation 134, and if the application is to increase the quantity of dangerous goods stored or handled to a quantity that would be in a higher tier in the Table to Schedule 5 clause 2 — the difference between the fee payable for that higher tier and the fee already paid, adjusted proportionally for the remaining term of the licence; and
 - (d) unless a fee will be payable under regulation 134, and if the proposed amendment involves change to the quantity, type, storage or handling of dangerous goods at the site but the application is not accompanied by a report referred to in regulation 26(2)(c)(ii) — the relevant fee specified in Schedule 5 clause 3.

- (4) If, while a licence has effect, the Chief Officer wants to amend it in any material way, the Chief Officer must —
 - (a) give the holder written notice of the proposal and reasons for it; and
 - (b) except where the removal of a condition is proposed, give the holder a reasonable opportunity to make submissions about the proposal; and
 - (c) consider any submissions and then decide whether to amend the licence; and
 - (d) give the holder written notice of the decision.
- (5) If the Chief Officer decides to amend a licence, the Chief Officer must give the licence holder written notice of the decision that —
 - (a) states the date (being a date no earlier than the date on which the notice is received by the holder) on which the decision takes effect; and
 - (b) is accompanied by a replacement licence the terms of which incorporate the amendment.
- (6) A decision by the Chief Officer to amend a licence has effect on the date stated in it under subregulation (5)(a).

[Regulation 29 amended in Gazette 31 Dec 2010 p. 6894.]

30. Chief Officer may request further information

- (1) After receiving a licence application the Chief Officer may, in writing, request the applicant to provide further information relating to the dangerous goods site and any dangerous goods to be stored or handled at the site.
- (2) The Chief Officer may refuse to decide the application if the request for further information is not complied with.

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

(1) If —

- (a) a licence application is made in respect of a dangerous goods site that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is a major hazard facility; and
- (b) the type and quantity of dangerous goods that would be permitted to be on the site (including dangerous goods to which the licence would relate if the application were granted) are such that an approved safety report for the site would be required under those regulations,

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

(2) If —

- (a) a licence application is made in respect of a dangerous goods site that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is not a major hazard facility; but
- (b) the type and quantity of dangerous goods that would be permitted to be on the site (including dangerous goods to which the licence would relate if it were granted) are such that the site may be classified as a major hazard facility under those regulations,

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

- (c) a decision is made not to classify the site as a major hazard facility; or
- (d) the site is classified as a major hazard facility and a safety report for the site is approved under those regulations.

32. Grant of licence application

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

33. Conditions of licences

- (1) A licence may be subject to conditions decided by the Chief Officer and imposed when it is granted or while it has effect.
- (2) Any such conditions must be specified in the licence.
- (3) Conditions that may be imposed include —
 - (a) a condition that limits the time, place or circumstances in which an activity authorised by the licence may be conducted;
 - (b) any condition that is reasonably necessary to ensure, so far as is practicable, that any dangerous goods to which the licence relates will be secure;
 - (c) any condition that is reasonably necessary to ensure, so far as is practicable, that any activity that is authorised by the licence is conducted safely;
 - (d) any condition that is reasonably necessary to minimise the risks in relation to any dangerous goods to which the licence relates in relation to people, property or the environment.

34. Duration of licences

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

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

[Regulation 34 amended in Gazette 31 Dec 2010 p. 6894-5.]

35. Form of licences

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

36. Licences valid according to their terms

- (1) A licence is valid only for the person to whom it is granted or a person to whom it is transferred under regulation 28.
- (2) A licence is valid only for the dangerous goods site specified in it.
- (3) A licence is valid only for the dangerous goods specified in it.

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

37. Licences may be surrendered

- (1) A licence holder may surrender the licence by giving it to the Chief Officer with written notice that it is being surrendered.
- (2) On being so notified the Chief Officer must cancel the licence.

38. Lost licences may be replaced

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

Subdivision 3 — Suspending and cancelling licences

39. Grounds for suspending or cancelling

- (1) Grounds to suspend a licence exist if —
- (a) the holder is charged in this State or elsewhere with a dangerous goods offence; or
 - (b) there are reasonable grounds to suspect the holder —
 - (i) has not complied with the licence; or
 - (ii) has not complied with the Act, these regulations or any other regulations made under the Act; or
 - (iii) in purported compliance with the Act, these regulations, or the licence, gave false or misleading information;
- or
- (c) there are reasonable grounds to suspect that a place to which the licence relates does not comply with these regulations or a condition of the licence.

- (2) Grounds to suspend or cancel a licence exist if the holder is convicted in this State or elsewhere of a dangerous goods offence.

40. Procedure for suspending or cancelling

- (1) This regulation applies if the Chief Officer considers there are grounds to suspend or cancel a licence and proposes to suspend or cancel it (the ***proposed action***), unless regulation 41 applies.
- (2) The Chief Officer must give the licence holder a written notice that —
 - (a) states the proposed action; and
 - (b) if the Chief Officer proposes to suspend the licence, states the suspension period (either as a period of time or by reference to a future event); and
 - (c) states the grounds and the evidence for them; and
 - (d) states that the holder is entitled to give the Chief Officer written submissions about the proposed action; and
 - (e) states the date (the ***submission date***), being at least 28 days after the date on which the notice is given to the holder, by which any such submission must be given.
- (3) If after the submission date the Chief Officer, having considered any submissions received from the holder before that date, is satisfied there are grounds to do so, he or she may —
 - (a) suspend the licence for not longer than the suspension period stated in the notice; or
 - (b) cancel the licence.
- (4) The Chief Officer must give the holder written notice of any decision to, or not to, suspend or cancel the licence with written reasons for any decision to suspend or cancel the licence.
- (5) The suspension or cancellation of the licence has effect when the holder is given the notice or on any later date stated in it.

41. Suspension in urgent circumstances

- (1) If the Chief Officer is satisfied —
- (a) there are grounds to suspend or cancel a licence; and
 - (b) that if the procedure in regulation 40 were followed, an unacceptable risk in relation to dangerous goods in relation to people, property or the environment would exist while it is followed,

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

- (2) The suspension has effect when the holder is given the notice or on any later date stated in it.
- (3) This regulation does not prevent the Chief Officer from also taking action under regulation 40 to cancel a licence.

42. Licences etc. to be returned on cancellation etc.

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

Penalty: a level 3 fine.

43. Suspension may be terminated

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

Subdivision 4 — Duties of licence holders

44. Wrong information, duty to correct

- (1) This regulation applies if the holder of a licence becomes aware that information given by the holder to the Chief Officer in, or

in relation to, a licence application is or has become incorrect in a material respect.

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

Penalty: a level 3 fine.

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

A licence holder who is charged with or convicted of a dangerous goods offence, in this State or elsewhere, must give the Chief Officer written notice of the fact as soon as practicable.

Penalty: a level 3 fine.

46. Condition of licence, contravening

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

Penalty: a level 1 fine.

Subdivision 5 — Miscellaneous matters

47. Register of licences

- (1) The Chief Officer must keep a register of all licences.
- (2) The register must record all information relevant to the grant, renewal, transfer or amendment of licences, and to any suspension or cancellation of licences.
- (3) The register must be kept in such form and in such manner as the Chief Officer decides.
- (4) The Chief Officer must ensure the information in the register is up-to-date.

Division 2 — Risk assessment and control

Subdivision 1 — Risk assessment

48. Risk assessment

- (1) This regulation applies to an operator of a dangerous goods site on and after the day one year after these regulations came into operation.
- (2) The operator must ensure that a risk assessment is made of the dangerous goods stored or handled at the site and that a record is kept of the assessment.

Penalty: a level 1 fine.

- (3) The operator must review and, if necessary prepare a revised version of, the risk assessment —
 - (a) if there is a significant change to any process or system of work in relation to the storage and handling of dangerous goods; or
 - (b) if there is any other evidence to indicate that the risk assessment no longer adequately assesses the risks; or
 - (c) if a reportable situation under regulation 121(1) occurs at the dangerous goods site; or
 - (d) in any event, at intervals of not more than 5 years from the assessment or last review,

and that a record is kept of the revised assessment.

Penalty: a level 2 fine.

49. Record of assessment

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

Penalty: a level 2 fine.

50. Safety management system

- (1) This regulation applies in relation to the operator of a dangerous goods site on and after the day one year after these regulations came into operation.
- (2) A safety management system prepared under subregulation (3) or (5) is prescribed to be a safety management document for the purposes of the definition of “safety management document” in the Act section 3(1).
- (3) The operator must ensure that if —
 - (a) dangerous goods are stored or handled at the site in quantities that exceed the manifest quantities; and
 - (b) the Chief Officer, by written notice, directs the operator to prepare a written safety management system for dealing with any dangerous situation associated with the storage and handling of those goods,

the safety management system is prepared in accordance with Schedule 2.

Note: The Act s. 10 (Safety management documents).

- (4) The operator is to be taken to have complied with subregulation (3) if the operator has prepared a safety management system as defined in the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 3.
- (5) The operator must prepare a revised version of the safety management system —
 - (a) if there is a change in circumstances at the site resulting in a significant change in the risk to people, property and the environment from the dangerous goods at the site; and
 - (b) in any event, at intervals of not more than 5 years from the day on which the plan was developed or last revised.

Note: The Act s. 10 (Safety management documents).

- (6) The operator must, on request, provide a copy of the safety management system to the Chief Officer or a DGO.

Penalty: a level 2 fine.

Subdivision 2 — Risk control measures in relation to dangerous goods

51. Spill or leak containment

An operator of a dangerous goods site must ensure that if dangerous goods, except Class 2 dangerous goods, spill or leak from an above ground container or plant at the site, the spill or leak is contained within a drain, sump, tank, compound or other system at the site built to enable the recovery of the spilled or leaked dangerous goods.

Penalty: a level 1 fine.

52. Segregation of dangerous goods

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

- (a) interact with goods that are not compatible; or
- (b) contaminate any other goods.

Penalty: a level 2 fine.

53. Stability

- (1) In this regulation —

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

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

- (2) An operator of a dangerous goods site must take all reasonably practicable measures to ensure that —
- (a) if the stability of the dangerous goods is dependent on the maintenance of levels of stabilisers, those levels are maintained as specified by the manufacturer of the dangerous goods; and
 - (b) if the dangerous goods are required to be stored or handled at, or below, a particular control temperature specified by the manufacturer, they are stored at or below that temperature.

Penalty: a level 1 fine.

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

54. Protection from impact

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

Penalty: a level 2 fine.

55. Transferring dangerous goods

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

- (a) avoid spillage or overflow of the dangerous goods; and
- (b) where relevant, minimise any static electricity; and
- (c) minimise any dust, mist or vapour generation; and
- (d) ensure that any transfer fittings on the storage or handling systems are compatible; and

- (e) where relevant, avoid ignition sources.

Penalty: a level 2 fine.

56. Ignition sources in hazardous areas

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

Penalty: a level 2 fine.

57. Control of hazardous atmosphere

- (1) In this regulation —

hazardous atmosphere means an atmosphere that —

- (a) does not contain a safe concentration of oxygen for breathing; or
- (b) contains any gas, vapour, mist, fume or dust at a concentration that is at or above the maximum concentration specified for that substance in an exposure standard; or
- (c) contains dangerous goods of Division 2.1 or vapour from dangerous goods of Class 3 or subsidiary risk 3 so that the concentration of the dangerous goods is less than 5% of the lower explosive limit for the goods; or
- (d) contains any combustible dust at a concentration sufficient to create a hazardous area.

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

Penalty: a level 2 fine.

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

Penalty: a level 2 fine.

58. Design, build, maintenance and location of storage or handling systems

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

Penalty: a level 1 fine.

59. Accepting delivery of packaged dangerous goods

- (1) An operator of a dangerous goods site to whom packaged dangerous goods are delivered in circumstances where the operator could reasonably be expected to know that any label on the container in which the goods are packaged does not comply with the ADG Code must either not accept delivery of the goods or —
- (a) if the operator accepts delivery of the goods — ensure that each container is labelled in accordance with the ADG Code; and
 - (b) ensure that, during the period that the dangerous goods remain in the container —
 - (i) the container remains so labelled; and
 - (ii) the label remains legible.

Penalty: a level 2 fine.

- (2) If —
- (a) the dangerous goods are removed from the container;
and
 - (b) the container remains labelled as it was when it was received,

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

Penalty: a level 2 fine.

- (3) An operator of a dangerous goods site must not dispose of an empty container previously used to store dangerous goods unless —
- (a) any label on the container relating to the dangerous goods is removed or rendered illegible; and
 - (b) the container is rendered unusable.

Penalty: a level 2 fine.

60. Pipework

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

Penalty: a level 2 fine.

61. Containers for bulk dangerous goods, other than IBCs

- (1) An operator of a dangerous goods site where bulk dangerous goods are stored and handled in a container other than an IBC must ensure that —
- (a) the container and its associated pipework are provided with stable foundations and supports; and

- (b) any pipework or plant connected to the container is installed so as to prevent excessive stress on the container, pipework or plant; and
- (c) the container and its associated pipework are protected from failure by corrosion; and
- (d) the container is inspected at intervals that are sufficient to ensure the integrity and serviceability of the container; and
- (e) the results of an inspection under paragraph (d) are recorded and retained for as long as the container remains in service and at the site managed and controlled by the operator; and
- (f) in the event of the operator ceasing to manage and control the site, the recorded results of an inspection are delivered to the person who subsequently becomes the operator.

Penalty: a level 1 fine.

- (2) A person who —
 - (a) becomes an operator of a dangerous goods site; and
 - (b) takes delivery of recorded inspection results under subregulation (1)(f),

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

Penalty: a level 3 fine.

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

Penalty: a level 3 fine.

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

- (1) An operator of a dangerous goods site must ensure that any underground storage or handling systems for Class 3 dangerous

goods or petroleum products at the site are designed, installed, operated and maintained so that they do not leak.

Penalty: a level 1 fine.

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

- (a) the underground storage or handling system was installed or replaced after these regulations came into operation; and
- (b) the underground storage or handling system is used for the storage of petroleum products.

Penalty: a level 1 fine.

- (3) An underground storage or handling system for petroleum products must be designed, installed and operated in accordance with —

- (a) *Design, Installation and Operation of Underground Storage Systems — code of practice*
ISBN 978-1-921163-28-9 published by the Department;
or
- (b) subject to subregulation (4), alternative safety measures for the design, installation and operation of any underground storage or handling system that result in a level of risk in relation to the dangerous goods in relation to people, property and the environment that is equal to or lower than the level of risk that results from complying with the primary requirements.

- (4) A person may comply with the alternative safety measures referred to in subregulation (3)(b) if the person makes a written record of the alternative measures and why they result in the equal or lower level of risk.
- (5) If requested to do so by a DGO, a person must give the DGO a copy of the record required by subregulation (4) in relation to

alternative safety measures with which the person complies, or purports or intends to comply.

Penalty: a level 2 fine.

