



Dangerous Goods Safety Act 2004

Dangerous Goods Safety Regulations Amendment Regulations 2016

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Dangerous Goods Safety Regulations Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

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

3. Regulations amended

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

4. Regulation 3 amended

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

ADG Code
security risk substance
SRS
UNTC

Dangerous Goods Safety Regulations Amendment Regulations 2016

Part 2 Dangerous Goods Safety (Explosives) Regulations 2007 amended

r. 5

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

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* (also called the Australian Dangerous Goods Code) published by the National Transport Commission, Edition 7.4 (ISBN 978-1-921604-69-0), as in effect on 1 January 2016, including (for the avoidance of doubt) its appendices;

security sensitive ammonium nitrate has the meaning given in the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* regulation 3;

SSAN stands for security sensitive ammonium nitrate;

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

5. Regulation 16 amended

Delete regulation 16(3) and insert:

- (3) An individual has a security clearance for the purposes of these regulations if the person holds a written authorisation that —
- (a) is granted or issued under the law of another State or a Territory that corresponds, or substantially corresponds, to the Act; and
 - (b) authorises the person to have unsupervised access to an explosive or an SSAN.

Dangerous Goods Safety Regulations Amendment Regulations 2016
Dangerous Goods Safety (Explosives) Regulations 2007 **Part 2**
amended

r. 6

6. Regulation 19 amended

In regulation 19(4) delete “SRS” and insert:

SSAN

7. Regulation 21 amended

- (1) In regulation 21(4) delete “(*Security Risk Substances*)” and insert:

(Security Sensitive Ammonium Nitrate)

- (2) After regulation 21(5) insert:

- (6) A person’s security card is to be taken to have been cancelled if the person dies.

8. Regulation 22 amended

- (1) In regulation 22(2):
(a) delete “SRS” and insert:

SSAN

- (b) delete “SRS.” and insert:

SSAN.

- (2) In regulation 22(3) delete “SRS” and insert:

SSAN

Dangerous Goods Safety Regulations Amendment Regulations 2016**Part 2** Dangerous Goods Safety (Explosives) Regulations 2007
amended**r. 9**

9. Regulation 23 amended

In regulation 23(1), (2), (3), (4), (5) and (7) after “licence” (each occurrence) insert:

or test permit

Note: The heading to amended regulation 23 is to read:

Authorisation to have access to explosives

10. Regulation 24 amended

In regulation 24(1) and (2) after “licence” (each occurrence) insert:

or test permit

Note: The heading to amended regulation 24 is to read:

Records as to secure nominees

11. Regulation 25 amended

In regulation 25(1) and (2) after “licence” (each occurrence) insert:

or test permit

12. Regulation 35 deleted

Delete regulation 35.

Dangerous Goods Safety Regulations Amendment Regulations 2016
Dangerous Goods Safety (Explosives) Regulations 2007 **Part 2**
amended

r. 13

13. Regulation 36 amended

In regulation 36(3):

- (a) in paragraph (b) delete “*(Security Risk Substances)*” and insert:

(Security Sensitive Ammonium Nitrate)

- (b) in paragraph (b) delete “SRS” (each occurrence) and insert:

SSAN

14. Regulation 51 amended

- (1) Delete regulation 51(1) and insert:

- (1) A person who holds a licence that authorises the person to possess an explosive and who is in possession of the explosive must —

- (a) carry the licence; or
(b) have the licence in the vehicle in which the person is travelling; or
(c) have the licence at the place where the person is in possession of the explosive.

Penalty for this subregulation: a level 3 fine.

- (2) In regulation 51(3) delete the Penalty and insert:

Penalty for this subregulation: a level 3 fine.

Dangerous Goods Safety Regulations Amendment Regulations 2016**Part 2** Dangerous Goods Safety (Explosives) Regulations 2007
amended**r. 15**

15. Regulation 89 amended

- (1) Delete regulation 89(3) and (4) and insert:
 - (3) The person must ensure that the firework is stored at the place where the event will be conducted for not more than 48 hours or a longer period approved by the Chief Officer.
Penalty for this subregulation: a level 2 fine.
- (2) At the end of regulation 89(5) insert:

Penalty for this subregulation: a level 2 fine.
- (3) In regulation 89(6) delete the Penalty and insert:

Penalty for this subregulation: a level 2 fine.

16. Regulation 97 amended

Delete regulation 97(3)(d).

17. Regulation 118 amended

After regulation 118(3)(a)(ii) insert:

- (iia) a photo card as defined in the *Western Australian Photo Card Act 2014* section 3; or

18. Regulation 125 amended

Delete regulation 125(3).

Dangerous Goods Safety Regulations Amendment Regulations 2016
Dangerous Goods Safety (Explosives) Regulations 2007 **Part 2**
amended

r. 19

19. Regulation 129 amended

Delete regulation 129(2).

20. Regulation 157 amended

Delete regulation 157(6).

21. Regulation 160 amended

(1) At the beginning of regulation 160 insert:

(1) In this regulation —

driver licence means an Australian driver licence as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1) but does not include a provisional licence;

provisional licence has the meaning given in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1).

(2) In regulation 160:

(a) delete “The” and insert:

(2) The

(b) delete paragraph (a) and insert:

(a) a copy of the applicant’s driver licence; and

22. Regulation 161 amended

In regulation 161(2A) in the definition of *explosive* delete “security risk substance.” and insert:

security sensitive ammonium nitrate.

Dangerous Goods Safety Regulations Amendment Regulations 2016**Part 2** Dangerous Goods Safety (Explosives) Regulations 2007 amended**r. 23**

23. Regulation 165 amended

In regulation 165(1) in the definition of *qualified officer* paragraph (a) delete “18 years” and insert:

21 years

24. Regulation 165A inserted

After regulation 165 insert:

165A. Fireworks contractor licence requirements

- (1) An individual who holds a fireworks contractor licence must hold a fireworks operator licence.

Penalty for this subregulation: a level 3 fine.

- (2) A body corporate or a partnership that holds a fireworks contractor licence must have at least one individual who is concerned in the management of, or employed by, the body or partnership who holds a fireworks operator licence.

Penalty for this subregulation: a level 3 fine.

25. Regulation 167 amended

Delete regulation 167(1) and insert:

- (1) A licence other than a trading licence has effect for 5 years commencing on the date on which it was issued, unless it is cancelled in that period.

Dangerous Goods Safety Regulations Amendment Regulations 2016
Dangerous Goods Safety (Explosives) Regulations 2007 **Part 2**
amended

r. 26

26. Regulation 168A replaced

Delete regulation 168A and insert:

168A. Licence suspended in certain circumstances

- (1) A licence is to be taken to have been suspended for any period during which the holder, being an individual, does not have a security clearance.
- (2) A fireworks contractor licence is to be taken to have been suspended for any period during which —
 - (a) the licence holder, being an individual, does not hold a fireworks operator licence; or
 - (b) the licence holder, being a body corporate or a partnership, does not have an individual who holds a fireworks operator licence concerned in the management of, or employed by, the body or partnership.

27. Regulation 168 amended

- (1) In regulation 168(1) delete “in writing”.
- (2) Delete regulation 168(2).

28. Regulation 171 amended

- (1) Delete regulation 171(2).
- (2) In regulation 171(3) delete “subregulation (1) or (2).” and insert:

subregulation (1).

Dangerous Goods Safety Regulations Amendment Regulations 