- (6) If alternative safety measures with which a person complies, or purports or intends to comply, do not or will not result in the equal or lower level of risk referred to in subregulation (3)(b) the person is to be taken, for the purposes of the Act and in particular section 47 of it, to be contravening or about to contravene these regulations.
- (7) The operator must ensure that an underground storage or handling system for Class 3 dangerous goods or petroleum products is tested for leakage —
- (a) every 5 years after installation, up to 20 years; and
 - (b) every 2 years after that.

Penalty: a level 2 fine.

- (8) The operator must —
- (a) keep a record of each test for at least 5 years; and
 - (b) make the record available to a DGO on request.

Penalty: a level 2 fine.

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

Penalty: a level 1 fine.

63. Clearing of decommissioned storage or handling systems

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

Penalty: a level 2 fine.

- (2) For the purposes of subregulation (1), the operator must ensure that the storage or handling system —
- (a) is thoroughly cleaned so that the system is, as far as practicable, free from dangerous goods; or
 - (b) otherwise made safe.

64. Lighting

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

- (a) safe access to and from the site; and
- (b) safe handling and storage of the dangerous goods.

Penalty: a level 2 fine.

65. Access and egress

An operator of a dangerous goods site must ensure that a safe means of access to and egress from the site is maintained.

Penalty: a level 2 fine.

66. Security at a dangerous goods site

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

- (a) access to the site by unauthorised persons; and
- (b) the occurrence at the site of unauthorised activities.

Penalty: a level 2 fine.

67. Control of fire hazards

An operator of a dangerous goods site must ensure that the area within 3 m of a storage or handling system is kept clear of combustible material that presents a fire hazard to any dangerous goods contained in the system.

Penalty: a level 2 fine.

Subdivision 3 — Placards

68. Outer warning placards

An operator of a dangerous goods site where dangerous goods are stored or handled in quantities that exceed those specified in the column headed “Placarding Quantity” in Schedule 1 must ensure that a “HAZCHEM” outer warning placard as specified in Schedule 4 clause 1 is displayed at —

- (a) every entrance to the site; or
- (b) any alternative place approved in writing by FESA or a DGO,

and that the placard complies with the requirements of regulation 71.

Penalty: a level 2 fine.

69. Placards for dangerous goods stored in bulk

- (1) Except as provided in subregulation (2), an operator of a dangerous goods site where dangerous goods are stored in bulk must ensure that the placard specified in Schedule 4 clause 2 is displayed —

- (a) on or adjacent to every place where the dangerous goods are stored in bulk; or
- (b) in any alternative place approved in writing by FESA or a DGO,

and that the placard complies with the requirements of regulation 71.

Penalty: a level 2 fine.

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

- (a) dangerous goods in bulk in any container, including an IBC, that is intended for transport and labelled in accordance with the ADG Code; or

- (b) C1 combustible liquids in bulk in a quantity not exceeding 10 000 L that are isolated from other dangerous goods; or
- (c) dangerous goods of Division 2.1, Class 3 or petroleum products, that are stored in a container, other than an IBC, that comprises an underground storage or handling system at a retail outlet where the goods are used to refuel vehicles.

70. Placards for packaged dangerous goods

An operator of a dangerous goods site where packaged dangerous goods that exceed the relevant quantity specified in the column headed “Placarding Quantity” in Schedule 1 are stored and handled must ensure that the relevant placard specified in Schedule 4 clause 4 or 5 —

- (a) is displayed —
 - (i) at the entrance to any building in which the dangerous goods are stored; and
 - (ii) within a building referred to in subparagraph (i), at the entrance to each room or other closed or walled section of the building in which the dangerous goods are stored; and
 - (iii) adjacent to any external storage area where the dangerous goods are stored;
- or
- (b) is displayed at any alternative place approved in writing by FESA or a DGO,

and that the placard complies with the requirements of regulation 71.

Penalty: a level 2 fine.

71. Requirements for placards

- (1) A placard must be kept clean, in good order and unobstructed.
Penalty: a level 3 fine.
- (2) A placard must be located —
 - (a) so that it is clearly legible to persons approaching the placard; and
 - (b) so that it is separate from any other sign or writing that contradicts, qualifies or distracts attention from the placard.

Penalty: a level 3 fine.

72. Revision

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

Penalty: a level 2 fine.

Subdivision 4 — Emergency management and planning

73. Fire protection

- (1) In this regulation —
fire protection system, in relation to a dangerous goods site, means the fire protection equipment and fire fighting equipment used to combat or mitigate any dangerous situation involving fire occurring at the site.
- (2) An operator of a dangerous goods site must ensure that —
 - (a) the dangerous goods site is provided with a fire protection system that —

- (i) has been designed and constructed to quickly control and extinguish any fire that might occur at the site; and
- (ii) is designed and constructed for the types and quantities of dangerous goods and the conditions under which they are stored and handled, and any other materials and substances that make up the site or are stored or handled at the site; and
- (iii) uses fire fighting media that are compatible with the dangerous goods and are effective in the control of dangerous goods incidents involving the types and quantities of dangerous goods;

and

- (b) the fire protection system is —
 - (i) properly installed, tested and maintained; and
 - (ii) at all times available for immediate use; and
 - (iii) not obstructed or otherwise positioned in a manner that hinders access to, or use of, the system; and
 - (iv) when required by FESA — capable of being used, without adaptation or modification, with the equipment used by officers of FESA.

Penalty: a level 1 fine.

- (3) The operator must, if any of the components of the fire protection system are rendered inoperative, ensure that —
 - (a) the implications of any of the components of the system being unserviceable or inoperative are assessed; and
 - (b) alternative measures are taken to control, to the same level of effectiveness, those risks that were controlled by the system when functioning fully; and

- (c) the fire protection system is returned to full operation as soon as practicable.

Penalty: a level 1 fine.

- (4) If the implications of the system becoming unserviceable or inoperative, as assessed by the operator under subregulation (3)(a), include a significant reduction in the effectiveness of the fire protection system, the operator must notify FESA of the condition of the fire protection system as soon as practicable after the system becomes unserviceable or inoperative.

Penalty: a level 2 fine.

- (5) In determining the alternative measures required under subregulation (3)(b) the operator must have regard to the need for —
 - (a) the provision of alternative fire protection measures; and
 - (b) a reduction of the quantities of dangerous goods; and
 - (c) stopping or limiting the processes used for the storage and handling of dangerous goods; and
 - (d) modifications to systems of work.

74. Other risk control equipment

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

- (a) kept at the site; and
- (b) properly maintained; and
- (c) accessible at all times to persons at the site.

Penalty: a level 2 fine.

75. Emergency plan

- (1) In this regulation —

code means the document titled *Dangerous Goods Sites — Emergency Planning code* ISBN 978-1-921163-09-7 published by the Department.

- (2) This regulation applies in relation to the operator of a dangerous goods site if dangerous goods are stored or handled at the site in quantities that exceed the relevant quantities specified in the column headed “Manifest Quantity” in Schedule 1.

- (3) The operator must ensure that a written emergency plan for dealing with any dangerous situation associated with the storage and handling of dangerous goods at that site is prepared in accordance with the code.

Penalty: a level 2 fine.

- (4) The operator must ensure that any part of the emergency plan specified in the code is provided to the occupier of an adjacent place, if the person or property at the adjacent place might be exposed to risk as a result of a dangerous situation.

Penalty: a level 2 fine.

- (5) The operator must review and, if necessary prepare a revised version of, the emergency plan —

- (a) if there is a change in circumstances at the site resulting in a significant change in the risk to people, property and the environment from the dangerous goods at the site; and
- (b) in any event, at intervals of not more than 3 years from the day on which the plan was developed or last revised.

Penalty: a level 2 fine.

- (6) The operator must —

- (a) have a copy of the emergency plan available at the dangerous good site; and

- (b) make that copy available to a DGO, the Chief Officer or FESA on request.

Penalty: a level 3 fine.

- (7) The DGO, the Chief Officer or FESA may, by notice in writing, instruct the operator to make any amendments to the emergency plan that are specified in the notice and the operator must comply with those instructions.

Penalty: a level 3 fine.

- (8) If dangerous goods are stored or handled at a dangerous goods site in quantities that are 10 times greater than the manifest quantities, the operator of the site must send to the Chief Officer, in an electronic format approved by the Chief Officer, a copy of any part of the plan specified in the code.

Penalty: a level 2 fine.

76. Measures to contain dangerous goods incidents

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

Penalty: a level 1 fine.

Subdivision 5 — Records

77. Register of dangerous goods

- (1) An operator of a dangerous goods site must ensure that a register is maintained in accordance with subregulation (2).

Penalty: a level 2 fine.

- (2) The register must include —
 - (a) a list of all the dangerous goods stored and handled at the site; and
 - (b) the relevant MSDS, if any, for each of those dangerous goods.

- (3) Subregulation (1) does not apply in relation to dangerous goods that are —
- (a) dangerous goods in transit; or
 - (b) dangerous goods in containers that are not required to be labelled under the ADG Code; or
 - (c) dangerous goods supplied to a retailer or retail warehouse operator in unopened consumer containers holding less than 30 kg or L of the dangerous goods.
- (4) The operator must ensure that the register is readily accessible to any person authorised by the operator to be at the site, to officers of FESA and, on request, a DGO.
- Penalty: a level 3 fine.

78. Manifest and dangerous goods site plan to be maintained

- (1) This regulation applies to an operator of a dangerous goods site where dangerous goods are stored or handled in quantities that exceed the manifest quantities.
- (2) The operator must maintain —
- (a) a manifest, containing the information specified in Schedule 3 Division 2, of the storage and handling of the dangerous goods at the site; and
 - (b) a dangerous goods site plan in accordance with Schedule 3 Division 3.
- Penalty: a level 2 fine.
- (3) The operator must review, and if necessary prepare a revised version of, the manifest and dangerous goods site plan —
- (a) within 7 days after any significant change in the information specified in Schedule 3; and
 - (b) in any event, at intervals of not more than 3 years from the day on which the manifest and plan were developed or last revised.

Penalty: a level 2 fine.

- (4) The operator of the dangerous goods site must ensure that the manifest and site plan are —
- (a) kept at the site so that they are readily accessible to a DGO, officers of FESA; and
 - (b) made available, on request, to the Chief Officer or FESA.

Penalty: a level 2 fine.

79. Currency and accessibility of MSDS

- (1) An operator of a dangerous goods site must —
- (a) obtain the current MSDS for dangerous goods stored or handled on the site, on or before the first occasion that they are supplied to the site; and
 - (b) ensure that the current MSDS is kept with the register of dangerous goods maintained under regulation 77; and
 - (c) ensure that the current MSDS is readily accessible to persons engaged by the operator to work at the site and to officers of FESA.

Penalty: a level 2 fine.

- (2) Subregulation (1) does not apply in relation to dangerous goods that are —
- (a) dangerous goods in transit; or
 - (b) stored and handled at a retail outlet in consumer containers that are intended for retail sale and that remain sealed and unopened until sold.

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

Penalty: a level 2 fine.

- (4) If an operator makes available, in addition to the MSDS, information in relation to the safe storage and handling of the dangerous goods to which the MSDS relates, the operator must ensure that the additional information is —
- (a) consistent with the information contained in the MSDS; and
 - (b) clearly identified as being provided by the operator.

Penalty: a level 2 fine.

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

80. Persons under 15 years of age

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

Penalty: a level 2 fine.

81. Induction, information, training and supervision

- (1) An operator of a dangerous goods site must ensure that a person involved with the storage and handling of dangerous goods at the site is provided with induction, information, training and supervision that complies with subregulations (2) and (3).
- (2) The induction, information, training and supervision must be —
 - (a) in a language or manner appropriate to the person; and
 - (b) relevant to the tasks undertaken and the risks associated with those tasks.
- (3) The induction, information and training must include instruction in —
 - (a) the nature of the hazards and properties of the dangerous goods and the processes used for the identification, assessment and control of the risks relevant to the person's duties; and

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- (b) the purpose, use and maintenance of the measures for the control of those risks; and
 - (c) the systems of work and the conduct of persons at the site insofar as the systems of work and conduct of persons may affect safe storage and handling of dangerous goods; and
 - (d) the operation of any emergency plan for the site and any equipment kept at the site in accordance with regulation 73 or 74; and
 - (e) the proper use, fitting and maintenance of personal protective equipment; and
 - (f) the proper use, fitting and maintenance of risk control equipment referred to in regulation 74.
- (4) The operator must —
- (a) keep a record of induction and training activities carried out in accordance with this regulation for at least 5 years; and
 - (b) make the record available to a DGO on request.

Penalty: a level 2 fine.

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

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

- (a) any risk assessment; and
- (b) any emergency plan,

is readily available to employees at the site.

Penalty: a level 2 fine.

83. Consultation

An operator of a dangerous goods site must —

- (a) give every employee at the site reasonable opportunity to comment on any assessment or plan referred to in regulation 82; and
- (b) consider any such comments before preparing a revised assessment or plan.

Penalty: a level 2 fine.

84. Visitors

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

Penalty: a level 2 fine.

85. General duties of persons other than the operator

A person at a dangerous goods site must —

- (a) take all reasonably practicable measures to ensure that the person's safety and health, and the safety and health of any other person, are not adversely affected by the dangerous goods; and
- (b) comply with any instructions as to the storage or handling of dangerous goods provided by the operator of the site; and
- (c) not remove, deface, add, obscure, obstruct or otherwise interfere with any label or placard attached or displayed under these regulations; and
- (d) not be under the influence of alcohol or drugs; and
- (e) not be in possession of any ignition source within a hazardous area; and

- (f) if the person works at the site, report to the operator —
 - (i) any dangerous goods situation referred to in regulation 121(1); and
 - (ii) anything that may affect the operator's ability to comply with this regulation.

Penalty: a level 2 fine.

86. Damage to storage or handling system

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

Penalty: a level 2 fine.

Part 5 — Dangerous goods pipelines

Division 1 — Registration of dangerous goods pipelines

Subdivision 1 — Preliminary matters

87. Terms used in this Division

In this Division, unless the contrary intention appears —

registration means a registration for a dangerous goods pipeline;

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

Subdivision 2 — General matters

88. Unregistered dangerous goods pipelines

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

Penalty: a level 1 fine.

- (2) Subregulation (1) does not apply to a pipeline that extends from one dangerous goods site to another contiguous dangerous goods site, and no farther.

89. Application for registration of dangerous goods pipelines

- (1) The owner of a dangerous goods pipeline may apply to the Chief Officer to register a dangerous goods pipeline.
- (2) The application must be in an approved form and must be accompanied by —
 - (a) a written report prepared by the applicant demonstrating that the dangerous goods pipeline can be operated in accordance with this Part and in any event with minimal risk to people, property and the environment; and

- (b) unless a fee will be payable under regulation 134 — the relevant fee specified in Schedule 5 Division 2.
- (3) In the application the owner must not give any information which to the owner's knowledge is false or misleading.
Penalty: a level 2 fine.

90. Renewing registrations, procedure for

- (1) The holder of a registration that, under regulation 97(1)(a), will expire within 3 months may apply to the Chief Officer for a new registration of the same kind before it expires.
- (2) An application cannot be made under this regulation if the registration has ceased to have effect.
- (3) The application must be in an approved form and must be accompanied by —
 - (a) any document that is required by the approved form; and
 - (b) unless a fee will be payable under regulation 134 — the relevant fee specified in Schedule 5 Division 2.
- (4) Regulation 97, with any necessary changes, applies in relation to renewing a registration in the same way as it applies to granting a registration.
- (5) If the application is decided before the date on which the registration expires under regulation 97(1)(a), the registration has effect after that date until the application is granted or refused, unless in the meantime the registration is cancelled or the application is withdrawn.
- (6) If the Chief Officer grants the application before or after the date on which the registration expires under regulation 97(1)(a), the Chief Officer may grant a registration that has effect on and from that date instead of the date it is granted, despite regulation 97(1).

[Regulation 90 amended in Gazette 31 Dec 2010 p. 6895.]

91. Application for transfer of a registration

- (1) A person may apply to the Chief Officer for the transfer to that person of a registration held by another person.
- (2) The application must be in an approved form and must be accompanied by —
 - (a) any document that is required by the approved form; and
 - (b) a copy of the registration granted to the other person.

92. Amending registrations

- (1) In this regulation —
amend a registration, includes to amend, include and remove a condition of the registration.
- (2) A registration holder may apply to the Chief Officer to amend the registration.
- (3) The application must —
 - (a) be in an approved form; and
 - (b) be accompanied by —
 - (i) each document required under regulation 89(2), varied in accordance with the proposed amendment; and
 - (ii) any other relevant document that is required by the approved form;and
 - (c) unless a fee will be payable under regulation 134, and if the application is to increase the length of a pipeline to more than 500 m — the difference between the fee payable for the registration of a pipeline more than 500 m as specified in the Table to Schedule 5 clause 4 and the fee already paid, adjusted proportionally for the remaining term of the registration.

- (4) If, while a registration has effect, the Chief Officer wants to amend it in any material way, the Chief Officer must —
 - (a) give the holder written notice of the proposal and reasons for it; and
 - (b) except where the removal of a condition is proposed, give the holder a reasonable opportunity to make submissions about the proposal; and
 - (c) consider any submissions and then decide whether to amend the registration; and
 - (d) give the holder written notice of the decision.
- (5) If the Chief Officer decides to amend a registration, the Chief Officer must give the registration holder written notice of the decision that —
 - (a) states the date (being a date no earlier than the date on which the notice is received by the holder) on which the decision takes effect; and
 - (b) is accompanied by a replacement registration the terms of which incorporate the amendment.
- (6) A decision by the Chief Officer to amend a registration has effect on the date stated in it under subregulation (5)(a).

[Regulation 92 amended in Gazette 31 Dec 2010 p. 6895.]

93. Chief Officer may request further information

- (1) After receiving a registration application, the Chief Officer may, in writing, request the applicant to provide further information relating to the dangerous goods pipeline and any dangerous goods to be conveyed in the pipeline.
- (2) The Chief Officer may refuse to decide the application if the request for further information is not complied with.

94. Registration of pipeline that is or may be major hazard facility

(1) If —

- (a) a registration application is made in respect of a dangerous goods pipeline that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is a major hazard facility; and
- (b) the type and quantity of dangerous goods that would be permitted to be conveyed in the pipeline (including dangerous goods to which the licence would relate if the application were granted) are such that an approved safety report for the pipeline would be required under those regulations,

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

(2) If —

- (a) a licence application is made in respect of a dangerous goods pipeline that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is not a major hazard facility; but
- (b) the type and quantity of dangerous goods that would be permitted to be conveyed in the pipeline (including dangerous goods to which the licence would relate if it were granted) are such that the pipeline may be classified as a major hazard facility under those regulations,

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

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

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

95. Grant of registration application

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

96. Conditions of registrations

- (1) A registration may be subject to conditions decided by the Chief Officer and imposed when it is granted or while it has effect.
- (2) Any such conditions must be specified in the registration.
- (3) Conditions that may be imposed include —
 - (a) a condition that limits the time, place or circumstances in which an activity authorised by the registration may be conducted;
 - (b) any condition that is reasonably necessary to ensure, so far as is practicable, that any dangerous goods to which the registration relates will be conveyed safely;
 - (c) any condition that is reasonably necessary to ensure, so far as is practicable, that any activity that is authorised by the registration is conducted safely;
 - (d) any condition that is reasonably necessary to minimise the risks in relation to any dangerous goods to which the registration relates in relation to people, property or the environment.

97. Duration of registrations

- (1) A registration has effect on and from the date it is granted —
 - (a) for a period of 3 years; or
 - (b) until it is cancelled before that term expires.

- (2) A registration is to be taken to have been cancelled if —
 - (a) it ceases to have effect under these regulations; or
 - (b) the holder, being a body corporate or a partnership, is dissolved; or
 - (c) the holder, being an individual, dies.

98. Form of registrations

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

99. Registrations valid according to their terms

- (1) A registration is valid only for the person to whom it is granted or a person to whom it is transferred under regulation 91.
- (2) A registration is valid only for the dangerous goods pipeline specified in it.
- (3) A registration is valid only for the dangerous goods specified in it.
- (4) A registration is valid only for the maximum quantity of dangerous goods specified in it.

100. Registration documents may be surrendered

- (1) A registration holder may surrender the registration document by giving it to the Chief Officer with written notice that it is being surrendered.
- (2) On being so notified the Chief Officer must cancel the registration.

101. Lost registration documents may be replaced

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

Subdivision 3 — Suspending and cancelling registrations

102. Grounds for suspending or cancelling

- (1) Grounds to suspend a registration exist if —
- (a) the holder is charged in this State or elsewhere with a dangerous goods offence; or
 - (b) there are reasonable grounds to suspect the holder —
 - (i) has not complied with the registration; or
 - (ii) has not complied with the Act, these regulations or any other regulations made under the Act; or
 - (iii) in purported compliance with the Act, these regulations, or the registration, gave false or misleading information;
- or
- (c) there are reasonable grounds to suspect that a place to which the registration relates does not comply with these regulations or a condition of the registration.
- (2) Grounds to suspend or cancel a registration exist if the holder is convicted in this State or elsewhere of a dangerous goods offence.

103. Procedure for suspending or cancelling

- (1) This regulation applies if the Chief Officer considers there are grounds to suspend or cancel a registration and proposes to suspend or cancel it (the ***proposed action***), unless regulation 104 applies.
- (2) The Chief Officer must give the registration holder a written notice that —
- (a) states the proposed action; and
 - (b) if the Chief Officer proposes to suspend the registration, states the suspension period (either as a period of time or by reference to a future event); and

- (c) states the grounds and the evidence for them; and
 - (d) states that the holder is entitled to give the Chief Officer written submissions about the proposed action; and
 - (e) states the date (the ***submission date***), being at least 28 days after the date on which the notice is given to the holder, by which any such submission must be given.
- (3) If after the submission date the Chief Officer, having considered any submissions received from the holder before that date, is satisfied there are grounds to do so, he or she may —
 - (a) suspend the registration for not longer than the suspension period stated in the notice; or
 - (b) cancel the registration.
- (4) The Chief Officer must give the holder written notice of any decision to, or not to, suspend or cancel the registration with written reasons for any decision to suspend or cancel the registration.
- (5) The suspension or cancellation of the registration has effect when the holder is given the notice or on any later date stated in it.

104. Suspension in urgent circumstances

- (1) If the Chief Officer is satisfied —
 - (a) there are grounds to suspend or cancel a registration; and
 - (b) that if the procedure in regulation 103 were followed, an unacceptable risk in relation to dangerous goods in relation to people, property or the environment would exist while it is followed,

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

- (2) The suspension has effect when the holder is given the notice or on any later date stated in it.
- (3) This regulation does not prevent the Chief Officer from also taking action under regulation 103 to cancel a registration.

105. Registrations etc. to be returned on cancellation etc.

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

Penalty: a level 3 fine.

106. Suspension may be terminated

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

Subdivision 4 — Duties of registration holders

107. Wrong information, duty to correct

- (1) This regulation applies if the holder of a registration becomes aware that information given by the holder to the Chief Officer in, or in relation to, a registration application is or has become incorrect in a material respect.
- (2) Within 14 days after becoming aware of the matter, the holder must inform the Chief Officer about the matter and give the correct information to the Chief Officer.

Penalty: a level 3 fine.

108. Registration holder charged with or convicted of dangerous goods offence to notify Chief Officer

A registration holder who is charged with or convicted of a dangerous goods offence, in this State or elsewhere, must give the Chief Officer written notice of the fact as soon as practicable.

Penalty: a level 3 fine.

109. Condition of registration, contravening

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

Penalty: a level 1 fine.

Subdivision 5 — Miscellaneous matters

110. Register of registrations

- (1) The Chief Officer must keep a register of all registrations.
- (2) The register must record all information relevant to the grant, renewal, transfer or amendment, and to any suspension or cancellation of registrations.
- (3) The register must be kept in such form and in such manner as the Chief Officer decides.
- (4) The Chief Officer must ensure the information in the register is up-to-date.

Division 2 — Risk control

111. Design, build and maintenance of a dangerous goods pipeline

An operator of a dangerous goods pipeline must not operate the pipeline unless it has been designed, built and maintained so that, so far as is reasonably practicable, it can convey the relevant dangerous goods in the pipeline with minimal risk to people, property and the environment.

Penalty: a level 1 fine.

112. Labels or signposts

An operator of a dangerous goods pipeline must ensure that the pipeline is labelled or signposted so as to ensure so far as is practicable that the dangerous goods are clearly identified to persons in the vicinity of the pipeline.

Penalty: a level 2 fine.

113. Access for examination and maintenance

An operator of a dangerous goods pipeline must not operate a pipeline unless it has been designed so that, so far as is reasonably practicable, it can be safely examined and maintained.

Penalty: a level 2 fine.

114. Currency and accessibility of MSDS

An operator of a dangerous goods pipeline must —

- (a) obtain the current MSDS for the dangerous goods to be conveyed in the pipeline on or before the first occasion that the pipeline is operational; and
- (b) ensure that the current MSDS is available for all dangerous goods conveyed in the pipeline and is readily accessible to persons engaged by the operator to work on the pipeline and to officers of FESA or a DGO.

Penalty: a level 2 fine.

115. Clearing of decommissioned dangerous goods pipelines

- (1) An operator of a dangerous goods pipeline must ensure that the pipeline is cleared of the dangerous goods in accordance with subregulation (2) if the pipeline is to be destroyed, dismantled or otherwise decommissioned.

Penalty: a level 2 fine.

- (2) For the purposes of subregulation (1), the operator must ensure that the dangerous goods pipeline —
 - (a) is thoroughly cleaned so that the system is, as far as practicable, free from dangerous goods; or
 - (b) otherwise made safe.

116. Damage to pipeline

A person must not damage or otherwise interfere with a pipeline in a manner that increases the risk to people, property and the environment associated with the pipeline.

Penalty: a level 1 fine.

**Part 6 — Dangerous goods incidents at dangerous
goods sites and dangerous goods pipelines**

117. Monitoring and detecting dangerous goods incidents

An operator of a dangerous goods site or a dangerous goods pipeline must ensure that an appropriate mechanism is in place to monitor and detect dangerous goods incidents at the site or on the pipeline.

Penalty: a level 2 fine.

118. Response to dangerous situations

- (1) An operator of a dangerous goods site or a dangerous goods pipeline must respond to a dangerous goods incident at the site or on the pipeline by ensuring that immediate action is taken to assess and control any risk to people, property and the environment associated with the dangerous situation, including —

- (a) bringing any fire, explosion or other release of energy comprising or resulting from the incident under control; and
- (b) stopping, cleaning up and disposing of, or otherwise making safe, any spill or leak of dangerous goods comprising or resulting from the incident; and
- (c) otherwise making any storage or handling system associated with the dangerous situation and the surrounding area safe so far as is practicable.

Penalty: a level 1 fine.

- (2) The operator must ensure that only persons essential to carrying out the action referred to in subregulation (1) remain in the vicinity of the dangerous situation.

Penalty: a level 1 fine.

119. Affected persons to be advised

An operator of a dangerous goods site or a dangerous goods pipeline must ensure that, if a dangerous goods incident occurs at the site or on the pipeline, any person at an adjacent place who might be affected by the incident is advised of the incident.

Penalty: a level 1 fine.

120. Investigating and recording dangerous goods incidents

An operator of a dangerous goods site or a dangerous goods pipeline must ensure that —

- (a) any dangerous goods incident occurring at the site or on the pipeline is investigated and that the investigation, so far as possible, determines the cause or likely cause of the dangerous goods incident; and
- (b) a record of the dangerous goods incident and the investigation is —
 - (i) made; and
 - (ii) kept until the site or pipeline is decommissioned; and
 - (iii) made available, on request, to the Chief Officer.

Penalty: a level 2 fine.

121. Reportable situations under section 9 of the Act

- (1) For the purposes of section 9(1) of the Act —
 - (a) any dangerous goods incident is a reportable situation; and
 - (b) any other situation is a reportable situation if it resulted in, or but for intervening events could have resulted in, an unexpected —
 - (i) spill, leak or other emission of dangerous goods; or

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- (ii) fire, explosion or other release of energy.

Note: The Act s. 9 (Duty to report certain situations).

- (2) The report required by the Act section 9(2) must include —
 - (a) the location of the dangerous goods site;
 - (b) the name of the operator of the dangerous goods site;
 - (c) the date and time of the reportable situation;
 - (d) the type and quantity of the dangerous goods involved;
 - (e) the manner in which the dangerous goods were stored or handled;
 - (f) a description of the reportable situation and of the events leading up to and after the reportable situation;
 - (g) details of any —
 - (i) injuries, deaths or hospitalisation to people; or
 - (ii) damage to property and the environment,
resulting from the reportable situation, and otherwise an assessment of the risk to people, property or the environment resulting from the reportable situation;
 - (h) details of any evacuation of people from the dangerous goods site or adjacent places resulting from the reportable situation;
 - (i) an assessment of the cause of, and any contributing factors to, the reportable situation;
 - (j) details of any measures taken to control any leak or spill of the dangerous goods or any fire or explosion resulting from the reportable situation.

122. DGO may request information

- (1) A DGO may, in writing, request any, or any further, information from an operator of a dangerous goods site or a dangerous goods pipeline in relation to —
 - (a) the cause or effect of a dangerous goods incident, including a reportable situation under regulation 121(1), that has occurred at the site or on the pipeline; and
 - (b) any action taken by the operator as a result of the dangerous goods incident.
- (2) The operator must provide the requested information —
 - (a) in writing; and
 - (b) within 21 days after receiving the DGO's request.

Penalty: a level 3 fine.

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Part 7 — Rural dangerous goods locations or small quantity dangerous goods locations

Division 1 — Provisions relating to rural dangerous goods locations and small quantity dangerous goods locations

123. Spill or leak containment

An occupier of a rural dangerous goods location or small quantity dangerous goods location must ensure that if a spill or leak of dangerous goods occurs at the location, action is taken to clean up and dispose of the goods as soon as practicable after the spill or leak.

Penalty: a level 2 fine.

124. Segregation of dangerous goods

An occupier of a rural dangerous goods location or small quantity dangerous goods location must take all reasonably practicable measures to ensure that the dangerous goods cannot —

- (a) interact with goods that are not compatible; and
- (b) contaminate any other goods.

Penalty: a level 2 fine.

125. Protection from impact

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

Penalty: a level 2 fine.

126. Ignition sources in hazardous areas

An occupier of a rural dangerous goods location or small quantity dangerous goods location must ensure that any ignition source in a hazardous area at the location is eliminated or, if this is not reasonably practicable, the risk arising from the ignition source is controlled.

Penalty: a level 2 fine.

127. Accepting delivery of containers

- (1) An occupier of a rural dangerous goods location or small quantity dangerous goods location to whom packaged dangerous goods are delivered in circumstances where the occupier could reasonably be expected to know that any label on the container in which the goods are packaged does not comply with the ADG Code must either not accept delivery of the goods or —

- (a) if the occupier accepts delivery of the goods — ensure that each container is labelled in accordance with the ADG Code; and
- (b) ensure that, during the period that the dangerous goods remain in the container —
 - (i) the container remains so labelled; and
 - (ii) the label remains legible.

Penalty: a level 3 fine.

- (2) If —
- (a) the dangerous goods are removed from the container; and
 - (b) the container remains labelled as it was when it was received,

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

Penalty: a level 3 fine.

- (3) An occupier of a rural dangerous goods location or small quantity dangerous goods location must not dispose of an empty container previously used to store dangerous goods unless —
- (a) any label on the container relating to the dangerous goods is removed or rendered illegible; and
 - (b) the container is rendered unusable.

Penalty: a level 3 fine.

128. Clearing of decommissioned storage or handling systems

- (1) An occupier of a rural dangerous goods location or small quantity dangerous goods location must ensure that any storage or handling system used in connection with the dangerous goods is cleared of the dangerous goods in accordance with subregulation (2) if the system is to be destroyed, dismantled, disposed of or otherwise decommissioned.
- Penalty: a level 2 fine.
- (2) For the purposes of subregulation (1), the occupier must ensure that the storage or handling system —
- (a) is thoroughly cleaned so that the system is, as far as practicable, free from dangerous goods; or
 - (b) otherwise made safe.

129. Personal protective or safety equipment for workers

An occupier of a rural dangerous goods location or small quantity dangerous goods location must provide and maintain personal protective equipment or safety equipment that is

suitable for use with the dangerous goods stored or handled at the location.

Penalty: a level 2 fine.

130. Security

An occupier of a rural dangerous goods location or small quantity dangerous goods location must, as far as practicable, prevent access by unauthorised persons to the dangerous goods stored or handled at the location.

Penalty: a level 2 fine.

131. Currency and accessibility of MSDS

- (1) An occupier of a rural dangerous goods location or small quantity dangerous goods location must obtain the current MSDS for dangerous goods stored or handled at the location, on or before the first occasion that they are supplied to the location and —

- (a) if the location is a workplace as defined in the *Occupational Safety and Health Act 1984* section 3(1), ensure that the current MSDS is kept with the register of dangerous goods maintained under regulation 77; and
- (b) otherwise ensure that a current MSDS is readily accessible to persons at the location and to officers of FESA.

Penalty: a level 3 fine.

- (2) Subregulation (1) does not apply in relation to dangerous goods that are —
- (a) dangerous goods in transit; or
 - (b) stored and handled at a retail outlet in consumer containers that are intended for retail sale and that remain sealed and unopened until sold.

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

Penalty: a level 3 fine.

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

- (a) consistent with the information contained in the MSDS; and
- (b) clearly identified as being provided by the operator.

Penalty: a level 3 fine.

132. Induction, information, training and supervision

- (1) An occupier of a rural dangerous goods location or small quantity dangerous goods location must ensure that a person involved with the storage and handling of dangerous goods at the location is provided with induction, information, training and supervision that complies with subregulations (2) and (3).

Penalty: a level 2 fine.

- (2) The induction, information, training and supervision must be —
- (a) in a language or manner appropriate to the person; and
 - (b) relevant to the tasks undertaken and the risks associated with those tasks.

- (3) The induction, information and training must include instruction in —
- (a) the nature of the hazards and properties of the dangerous goods and the processes used for the identification, assessment and control of the risks relevant to the person's duties; and
 - (b) the purpose, use and maintenance of the measures for the control of those risks; and
 - (c) the systems of work and the conduct of persons at the location in so far as the systems of work and conduct of persons may affect safe storage and handling of dangerous goods; and
 - (d) the location and any personal protective or safety equipment kept at the location in accordance with regulation 129; and
 - (e) the proper use, fitting and maintenance of personal protective equipment.

Division 2 — Provisions relating only to rural dangerous goods locations

133. Underground storage or handling systems for Class 3 dangerous goods and petroleum products

- (1) An occupier of a rural dangerous goods location must ensure that any underground storage or handling systems for Class 3 dangerous goods or petroleum products at the site are designed, installed, operated and maintained so that they do not leak.
- Penalty: a level 2 fine.

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- (2) In addition the occupier must ensure that an underground storage or handling system for petroleum products complies with subregulation (3) if —
- (a) the underground storage or handling system was installed or replaced after these regulations came into operation; and
 - (b) the underground storage or handling system is used for the storage of petroleum products.
- Penalty: a level 2 fine.
- (3) The underground storage or handling system must be designed, installed and operated in accordance with —
- (a) *Design, Installation and Operation of Underground Storage Systems — code of practice*
ISBN 978-1-921163-28-9 published by the Department;
or
 - (b) subject to subregulation (4), alternative safety measures for the design, installation and operation of any underground storage or handling system that result in a level of risk in relation to the dangerous goods in relation to people, property and the environment that is equal to or lower than the level of risk that results from complying with the primary requirements.
- (4) A person may comply with the alternative safety measures referred to in subregulation (3)(b) if the person makes a written record of the alternative measures and why they result in the equal or lower level of risk.
- (5) If requested to do so by a DGO, a person must give the DGO a copy of the record required by subregulation (4) in relation to alternative safety measures with which the person complies, or purports or intends to comply.

Penalty: a level 3 fine.

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- (6) If alternative safety measures with which a person complies, or purports or intends to comply, do not or will not result in the equal or lower level of risk referred to in subregulation (3)(b) the person is to be taken, for the purposes of the Act and in particular section 47 of it, to be contravening or about to contravene these regulations.
- (7) The occupier must ensure that an underground storage or handling system for Class 3 dangerous goods or petroleum products is tested for leakage —
- (a) every 5 years after installation, up to 20 years; and
 - (b) every 2 years after that.
- Penalty: a level 2 fine.
- (8) The occupier must —
- (a) keep a record of each test for at least 5 years; and
 - (b) make the record available to a DGO on request.
- Penalty: a level 2 fine.
- (9) The occupier must ensure that a leaking component of an underground storage or handling system for petroleum products is emptied, sealed off from the storage and handling system and not otherwise used until the leak has been repaired.
- Penalty: a level 1 fine.

Part 8 — Miscellaneous

134. Annual fee for major hazard facilities

- (1) The holder of a licence granted in respect of a dangerous goods site, or a registration of a dangerous goods pipeline, that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is a major hazard facility must pay for each year —
 - (a) if under Schedule 3 of those regulations the site is a Class A place, a fee of \$15 000;
 - (b) if under Schedule 3 of those regulations the site is a Class B place, a fee of \$10 000;
 - (c) if under Schedule 3 of those regulations the site is a Class C place, a fee of \$7 000;
 - (d) if under Schedule 3 of those regulations the site is a Class D place, a fee of \$4 000.
- (2) A fee payable under subregulation (1) must be paid quarterly in 4 equal instalments, the first instalment being due on the first date on which both of these conditions are satisfied —
 - (a) the site or pipeline is subject to the licence or registration, as the case may be; and
 - (b) the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* require a safety report to have been approved for the site or pipeline.

135. Duty on manufacturer, supplier or installer of plant or pipeline

- (1) A manufacturer or supplier of a storage or handling system or dangerous goods pipeline must ensure that the system or pipeline has been designed and built so that, so far as is reasonably practicable, it can be operated with minimal risk to people, property and the environment.

Penalty: a level 2 fine.

- (2) An installer of a storage or handling system or dangerous goods pipeline must ensure that the system or pipeline has been installed and commissioned so that, so far as is reasonably practicable, it can be operated with minimal risk to people, property and the environment.

Penalty: a level 2 fine.

136. Filling of LP Gas cylinders

- (1) In this regulation —

LP Gas means dangerous goods of Division 2.1 and UN 1075.

- (2) A person must not fill a cylinder designed to contain LP Gas unless the cylinder complies with the requirements of AS 2030.1.

Penalty: a level 3 fine.

137. Filling of fuel tanks and other storage or handling systems with flammable liquids

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

Penalty: a level 2 fine.

- (2) A person must not dispense any flammable liquid into the fuel tank of an engine while the engine is running except as permitted under the *Civil Aviation Act 1988* of the Commonwealth.

Penalty: a level 2 fine.

- (3) Except as provided in subregulation (4), a person at a service station must not fill a container other than a fuel tank with any flammable liquid unless the container —

- (a) has a capacity of 25 L or less; and
- (b) is in contact with the ground; and

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- (c) complies with AS/NZS 2906 or is otherwise leak proof, made of metal and is capable of being securely closed.

Penalty: a level 2 fine.

- (4) Despite subregulation (3), a person at a service station may fill a container that has a capacity of more than 25 L with a flammable liquid if —
 - (a) the container has a capacity of not more than 250 L; and
 - (b) the flammable liquid is to be used at the service station.

138. Using vehicles for storage of dangerous goods

A person must not use a vehicle for the storage of dangerous goods of Class 3 or C1 combustible liquids unless —

- (a) the goods or liquids are stored in a tank for the purpose of propelling the vehicle; or
- (b) the goods or liquids are stored for the purpose of transport under the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* and not otherwise.

Penalty: a level 2 fine.

139. False or misleading information, offence of giving

A person must not give materially false or misleading information in, or in connection with —

- (a) any notice that the person is required to give to another person under these regulations; or
- (b) an application for or in relation to a licence or registration; or
- (c) any other application that may be made under these regulations.

Penalty: a level 1 fine and imprisonment for 10 months.

**140. Infringement notices, offences and modified penalties
(section 56 of the Act)**

- (1) Except as provided in subregulation (2), for the purposes of section 56(3) of the Act —
- (a) each offence under these regulations the penalty for which is a level 2 fine or a level 3 fine is a prescribed offence; and
 - (b) the modified penalty for each such offence is 10% of the maximum fine for the offence under these regulations.

Note: The *Dangerous Goods Safety (General) Regulations 2007* prescribe the form of an infringement notice and other matters for the purposes of the Act s. 56.

- (2) Subregulation (1) does not apply to the offences specified in the Table to this subregulation.

Table

| | |
|----------|----------|
| r. 22 | r. 65 |
| r. 48(3) | r. 89(3) |

141. Savings and transitional

Schedule 6 sets out savings and transitional provisions.

Schedule 1 — Quantities of dangerous goods

[r. 68, 69(1) and 78(1)]

1. For the purposes of the Table below, the Placarding Quantity or Manifest Quantity is equal to the total of the quantities determined in accordance with regulation 12.
2. In the Table below —
kg or L means, where this combination of letters immediately follows numbers, the combined total of —
 - (a) the number of kilograms of non-liquid dangerous goods; and
 - (b) the number of litres of liquid dangerous goods; and
 - (c) the capacity of containers of Class 2 dangerous goods, determined in accordance with regulation 12.

Table

| Item | Description of dangerous goods | Packing group | Placarding quantity | Manifest quantity |
|-------------|---|---|----------------------------|--------------------------|
| 1. | Division 2.1 except aerosols | N/A | 500 L | 5 000 L |
| 2. | Division 2.2 except aerosols | N/A | 1 000 L | 10 000 L |
| 3. | Division 2.3 | N/A | 50 L | 500 L |
| 4. | Division 2.1 and 2.2 aerosols | N/A | 5 000 L | 10 000 L |
| 5. | Any one of Class 3, Division 4.1, 4.2 or 4.3, Division 5.1 or 5.2, Division 6.1, Class 8 or Class 9, or any combination of those classes or divisions | I | 50 kg or L | 500 kg or L |
| | | II and III (aggregate) | 1 000 kg or L | 10 000 kg or L |
| | | I, II and III (aggregate) where quantity of goods in packing group I does not exceed 50 kg or L | 1 000 kg or L | 10 000 kg or L |
| 6. | Goods too dangerous to transport | N/A | 5 kg or L | 50 kg or L |

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Quantities of dangerous goods Schedule 1

| Item | Description of dangerous goods | Packing group | Placarding quantity | Manifest quantity |
|------|---|---------------|---------------------|-------------------|
| 7. | C1 combustible liquids with fire risk dangerous goods | N/A | 1 000 L | 10 000 L |
| 8. | Other C1 combustible liquids | N/A | 10 000 L | 100 000 L |

Note: For the purposes of item 5 in the Table —

- (a) all Type B Division 4.1 Self Reactive Substances that do not have a packing group assigned to them are to be taken to be assigned to packing group I;
- (b) all Types C to F Division 4.1 Self Reactive Substances that do not have a packing group assigned to them are to be taken to be assigned to packing group II;
- (c) all Type B Division 5.2 Organic Peroxides that do not have a packing group assigned to them are to be taken to be assigned to packing group I;
- (d) all Types C to F Division 5.2 Organic Peroxides that do not have a packing group assigned to them are to be taken to be assigned to packing group II;
- (e) Class 9 dangerous goods that do not have a packing group assigned to them are to be taken to be assigned to packing group III;
- (f) all other articles and things that do not have a packing group assigned to them are to be taken to be assigned to packing group II.

Schedule 2 — Matters to be included in a safety management system

[r. 50]

1. Organisation and personnel

A safety management system must include procedures for ensuring that each employee who fills an employee position to which a task is allocated under the safety management system has the necessary skills and knowledge to undertake all tasks for which he or she has responsibility under the safety management system.

2. Operational controls

- (1) A safety management system must include procedures for —
 - (a) ensuring the safe operation of any storage or handling system or plant; and
 - (b) ensuring that any storage or handling system or plant is mechanically sound; and
 - (c) shutting down or decommissioning any storage or handling system or plant.
- (2) A safety management system must include procedures for isolating the whole or part of the dangerous goods site in the event of an emergency.
- (3) A safety management system must include procedures for managing alarm systems.

3. Security

A safety management system must include procedures for preventing acts engaged in for the purpose of causing a dangerous situation.

4. Informing employees and others

- (1) A safety management system must include procedures for informing employees about —
 - (a) the risk assessment; and
 - (b) the safety management system.

- (2) A safety management system must include procedures for instructing persons who are not employees, but who are present at the place, of the safety measures they are required to take while at the place.

5. Monitoring and continual improvement

- (1) A safety management system must include procedures for monitoring the effectiveness of risk control measures.
- (2) A safety management system must include procedures for monitoring the effectiveness of, and compliance with, the safety management system.
- (3) A safety management system must include procedures for using the information obtained from monitoring to improve safety at the dangerous goods site.

Schedule 3 — Manifest and dangerous goods site plan

[r. 78]

Division 1 — General

1. Interpretation

In this Schedule —

storage location means any place or area on a dangerous goods site where dangerous goods of a particular type are kept either in bulk or in a quantity exceeding that specified in the column headed “Placarding Quantity” in Schedule 1.

Division 2 — Manifest

2. General information in manifest

The manifest must contain —

- (a) the name of the operator of the dangerous goods site; and
- (b) the address of the dangerous goods site; and
- (c) the date when the manifest was prepared or last revised.

3. Emergency contacts

The manifest must contain contact information for at least 2 persons (or for one person if that person is available at all times) who may be contacted in the event of an emergency for information as to the nature and quantity of dangerous goods likely to be at the dangerous goods site.

4. Summary information about classes of dangerous goods

The manifest must contain a summary list that specifies the maximum quantity of —

- (a) each packing group of each class or division of dangerous goods that has packing groups; and
- (b) each class or division of dangerous goods that does not have packing groups; and
- (c) C1 combustible liquids; and

- (d) each type of goods too dangerous to be transported,
that the dangerous goods site may store or handle.

5. Dangerous goods stored in bulk other than in IBCs

- (1) In relation to each container (other than an IBC) and each other form of storage of dangerous goods in bulk at the site, the manifest must contain —
 - (a) any identification number or code of the container or storage area; and
 - (b) the type of container or manner of storage; and
 - (c) the quantity or mass of the dangerous goods being stored in the container or other form of storage.
- (2) In relation to dangerous goods that are —
 - (a) dangerous goods other than C1 combustible liquids or goods too dangerous to be transported — the manifest must contain the proper shipping name, the UN Number and class of the dangerous goods; and
 - (b) C1 combustible liquids — the manifest must contain the product name and the words “Combustible Liquid”; and
 - (c) goods too dangerous to be transported — the manifest must contain the name of the goods specified in the ADG Code Appendix A and the statement “Goods too dangerous to be transported”; and
 - (d) packing group I — the manifest must contain the packing group.

6. Packaged dangerous goods

In relation to each storage location that contains packaged dangerous goods or dangerous goods in IBCs, and that is required to be placarded in accordance with Part 4 Division 2 Subdivision 3, the manifest must contain —

- (a) the identification number or code for the storage location; and

- (b) for dangerous goods of packing group I or Division 2.3 that are likely to be kept in the storage location —
 - (i) the proper shipping name of the dangerous goods that are assigned to a class; and
 - (ii) the class or division and packing group; and
 - (iii) the current aggregate quantity or maximum quantity of each of the dangerous goods that may be stored or handled in the storage location;and
- (c) for goods too dangerous to be transported that are likely to be kept in the storage location —
 - (i) the name of the dangerous goods specified in the ADG Code Appendix A; and
 - (ii) the statement “Goods too dangerous to be transported”; and
 - (iii) the current aggregate quantity or maximum quantity of each of the dangerous goods that may be stored or handled in the storage location;and
- (d) for other dangerous goods that are likely to be kept in the storage location —
 - (i) for dangerous goods with an assigned class or division — the class or division for the dangerous goods; and
 - (ii) for C1 combustible liquids — the words “Combustible Liquid”; and
 - (iii) in any case, the current aggregate quantity or maximum quantity of —
 - (I) each class or division of dangerous goods; and
 - (II) C1 combustible liquids,that may be stored or handled in the storage location.

7. Dangerous goods in manufacture or process

In relation to each storage location where dangerous goods are manufactured or processed, the manifest must contain —

- (a) the identification number or code of the manufacturing or processing location; and
- (b) for dangerous goods with an assigned class or division — the class or division of each type of dangerous goods and the maximum quantity of each class or division that can be handled in the location; and
- (c) for goods too dangerous to be transported — the statement “Goods too dangerous to be transported” and the maximum quantity of those goods that can be handled in the location; and
- (d) for C1 combustible liquids — the statement “C1 combustible liquid” and the maximum quantity of C1 combustible liquids that can be handled in the location.

8. Dangerous goods in transit

If, in relation to dangerous goods in transit there are dangerous goods transport documents that comply with the ADG Code available for the goods, the information required by clauses 4, 5 and 6 may be provided in the form of a compilation of those transport documents.

Division 3 — Dangerous goods site plan

9. General information in dangerous goods site plan

The dangerous goods site plan must contain —

- (a) the name of the operator of the dangerous goods site; and
- (b) the address of the dangerous goods site; and
- (c) the date when the dangerous goods site plan was prepared or last revised; and
- (d) specify the scale to which the plan is drawn.

10. Other information contained in dangerous goods site plan

The plan of the dangerous goods site must —

- (a) be accurate; and
- (b) show the site's boundaries; and
- (c) show any buildings on the site together with a textual description; and
- (d) show the location of —
 - (i) the containers and other forms of storage of dangerous goods in bulk referred to in clause 5; and
 - (ii) the storage locations for packaged dangerous goods and dangerous goods in IBCs referred to in clause 6; and
 - (iii) the storage locations where dangerous goods are manufactured or processed referred to in clause 7;and
- (e) include a description in words of the location of —
 - (i) the items referred to in paragraph (d); and
 - (ii) areas where dangerous goods in transit may be located;and
- (f) provide the identification number or code for the items referred to in paragraph (e); and
- (g) provide a legend for the identification numbers and codes referred to in paragraph (f); and
- (h) show the location of —
 - (i) the main entrance and the other points of entry to the site; and
 - (ii) essential site services, including fire services and isolation points for fuel, gas, water and power; and
 - (iii) the manifest; and
 - (iv) all drains on the site;and

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Regulations 2007

Manifest and dangerous goods site plan

Schedule 3

Dangerous goods site plan

Division 3

cl. 10

- (i) describe the nature of the occupancy of adjoining sites or site;
and
- (j) show the direction of north.

Schedule 4 — Placarding requirements

[r. 68, 69 and 70]

1. Outer warning placard

- (1) The placard must have —
 - (a) the form shown in Figure 1; and
 - (b) dimensions not less than those shown in Figure 1.
- (2) The placard must display the word “HAZCHEM” in red letters not less than 100 mm high and of the style shown in Figure 1, on a white or silver background.
- (3) For the purposes of subclause (2), “red” means the colour Signal Red in accordance with AS 2700S–1996 (R13).



Figure 1 — Form and dimensions of an outer warning placard

2. Placard for dangerous goods in bulk

- (1) The placard must have —
 - (a) the form shown in Figure 2; and
 - (b) dimensions not less than those shown in Figure 2.
- (2) The placard must contain the following information —
 - (a) in space (p) in Figure 2, the proper shipping name;
 - (b) in space (q) in Figure 2, the UN Number;
 - (c) in space (r) in Figure 2, the Hazchem Code for the dangerous goods specified in the ADG Code Appendix C;
 - (d) in space (s) in Figure 2, the class or division label and subsidiary risk label, if any.
- (3) For the purposes of subclause (2)(d) —

- (a) the class or division label and the subsidiary risk label, if any, must have the form and colouring specified in the ADG Code; and
- (b) if there is more than one subsidiary risk label, the width of the right hand portion of the placard may be extended.

3. Placard for dangerous goods in bulk that are goods too dangerous to transport

- (1) The placard must have —
 - (a) the form shown in Figure 2; and
 - (b) dimensions not less than those shown in Figure 2.
- (2) The placard must contain the following information —
 - (a) in space (p) in Figure 2, the name for the goods specified in the ADG Code Appendix A;
 - (b) space (q) in Figure 2 must be left blank;
 - (c) space (r) in Figure 2 must be left blank;
 - (d) in space (s) in Figure 2, the label specified in Figure 4.

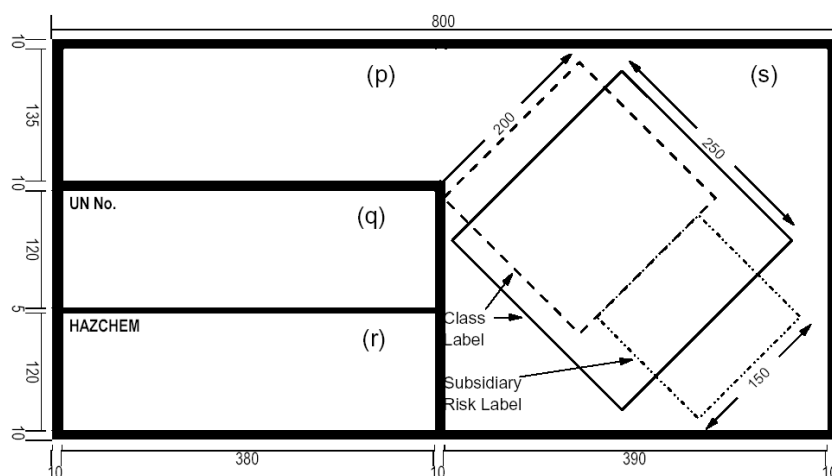


Figure 2 — Template for a placard for dangerous goods (other than C1 combustible liquids) in bulk

cl. 4

Note 1. The numerals and letters used for showing the proper shipping name or name of the goods, UN Number and Hazchem Code must be —

- (a) black on a white background, except where a letter of the Hazchem Code is white on a black background; and
- (b) at least 100 mm high, except where the proper shipping name requires 2 lines to be used, in which case the lettering must be at least 50 mm high.

Note 2. An Emergency Information Panel of a size and layout in accordance with the ADG Code for the dangerous goods that contains the information required by clause 2 or 3 may be used as a placard for a storage of dangerous goods in bulk instead of the placards referred to in clause 2(1) or 3(1).

4. Placard for packaged dangerous goods other than C1 combustible liquids

- (1) The placard must have the form shown in Figure 3 and be of sufficient size to accommodate the labels to be displayed on it.
 - (2) The placard must have a white or silver background.
 - (3) The placard must display —
 - (a) for dangerous goods present in the storage area, other than goods too dangerous to be transported —
 - (i) the corresponding class or division label for each class or division of dangerous goods present in a quantity that exceeds the quantity specified in the column headed “Placarding Quantity” in Schedule 1; and
 - (ii) if the total quantity of any combination of the classes or divisions of dangerous goods specified in item 5 of the Table in Schedule 1 exceeds the placarding quantity — a class or division label for each class or division of dangerous goods, or the label specified in Figure 4; and
 - (iii) for C1 combustible liquids with fire risk dangerous goods in a total quantity exceeding 1 000 L — a Class 3 label;
- and

- (b) for goods too dangerous to be transported present in the storage area, the label specified in Figure 5.

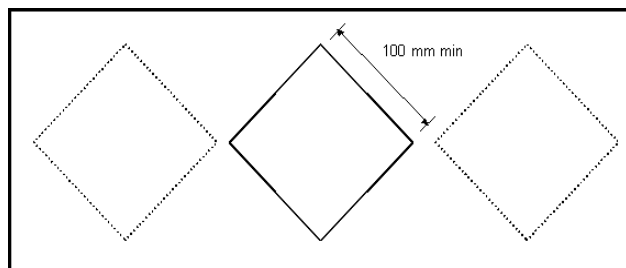


Figure 3 — Form and dimensions of a placard for storage of packaged dangerous goods

Note: The placard shown in Figure 3 must have sides at least 100 mm long.



Colour of stripes:
Black and
Orange AS2700S 1996 (X15) or Pantone 151

Figure 4 — Form of a label for mixed classes or divisions

Note: The label shown in Figure 4 must have sides at least 100 mm long.

cl. 5

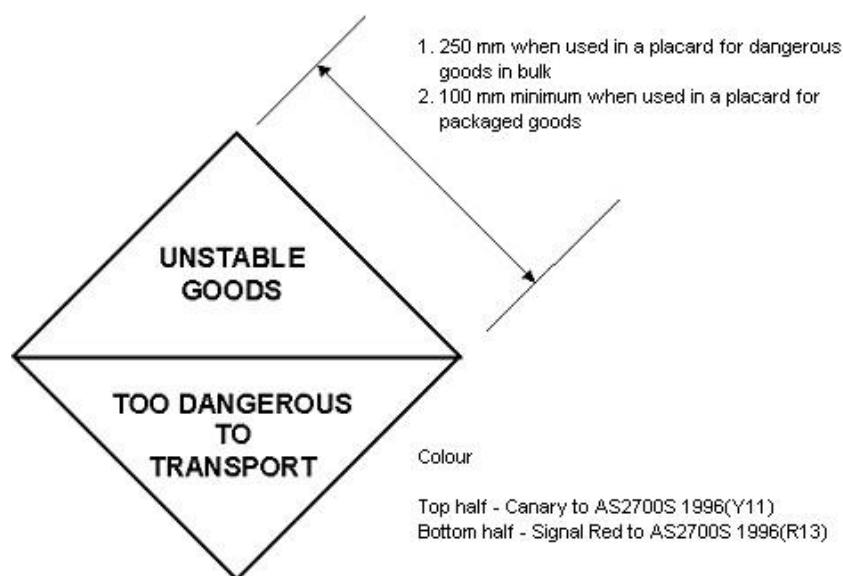


Figure 5 — Form of a label for goods too dangerous to be transported

5. Placard for C1 combustible liquids (in bulk and in containers)

A placard for C1 combustible liquids in bulk and in containers must display the words “COMBUSTIBLE LIQUID C1” as shown in Figure 6, in black letters in the style shown, not less than 100 mm high and on a white or silver background.

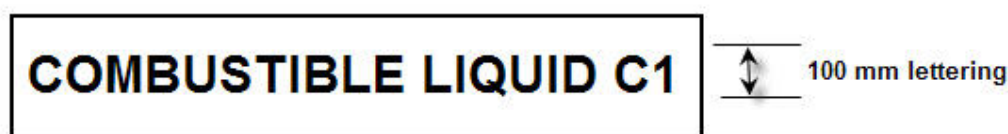


Figure 6 — Placard for C1 combustible liquids

Schedule 5 — Fees

[r. 26, 27, 29, 89, 90 and 92]

Division 1 — Fees for grant, renewal or amendment of licence for dangerous goods site

[Heading amended in Gazette 31 Dec 2010 p. 6895.]

1. Interpretation

- (1) For the purposes of the Tables to clauses 2 and 3, the quantity of dangerous goods stored or handled is equal to the total of the quantities determined in accordance with regulation 12.
- (2) In this Division —
- kg or L*** means, where this combination of letters immediately follows numbers, the combined total of —
- (a) the number of kilograms of non-liquid dangerous goods; and
 - (b) the number of litres of liquid dangerous goods; and
 - (c) either —
 - (i) in the case of liquid dangerous goods or Class 2 dangerous goods — the capacity of the storage or handling system; or
 - (ii) in the case of solid dangerous goods — the mass of the goods in the storage or handling system,
- determined in accordance with regulation 12.

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

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

Table

| Tier | Quantity of dangerous goods stored or handled | Fee |
|-------------|--|------------|
|-------------|--|------------|

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

Schedule 5 Fees

Division 2 Fees for registration of a dangerous goods pipeline

cl. 3

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

[Clause 2 inserted in Gazette 31 Dec 2010 p. 6896.]

3. Fees for examination of applicant's report

The fee payable for the examination of the report referred to in regulation 26(2)(c)(i) is the relevant fee set out in the Table to this clause.

Table

| Quantity of dangerous goods stored or handled | Fee |
|--|------------|
| up to 50 000 kg or L | \$306 |
| more than 50 000 but not more than 250 000 kg or L | \$510 |
| more than 250 000 kg or L | \$776 |

[Clause 3 amended in Gazette 25 Jun 2010 p. 2873.]

Division 2 — Fees for registration of a dangerous goods pipeline

4. General fee for registration of pipeline

Except as provided in clause 5, the fee for an application to register or renew the registration of a dangerous goods pipeline is the relevant fee set out in the Table to this clause.

Table

| Length of pipeline | Fee |
|---------------------------|------------|
| up to 500 m | \$1 531 |

***Dangerous Goods Safety (Storage and Handling of Non-explosives)
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Fees **Schedule 5**

Fees for registration of a dangerous goods pipeline **Division 2**

cl. 5

| Length of pipeline | Fee |
|--------------------|---------|
| more than 500 m | \$6 126 |

[Clause 4 amended in Gazette 25 Jun 2010 p. 2873; 31 Dec 2010 p. 6896.]

5. Fee capped for registration of multiple pipelines leaving same dangerous goods site

The fee payable for the registration of more than 5 pipelines leaving the same dangerous goods site is —

- (a) the sum of the relevant fees under clause 4; or
- (b) \$30 000,

whichever is the lesser.

Schedule 6 — Savings and transitional provisions

[r. 141]

Division 1 — Provisions relating to the commencement of these regulations

1. Terms used in this Division

In this Division —

commencement day means the day on which these regulations come into operation;

repealed regulations means the *Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992*.

2. Dangerous goods sites

- (1) This clause applies to a dangerous goods site that, immediately before the commencement day, constituted licensed premises under the repealed regulations Part 4 Division 1.
- (2) If, within 2 years after the commencement day, the operator of the dangerous goods site makes an application under regulation 26 for the site to be licensed, then the licence under the repealed regulations is to continue as if it were a licence for a dangerous goods site under these regulations, until the Chief Officer decides the application.
- (3) For the purposes of subclause (2), an application under regulation 26 does not have to be accompanied by a written report referred to in subregulation (2)(c)(i) or (ii) of that regulation if the application is made within one year after the commencement day.
- (4) However each licence granted within one year after the commencement day is subject to the condition that a written report referred to in regulation 26(2)(c)(i) or (ii) is provided to the Chief Officer within one year after the licence is granted.

3. Dangerous goods pipelines

- (1) This clause applies to a dangerous goods pipeline that was, immediately before the commencement day, approved by the Chief Officer under the repealed regulations Part 7.

- (2) If, within 2 years after the commencement day, the operator of the dangerous goods pipeline makes an application under regulation 89 for the pipeline to be registered, then the approval under the repealed regulations is to continue as if it were a registration of a dangerous goods pipeline under these regulations, until the Chief Officer grants or refuses the application in accordance with regulation 95.

4. Spill containment

Regulation 51 does not apply to the operator of a dangerous goods site where dangerous goods are stored in vertical, flat-bottomed above ground containers if —

- (a) the site was in operation before the commencement day; and
- (b) it is impracticable to provide spill or leak containment of the kind referred to in regulation 51; and
- (c) the operator conducts an assessment of the containers and ensures that they are in good condition and are unlikely to leak; and
- (d) on request, the operator provides to a DGO evidence relating to the fulfilment of the operator's obligation under paragraph (c); and
- (e) the operator complies with any additional spill containment measures relating to the containers as specified in writing by the Chief Officer.

Notes

- ¹ This is a compilation of the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* and includes the amendments made by the other written laws referred to in the following table ^{1a}.

Compilation table

| Citation | Gazettal | Commencement |
|---|----------------------------|---|
| <i>Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007</i> | 31 Dec 2007 p. 6777-892 | r. 1 and 2: 31 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2 and Pt. 5 Div. 1: 1 Mar 2008 (see r. 2(b) and <i>Gazette</i> 29 Feb 2008 p. 669); Pt. 5 Div. 1: 1 Mar 2009 (see r. 2(c) and <i>Gazette</i> 29 Feb 2008 p. 669) |
| <i>Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 2) 2009</i> | 16 Jun 2009 p. 2192-3 | r. 1 and 2: 16 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b)) |
| <i>Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 2) 2010</i> | 25 Jun 2010 p. 2872-3 | r. 1 and 2: 25 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2010 (see r. 2(b)) |
| <i>Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 3) 2010</i> | 31 Dec 2010 p. 6893-6 | r. 1 and 2: 31 Dec 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2011 (see r. 2(b)) |

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

| Citation | Gazettal | Commencement |
|--|----------------------------|--------------------------|
| <i>Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2012</i> r. 3-53 ² | 16 Mar 2012 p. 1197-242 | 1 Apr 2012 (see r. 2(b)) |

² On the date as at which this compilation was prepared, the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2012* r. 3-53 had not come into operation. They read as follows:

3. Regulations amended

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

4. Regulation 4 amended

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

ADG Code

bulk

dangerous goods pipeline

rural dangerous goods location

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

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, Seventh edition, 2007, published by the Commonwealth of Australia (ISBN 1 921168 57 9) (also called the Australian Dangerous Goods Code) including (for the avoidance of doubt) its appendices;

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

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

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

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

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

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

rural dangerous goods location means a place —

- (a) that is outside the metropolitan region as defined in the *Planning and Development Act 2005* section 4(1); and
- (b) that is outside a townsite as defined in the *Land Administration Act 1997* section 3(1); and

- (c) that is one or more lots, as defined in the *Planning and Development Act 2005* section 4(1), that are adjoining; and
 - (d) that is 5 hectares or more; and
 - (e) that is used for agricultural, aquacultural, floricultural, horticultural or pastoral purposes; and
 - (f) at which dangerous goods are stored or handled, but not sold, for those purposes;
- (3) In regulation 4 in the definition of **employee** delete paragraphs (c) and (d) and insert:
 - (c) a training contract registered under the *Vocational Education and Training Act 1996* Part 7 Division 2;

5. Regulation 6 amended

In regulation 6:

- (a) delete paragraph (a) and insert:
 - (a) dangerous goods while they are being transported; or
- (b) delete paragraph (c) and insert:
 - (c) dangerous goods in a battery that has been installed to supply energy to any plant; or
- (c) after paragraph (p) insert:
 - (qa) dangerous goods that are —
 - (i) within a heap of ore or rock that is in the process of being heap leached; or
 - (ii) within the material in a tailings dam; or
 - (iii) an unprocessed ore, whether excavated or not, at a mine as defined in the *Mines Safety and Inspection Act 1994* section 4(1); or

6. Regulation 8 replaced

Delete regulation 8 and insert:

8. Term used: dangerous goods

- (1) In this regulation —
Dangerous Goods List means the Dangerous Goods List in the ADG Code Chapter 3.2 as read with the other provisions in the ADG Code Part 3.
- (2) Subject to subregulations (4), (5) and (6), for the purposes of these regulations, a substance or article is dangerous goods if —
 - (a) it satisfies the criteria set out, or referred to, in the ADG Code Part 2 for determining whether goods are dangerous goods; or
 - (b) it is named or described in the ADG Code Appendix A as goods too dangerous to be transported; or
 - (c) it is a C1 combustible liquid; or
 - (d) it is sulphur.
- (3) Without limiting the generality of subregulation (2)(a), a substance or article is dangerous goods for the purposes of these regulations if it is named in column 2 of the Dangerous Goods List, irrespective of whether the name is —
 - (a) a generic name; or
 - (b) a name described as “N.O.S.”.
- (4) A substance or article that satisfies the criteria set out, or referred to, in the ADG Code Part 2 is not dangerous goods for the purposes of these regulations if it is described as not subject to the ADG Code in a Special Provision in the ADG Code Chapter 3.3 that is applied to the substance or article by column 6 of the Dangerous Goods List.
- (5) A substance or article is not dangerous goods for the purposes of these regulations if it is within any of the following classes or divisions of dangerous goods —
 - (a) Class 1 (explosives);
 - (b) Division 6.2 (infectious substances);
 - (c) Class 7 (radioactive materials).
- (6) Hay is not dangerous goods for the purposes of these regulations.

7. Regulation 9A inserted

After regulation 8 insert:

9A. Term used: bulk

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

- (a) they are in a container that has a capacity of more than 500 L; or
- (b) there is more than 500 kg of the goods in a container; or
- (c) the goods are not in a container and there is more than 500 kg of the goods in an undivided quantity.

8. Regulation 15 replaced

Delete regulation 15 and insert:

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

- (1) If the Chief Officer is satisfied that a person intends to supply dangerous goods to a place and —
 - (a) section 8 of the Act is being contravened at the place; or
 - (b) either —
 - (i) the place is a dangerous goods site that is required to be licensed under Part 4 but is not; or
 - (ii) the place is not licensed under Part 4 but would be required to be if the goods were supplied to the place,

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

- (2) If the Chief Officer is satisfied that a person intends to supply dangerous goods in a pipeline and —
 - (a) section 8 of the Act is being contravened in respect of the pipeline; or
 - (b) either —
 - (i) the pipeline is required to be registered under Part 5 Division 1 but is not; or

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

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

- (3) A notice given under this regulation must specify —
 - (a) the dangerous goods to which it applies; and
 - (b) the place or pipeline (as the case may be) to which it applies.
- (4) The Chief Officer may cancel a notice given to a person under this regulation by advising the person in writing of the cancellation.
- (5) The Chief Officer must cancel a notice given to a person under this regulation if the Chief Officer ceases to be satisfied there are grounds for issuing the notice.
- (6) A person who is given a notice under this regulation must obey it.
Penalty: a level 2 fine.

9. Regulation 24 amended

In regulation 24 insert in alphabetical order:

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

10. Regulation 25 amended

- (1) Before regulation 25(1) insert:

- (1A) In this regulation —

fire risk goods means —

- (a) dangerous goods that are in Division 2.1 or Class 3, 4 or 5; or
- (b) dangerous goods that —
 - (i) are in Division 6.1 or Class 8 or 9; and
 - (ii) are capable of igniting in air;

handle, in relation to dangerous goods, does not include to manufacture or process the dangerous goods;

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

(2) In regulation 25(2):

- (a) delete the passage that begins with “Despite” and ends with “if —” and insert:

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

- (b) in paragraph (a) before “area” insert:

storage

- (c) in paragraph (b) before “area” insert:

storage

- (d) delete paragraph (c) and insert:

- (c) each storage area where fire risk goods are stored —
- (i) is outdoors; or
 - (ii) is in a separate building in which only those goods are stored; or
 - (iii) is an underground storage and handling system in which only those goods are stored;
- and

- (e) in paragraph (d) before “area” (each occurrence) insert:

storage

(3) Delete regulation 25(4).

(4) After regulation 25(5) insert:

(6) Despite subregulation (1), a dangerous goods site is not required to be licensed if the only dangerous goods at the site that exceed the manifest quantity in an item of Schedule 1 are —

- (a) liquid dangerous goods in containers that —
- (i) do not contain Class 2 dangerous goods; and

- (ii) are empty except for residual liquid that cannot be removed reasonably practicably by draining or decanting it;
 - or
 - (b) Class 2 dangerous goods in containers that have a gauge pressure of less than 100 kPa, whether or not liquid dangerous goods are also present in the containers.
- (7) Despite subregulation (1), a dangerous goods site is not required to be licensed if —
 - (a) the site is the subject of an explosives manufacture licence issued under the *Dangerous Goods Safety (Explosives) Regulations 2007*; and
 - (b) the only dangerous goods on the site are those used to manufacture the explosives under that licence.

11. Regulation 26 amended

- (1) In regulation 26(2):
 - (a) delete paragraph (c) and insert:
 - (c) a written report by either the applicant or an approved person that demonstrates the dangerous goods site can be operated in accordance with Division 2 (other than Subdivision 1 and regulation 75) and in any event with minimal risk to people, property and the environment in relation to the dangerous goods at the site; and
 - (b) delete paragraph (e) and insert:
 - (e) unless a fee will be payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the site if the licence is granted —
 - (i) the annual fee payable for the first year of the licence applied for; and
 - (ii) if the report required by paragraph (c) is not by an approved person — the relevant fee specified in Schedule 5 clause 3.
- (2) Delete regulation 26(4).
- (3) In regulation 26 delete the Penalty.

12. Regulation 27 replaced

Delete regulation 27 and insert:

27. Licences, renewal of

- (1) The Chief Officer must renew a licence that is about to expire due to the passage of time (the *existing licence*) unless —
 - (a) the holder of the existing licence is dead or, being a body corporate or partnership, is dissolved; or
 - (b) the holder of the existing licence does not want it renewed; or
 - (c) the place to which the existing licence relates is not a dangerous goods site; or
 - (d) a licence is not needed for the dangerous goods site to which the existing licence relates; or
 - (e) the annual fee payable for the first year of the new licence has not been paid.
- (2) To renew an existing licence the Chief Officer must grant a new licence that has effect immediately after the existing licence expires and the terms of which are the same as those of the existing licence.

13. Regulation 29 amended

- (1) Delete regulation 29(3) and insert:
- (3) The application must be in an approved form and be accompanied by —
 - (a) if the proposed amendment would —
 - (i) increase the maximum quantity of dangerous goods specified in the licence; or
 - (ii) change the dangerous goods specified in the licence other than by only deleting one or more of them; or
 - (iii) change or delete any condition of the licence that relates to how any of the dangerous goods specified in the licence are stored or handled,a written report by either the applicant or an approved person that demonstrates the dangerous goods site can be operated in accordance with Division 2 (other than Subdivision 1 and regulation 75) and in any event with

minimal risk to people, property and the environment in relation to the dangerous goods at the site; and

- (b) any other relevant document that is required by the approved form; and
- (c) if the proposed amendment would increase the maximum quantity of dangerous goods specified in the licence to a quantity that would mean a greater annual fee is payable for the licence than has already been paid — a fee equal to the difference between —
 - (i) the greater annual fee; and
 - (ii) the fee already paid,adjusted proportionally for the remaining part of the year to which the annual fee relates.

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

- (2) After regulation 29(6) insert:

- (7) If a licence is amended to reduce the maximum quantity of dangerous goods specified in it to a quantity that would mean a lower annual fee is payable for the licence, the licence holder is entitled to a refund of the difference between —
 - (a) the fee already paid; and
 - (b) the fee payable for the lower tier,adjusted proportionally for the remaining part of the year to which the annual fee relates.

14. Regulation 30 amended

Delete regulation 30(2) and insert:

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

15. Regulation 34 amended

Delete regulation 34(1), (2A), (2B) and (2C) and insert:

- (1A) In this regulation —
existing licence means a licence granted under this Part that, immediately before 1 April 2012, is in effect.
- (1B) This regulation is subject to the *Dangerous Goods Safety (General) Regulations 2007* regulation 15.
- (1) Each existing licence has effect for 5 years commencing on —
 - (a) if it has never been renewed, the date on which it was granted; or
 - (b) if it has been renewed, the date on which the last renewal took effect,unless it is cancelled in that period.
- (2A) A licence granted under this Part on or after 1 April 2012 has effect for 5 years unless it is cancelled in that period.

16. Regulation 39 amended

Delete regulation 39(2) and insert:

- (2) Grounds to suspend or cancel a licence exist if —
 - (a) the holder is convicted in this State or elsewhere of a dangerous goods offence; or
 - (b) the holder has not paid an annual fee for the licence in accordance with regulation 44A; or
 - (c) the holder has not paid a fee in accordance with the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34.

17. Regulation 44A inserted

At the beginning of Part 4 Division 1 Subdivision 4 insert:

44A. Annual fees

- (1) In this regulation —
grace period means the 3 month period referred to in subregulation (3).

- (2) An annual fee is not payable under this regulation in respect of a licence if a fee is payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the dangerous goods site to which the licence relates.
- (3) The holder of a licence must pay the annual fee for the licence before, on or within 3 months after —
 - (a) if under the *Dangerous Goods Safety (General) Regulations 2007* regulation 15 the Chief Officer has set a due date for the licence — the due date in each year;
 - (b) in any other case, each anniversary of —
 - (i) if the licence has never been renewed, the date on which it was granted; or
 - (ii) if the licence has been renewed, the date on which the last renewal took effect.
- (4) If an annual fee is paid in the grace period, the holder must pay, with the fee, a late payment fee equal to 10% of the fee.

18. Regulation 48A inserted

At the end of Part 4 Division 1 Subdivision 5 insert:

48A. Refunds of fees if licence surrendered etc.

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

19. Regulation 50 amended

In regulation 50(4) delete “regulation 3.” and insert:

regulation 4.

20. Regulation 51 amended

- (1) In regulation 51 delete “An operator” and insert:
 - (1) The operator

(2) At the end of regulation 51 insert:

- (2) If dangerous goods, except Class 2 dangerous goods, spill or leak from an above ground container or plant at a dangerous goods site, the operator of the site must ensure the goods are cleaned up as soon as practicable after the spill or leak.
Penalty: a level 2 fine.

21. Regulation 57 amended

In regulation 57(1) in the definition of *hazardous atmosphere* paragraph (c) delete “less” and insert:

more

22. Regulation 59 amended

In regulation 59(1) delete “goods” (second occurrence) and insert:

goods, or dangerous goods in an IBC,

23. Regulation 62 amended

(1) Before regulation 62(1) insert:

(1A) For the purposes of this regulation —

- (a) AS 4897 clause 4.3.1 is taken to require the manufacturer of the piping to provide the written specification and performance warranty required by that clause; and
- (b) AS 4897 clause 4.3.2(b) is taken to require a corrosion specialist to provide the certification required by that clause; and
- (c) AS 4897 clause 4.3.3 is taken to require the manufacturer of the product piping to provide the written specification and performance warranty required by that clause; and
- (d) AS 4897 clause 9.3.2(a) is taken to require the repairer of the tank to provide the warranty required by that clause.

- (2) Delete regulation 62(3) and insert:
- (3) An underground storage or handling system for petroleum products must —
- (a) meet the requirements in AS 4897 sections 3 and 4 for underground petroleum storage systems; and
 - (b) have the equipment required by AS 4897 sections 3 and 4 for Equipment level 1 under AS 4897, irrespective of how the site where the system is situated is classified under AS 4897; and
 - (c) be designed, certified and installed in accordance with AS 4897 section 6, other than clause 6.3,
- or, subject to subregulation (4), be designed, certified, constructed, installed, operated, maintained and tested in compliance with alternative safety measures that result in a level of risk in relation to the dangerous goods in relation to people, property and the environment that is equal to or lower than the level of risk that results from complying with the primary requirements.
- (3) In regulation 62(4) delete “subregulation (3)(b)” and insert:
- subregulation (3)
- (4) In regulation 62(6) delete “subregulation (3)(b)” and insert:
- subregulation (3)
- (5) Delete regulation 62(7) and (8) and insert:
- (7A) If a provision of AS 4897 section 4, 6, 8 or 9 requires a person involved in the design, manufacture, installation or repair of an underground storage or handling system for petroleum products to do an act and the person contravenes the provision, the person commits an offence.
- Penalty: a level 1 fine.

- (7) The operator of a dangerous goods site at which there is an underground storage or handling system for Class 3 dangerous goods or petroleum products who does not —
- (a) ensure the system is monitored for leaks in accordance with AS 4897 clause 4.5; or
 - (b) make a written record of the monitoring carried out under AS 4897 clause 4.5 and retain it for at least 2 years after the date of the monitoring; or
 - (c) comply with AS 4897 clause 7.3 (other than clause 7.3.4); or
 - (d) ensure the system is maintained and tested in accordance with AS 4897 section 8; or
 - (e) retain the records referred to in AS 4897 clause 8.4 of an inspection or test for at least 2 years after the date on which the inspection or test is conducted; or
 - (f) ensure any repair of the system is done in accordance with AS 4897 clause 9.2,

commits an offence.

Penalty: a level 2 fine.

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

Penalty: a level 2 fine.

24. Regulation 63 amended

- (1) In regulation 63(1) delete “An operator” and insert:

The owner

- (2) In regulation 63(2) delete “operator” and insert:

owner

25. Regulation 65 replaced

Delete regulation 65 and insert:

65. Entrances and exits to be clear

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

Penalty: a level 2 fine.

26. Regulations 68, 69, 70 and 71 replaced

Delete regulations 68, 69, 70 and 71 and insert:

68. Outer warning placards

- (1) This regulation does not apply to a dangerous goods site if —
 - (a) it is a petrol station; and
 - (b) the only dangerous goods on the site that in quantity exceed the quantities specified in the column headed “Placarding quantity” in Schedule 1 are petroleum products or LP gas.
- (2) The operator of a dangerous goods site where dangerous goods are stored or handled in quantities that exceed those specified in the column headed “Placarding quantity” in Schedule 1 must ensure that a “HAZCHEM” outer warning placard that complies with Schedule 4 clause 2 is displayed at —
 - (a) every entrance to the site; or
 - (b) any alternative place approved in writing by FESA or a DGO.

Penalty: a level 2 fine.

69. Signs at sites where dangerous goods are stored in bulk

- (1) In this regulation —

relevant sign, for dangerous goods, means —

 - (a) if they are neither goods too dangerous to transport nor C1 combustible liquids —
 - (i) a placard that complies with Schedule 4 clause 3; or

- (ii) an emergency information panel the format and design of which and the particulars on which comply with the ADG Code clause 5.3.1.3.1 for the goods;
 - (b) if they are goods too dangerous to transport, a placard that complies with Schedule 4 clause 4;
 - (c) if they are C1 combustible liquids, a placard that complies with Schedule 4 clause 6.
- (2) The operator of a dangerous goods site where dangerous goods are stored in bulk must ensure that the relevant sign for the goods —
- (a) is displayed —
 - (i) on every container in which the goods are stored in bulk; and
 - (ii) at the entrance to any building in which the goods are stored in bulk, whether in a container or not; and
 - (iii) on or adjacent to every place outside a building where the goods are stored in bulk but not in a container;
 - or
 - (b) is displayed in an alternative place approved in writing by FESA or a DGO.
- Penalty: a level 2 fine.
- (3) Subregulation (2) does not apply to a site if the only dangerous goods at the site are —
- (a) dangerous goods in bulk in a container that is intended for transport and labelled in accordance with the ADG Code; or
 - (b) C1 combustible liquids in bulk in a quantity not exceeding 10 000 L that are isolated from other dangerous goods; or
 - (c) dangerous goods of Division 2.1, Class 3 or petroleum products, that are stored in a container, other than an IBC, that comprises an underground storage or handling system at a petrol station.
- (4) Subregulation (2) does not require a sign to be displayed on —
- (a) any container in which there are packaged dangerous goods; or
 - (b) an IBC containing dangerous goods if —
 - (i) it is not connected to any other thing for the purposes of filling or emptying it; and

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

70. Signs at sites where packaged dangerous goods and dangerous goods in IBCs are stored

- (1) In this regulation —

relevant dangerous goods means —

- (a) packaged dangerous goods; or
- (b) dangerous goods in IBCs;

relevant sign, for dangerous goods, means —

- (a) a placard that complies with Schedule 4 clause 5; and
- (b) if the goods are or include C1 combustible liquids in a total quantity of more than 10 000 L and they are not stored with fire risk dangerous goods, a placard that complies with Schedule 4 clause 6.

- (2) If at a dangerous goods site —

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

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

- (c) is displayed —
 - (i) at the entrance to any building in which the relevant dangerous goods are stored; and
 - (ii) within a building referred to in subparagraph (i), at the entrance to each room or other closed or walled section of the building in which the relevant dangerous goods are stored; and
 - (iii) adjacent to any external storage area where the relevant dangerous goods are stored;
- or
- (d) is displayed at an alternative place approved in writing by FESA or a DGO.

Penalty: a level 2 fine.

- (3) The operator of a dangerous goods site where dangerous goods that exceed the relevant quantity specified in the column headed “Placarding quantity” in Schedule 1 are stored or handled must

ensure that any IBC containing the goods is placarded in accordance with the ADG Code.

Penalty: a level 2 fine.

71. Signs to be properly displayed at sites

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

Penalty: a level 3 fine.

- (2) For the purposes of subregulation (1) a sign is not properly displayed unless it is —
- (a) clean, in good order and unobstructed; and
 - (b) clearly legible to persons approaching it; and
 - (c) separate from any other sign or writing that contradicts, qualifies or distracts attention from it.

27. Regulation 73 amended

Delete regulation 73(2)(a)(i) and insert:

- (i) has been designed and constructed to extinguish any fire that might be reasonably foreseeable at the site; and

28. Regulation 74 amended

In regulation 74 delete “are —” and insert:

and ensure the equipment is —

29. Regulation 75 amended

After regulation 75(8) insert:

- (9) Subregulation (8) does not apply to the operator of a dangerous goods site that is —
- (a) a petrol station; or
 - (b) a mine as defined in the *Mines Safety and Inspection Act 1994* section 4(1),
- unless the Chief Officer, in writing, notifies the operator that it does.

30. Regulation 88 amended

- (1) Before regulation 88(1) insert:
 - (1A) In this regulation —
licensed site means a dangerous goods site that is the subject of a licence issued under Part 4.
- (2) In regulation 88(1) delete “in the person’s name under this regulation.” and insert:

under this Part.
- (3) Delete regulation 88(2) and insert:
 - (2) Subregulation (1) does not apply to a dangerous goods pipeline —
 - (a) that is on and does not leave a licensed site; or
 - (b) that goes from one licensed site to another contiguous licensed site and does not leave a licensed site; or
 - (c) that has an internal diameter of less than 60 mm.

31. Regulation 89 amended

- (1) Delete regulation 89(2) and (3) and insert:
- (2) The application must —
 - (a) be in an approved form; and
 - (b) be accompanied by a written report prepared by the applicant demonstrating that the dangerous goods pipeline can be operated in accordance with this Part and in any event with minimal risk to people, property and the environment.
- (3) A written report is not required under subregulation (2)(b) if the application relates to a dangerous goods pipeline that is wholly within a major hazard facility for which there is an approved safety report under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* Part 5.

- (2) In regulation 89 delete the Penalty.

32. Regulation 90 replaced

Delete regulation 90 and insert:

90. Registrations, renewal of

- (1) The Chief Officer must renew a registration that is about to expire due to the passage of time (the ***existing registration***) unless —
- (a) the holder of the existing registration is dead or, being a body corporate or partnership, is dissolved; or
 - (b) the holder of the existing registration does not want it renewed; or
 - (c) the pipeline to which the existing registration relates —
 - (i) is not a dangerous goods pipeline; or
 - (ii) does not need to be registered under this Part.
- (2) To renew an existing registration the Chief Officer must grant a new registration that has effect immediately after the existing registration expires and the terms of which are the same as those of the existing registration.

33. Regulation 92 amended

In regulation 92(3):

- (a) in paragraph (b) delete “form; and” and insert:
- form.
- (b) delete paragraph (c).

34. Regulation 94 replaced

Delete regulation 94 and insert:

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

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

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

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

- (2) If —

- (a) a registration application is made in respect of a dangerous goods pipeline that is situated on or connected to a place that, under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*, is not a major hazard facility; but
- (b) the type and quantity of dangerous goods that would be permitted to be conveyed in the pipeline (including dangerous goods to which the licence would relate if it were granted) are such that the place may be classified as a major hazard facility under those regulations,

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

- (c) a decision is made not to classify the place as a major hazard facility; or
- (d) the place is classified as a major hazard facility and there is an approved safety report for the major hazard facility.

35. Regulation 95 amended

- (1) In regulation 95 delete “Except” and insert:

- (1) Except

- (2) At the end of regulation 95 insert:

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

36. Regulation 97 amended

Delete regulation 97(1) and insert:

- (1A) In this regulation —
existing registration means a registration granted under this Part that, immediately before 1 April 2012, is in effect.
- (1B) This regulation is subject to the *Dangerous Goods Safety (General) Regulations 2007* regulation 15.
- (1) Each existing registration has effect for 5 years commencing on —
 - (a) if it has never been renewed, the date on which it was granted; or
 - (b) if it has been renewed, the date on which the last renewal took effect,unless it is cancelled in that period.
- (2A) A registration granted on or after 1 April 2012 has effect for 5 years unless it is cancelled in that period.

37. Regulation 109 amended

- (1) At the beginning of regulation 109 insert:
 - (1) The holder of a registration of a dangerous goods pipeline must ensure the pipeline is not used —
 - (a) for an activity other than the activity the registration authorises; or
 - (b) to carry any dangerous goods other than those the registration authorises to be carried in the pipeline.
- (2) In regulation 109 delete “A registration” and insert:
- (2) A registration

38. Regulation 111 replaced

Delete regulation 111 and insert:

111. Pipelines to be designed, built and maintained to reduce risk from dangerous goods

The owner of a dangerous goods pipeline must ensure it is not operated unless it has been designed, built and maintained so that, so far as is reasonably practicable, it can convey the dangerous

goods with minimal risk to people, property and the environment
in relation to the goods.

Penalty: a level 1 fine.

39. Regulation 112 amended

In regulation 112 delete “An operator” and insert:

The owner

40. Regulation 113 replaced

Delete regulation 113 and insert:

113. Pipelines to be accessible for examination and maintenance

The owner of a dangerous goods pipeline must ensure it is not
operated unless it has been designed and built, so that, so far as is
reasonably practicable, it can be safely examined and maintained.

Penalty: a level 2 fine.

41. Regulation 115 amended

- (1) In regulation 115(1) delete “An operator” and insert:

The owner

- (2) In regulation 115(2) delete “operator” and insert:

owner

42. Regulation 117 deleted

Delete regulation 117.

43. Regulation 121 amended

- (1) In regulation 121(1):
(a) in paragraph (a) after “incident” insert:

at a dangerous goods site or that involves dangerous
goods in a pipeline

- (b) in paragraph (b) after “other situation” insert:

at a dangerous goods site or that involves dangerous goods in a pipeline

- (2) In regulation 121(2):

- (a) delete “include —” and insert:

include the following —

- (b) in paragraph (j) delete “situation.” and insert:

situation;

- (c) after paragraph (j) insert:

- (k) the measures taken after the reportable situation to prevent a similar situation arising again.

44. Regulation 122 replaced

Delete regulation 122 and insert:

122. Reports about dangerous goods incidents

- (1) If a DGO suspects on reasonable grounds that a dangerous goods incident has occurred at a dangerous goods site or in respect of a dangerous goods pipeline, the DGO may give the operator of the site or pipeline, as the case requires, a notice that requires the operator to give the DGO a written report about —
- (a) the cause or effect of the incident; and
- (b) any action taken by the person as a result of the incident.
- (2) The notice must —
- (a) be in writing and be signed by the DGO; and
- (b) specify the dangerous goods incident concerned; and
- (c) specify the date by which the report must be given to the DGO.
- (3) More than one notice may be given to a person under this regulation in relation to one dangerous goods incident.

- (4) A person given a notice under this regulation must obey it.
Penalty: a level 3 fine.
- (5) A person is not excused from obeying a notice given under this regulation on the ground that obeying the notice might tend to incriminate the person but, except in the case of a body corporate, information in the report is not admissible in evidence against the person in criminal proceedings other than proceedings for an offence against subregulation (4) or regulation 139.

45. Regulation 131 amended

Delete regulation 131(1) and insert:

- (1) An occupier of a rural dangerous goods location or small quantity dangerous goods location must —
 - (a) obtain the current MSDS for dangerous goods stored or handled at the location, on or before the first occasion that they are supplied to the location; and
 - (b) ensure the current MSDS is readily accessible to persons at the location and to officers of FESA.

Penalty: a level 3 fine.

46. Regulation 133 amended

- (1) Before regulation 133(1) insert:

- (1A) For the purposes of this regulation —
 - (a) AS 4897 clause 4.3.1 is taken to require the manufacturer of the piping to provide the written specification and performance warranty required by that clause; and
 - (b) AS 4897 clause 4.3.2(b) is taken to require a corrosion specialist to provide the certification required by that clause; and
 - (c) AS 4897 clause 4.3.3 is taken to require the manufacturer of the product piping to provide the written specification and performance warranty required by that clause; and
 - (d) AS 4897 clause 9.3.2(a) is taken to require the repairer of the tank to provide the warranty required by that clause.

- (2) In regulation 133(1) delete “site” and insert:
- location
- (3) Delete regulation 133(3) and insert:
- (3) An underground storage or handling system for petroleum products must —
- (a) meet the requirements in AS 4897 sections 3 and 4 for underground petroleum storage systems; and
 - (b) have the equipment required by AS 4897 sections 3 and 4 for Equipment level 1 under AS 4897, irrespective of how the site where the system is situated is classified under AS 4897; and
 - (c) be designed, certified and installed in accordance with AS 4897 section 6, other than clause 6.3,
- or, subject to subregulation (4), be designed, certified, constructed, installed, operated, maintained and tested in compliance with alternative safety measures that result in a level of risk in relation to the dangerous goods in relation to people, property and the environment that is equal to or lower than the level of risk that results from complying with the primary requirements.
- (4) In regulation 133(4) delete “subregulation (3)(b)” and insert:
- subregulation (3)
- (5) In regulation 133(6) delete “subregulation (3)(b)” and insert:
- subregulation (3)
- (6) Delete regulation 133(7) and (8) and insert:
- (7A) If a provision of AS 4897 section 4, 6, 8 or 9 requires a person involved in the design, manufacture, installation or repair of an underground storage or handling system for petroleum products to do an act and the person contravenes the provision, the person commits an offence.
- Penalty: a level 1 fine.

- (7) The operator of a rural dangerous goods location at which there is an underground storage or handling system for Class 3 dangerous goods or petroleum products who does not —
- (a) ensure the system is monitored for leaks in accordance with AS 4897 clause 4.5; or
 - (b) make a written record of the monitoring carried out under AS 4897 clause 4.5 and retain it for at least 2 years after the date of the monitoring; or
 - (c) comply with AS 4897 clause 7.3 (other than clause 7.3.4); or
 - (d) ensure the system is maintained and tested in accordance with AS 4897 section 8; or
 - (e) retain the records referred to in AS 4897 clause 8.4 of an inspection or test for at least 2 years after the date on which the inspection or test is conducted; or
 - (f) ensure any repair of the system is done in accordance with AS 4897 clause 9.2,

commits an offence.

Penalty: a level 2 fine.

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

Penalty: a level 2 fine.

47. Regulation 134 deleted

Delete regulation 134.

48. Regulation 136 amended

- (1) Delete regulation 136(1).
- (2) In regulation 136(2) delete “Gas” and insert:

gas

49. Regulation 139 amended

In regulation 139(a) after “notice” insert:

or report

50. Schedule 3 amended

- (1) In Schedule 3 clause 5(2):
- (a) in paragraph (a) delete “Number and class” and insert:

Number, and the class or division,

- (b) in paragraph (b) delete “ “Combustible Liquid”; and” and insert:

“C1 combustible liquid”; and

- (2) In Schedule 3 clause 6(d)(ii) delete “ “Combustible Liquid”; and” and insert:

“C1 combustible liquid”; and

51. Schedule 4 replaced

Delete Schedule 4 and insert:

Schedule 4 — Placarding requirements

[r. 68, 69 and 70]

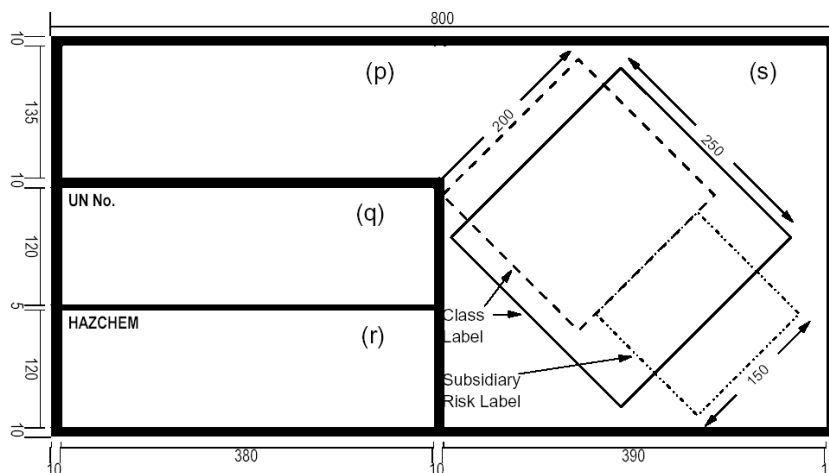
1. Figures

In this Schedule a reference to a figure followed by a number is a reference to a figure with that number in this clause.

Figure 1 — Form and dimensions of an outer warning placard

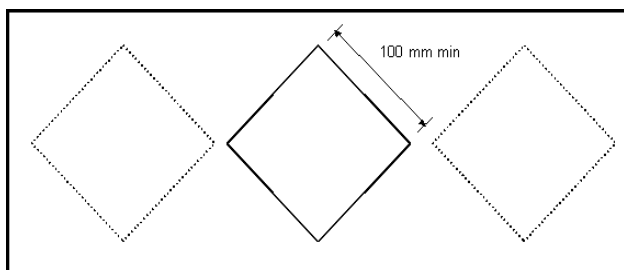


**Figure 2 — Template for a placard for dangerous goods
(other than C1 combustible liquids) in bulk**



- Note: The numerals and letters used for showing the proper shipping name or name of the goods, UN Number and Hazchem Code must be —
- (a) black on a white background, except where a letter of the Hazchem Code is white on a black background; and
 - (b) at least 100 mm high, except where the proper shipping name requires 2 lines to be used, in which case the lettering must be at least 50 mm high.

**Figure 3 — Form and dimensions of a placard for storage of
packaged dangerous goods**



Note: The placard shown in Figure 3 must have sides at least 100 mm long.

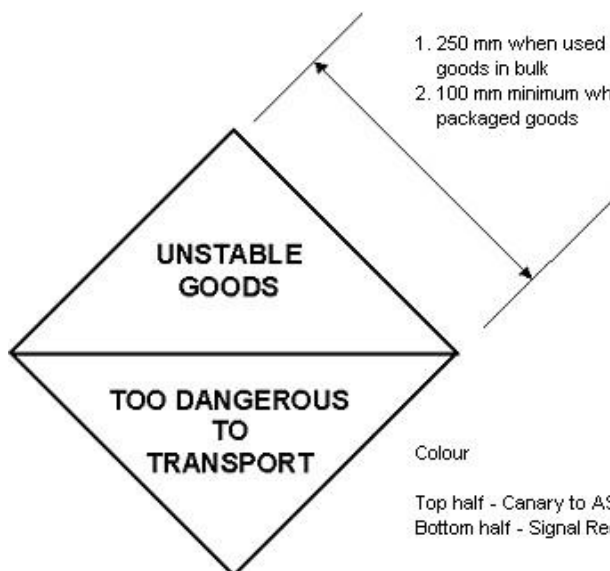
Figure 4 — Form of a label for mixed classes or divisions



Colour of stripes:
Black and
Orange AS2700S 1996 (X15) or Pantone 151

Note: The label shown in Figure 4 must have sides at least 100 mm long.

Figure 5 — Form of a label for goods too dangerous to be transported

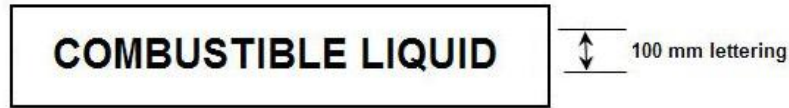


1. 250 mm when used in a placard for dangerous goods in bulk
2. 100 mm minimum when used in a placard for packaged goods

Colour

Top half - Canary to AS2700S 1996(Y11)
Bottom half - Signal Red to AS2700S 1996(R13)

Figure 6 — Placard for C1 combustible liquids



2. **Outer warning placard (r. 68)**
 - (1) The placard must have —
 - (a) the form shown in Figure 1; and
 - (b) dimensions not less than those shown in Figure 1.
 - (2) The placard must display the word “HAZCHEM” in red letters not less than 100 mm high and of the style shown in Figure 1, on a white or silver background.
 - (3) For the purposes of subclause (2), “red” means the colour Signal Red in accordance with AS 2700S–1996 (R13).
3. **Placard for dangerous goods in bulk that are not goods too dangerous to transport or C1 combustible liquids (r. 69)**
 - (1) The placard must have —
 - (a) the form shown in Figure 2; and
 - (b) dimensions not less than those shown in Figure 2.
 - (2) The placard must contain the following information —
 - (a) in space (p) in Figure 2, the proper shipping name;
 - (b) in space (q) in Figure 2, the UN Number;
 - (c) in space (r) in Figure 2, the Hazchem Code for the dangerous goods specified in the ADG Code Appendix C;
 - (d) in space (s) in Figure 2, the class or division label and subsidiary risk label, if any.
 - (3) For the purposes of subclause (2)(d) —
 - (a) the class or division label and the subsidiary risk label, if any, must have the form and colouring specified in the ADG Code; and
 - (b) if there is more than one subsidiary risk label, the width of the right hand portion of the placard may be extended.
4. **Placard for dangerous goods in bulk that are goods too dangerous to transport (r. 69)**
 - (1) The placard must have —
 - (a) the form shown in Figure 2; and

- (b) dimensions not less than those shown in Figure 2.
- (2) The placard must comply with the following —
 - (a) space (p) in Figure 2 must contain the name for the goods specified in the ADG Code Appendix A;
 - (b) space (q) in Figure 2 must be left blank;
 - (c) space (r) in Figure 2 must be left blank;
 - (d) space (s) in Figure 2 must contain the label specified in Figure 5.

5. Placard for packaged dangerous goods (r. 70)

- (1) The placard must have the form shown in Figure 3 and be of sufficient size to accommodate the labels to be displayed on it.
- (2) The placard must have a white or silver background.
- (3) The placard must display —
 - (a) for dangerous goods present in the storage area, other than goods too dangerous to be transported —
 - (i) the corresponding class or division label for each class or division of dangerous goods present in a quantity that exceeds the quantity specified in the column headed “Placarding quantity” in Schedule 1; and
 - (ii) if the total quantity of any combination of the classes or divisions of dangerous goods specified in item 5 of the Table in Schedule 1 exceeds the placarding quantity — a class or division label for each class or division of dangerous goods, or the label specified in Figure 4; and
 - (iii) if the goods are C1 combustible liquids in a total quantity of more than 1 000 L and they are stored with fire risk dangerous goods — a class label for Class 3;
 - and
 - (b) for goods too dangerous to be transported present in the storage area, the label specified in Figure 5.

6. Placard for C1 combustible liquids (in bulk or in containers) (r. 69 and 70)

A placard for C1 combustible liquids in bulk or in containers must display the words “COMBUSTIBLE LIQUID” as shown in Figure 6, in black letters in the style shown, not less than 100 mm high and on a white or silver background.

52. Schedule 5 amended

- (1) Delete Schedule 5 clause 2 and insert:

2. Annual fee for Part 4 licence

The fee for a licence granted under Part 4 for a dangerous goods site, for a year or part of a year, is the fee in the Table that relates to the site.

Table

| Item | Maximum quantity of dangerous goods specified in the licence for the site | Fee (\$) |
|------|---|----------|
| 1. | Less than 50 000 kg or L | 192 |
| 2. | 50 000 kg or L or more | 638 |

- (2) Delete Schedule 5 Division 2.

53. Schedule 6 Division 2 inserted

After Schedule 6 Division 1 insert:

**Division 2 — Provisions relating to *Dangerous Goods Safety
(Storage and Handling of Non-explosives) Amendment
Regulations 2012***

5. Placards about combustible liquids

On and after 1 April 2012, a placard that states —

- (a) “C1 COMBUSTIBLE LIQUID”; or
- (b) “COMBUSTIBLE LIQUID C1”,

and that otherwise complies with, and is displayed in accordance with, these regulations is taken to comply with these regulations notwithstanding that it does not state “COMBUSTIBLE LIQUID”.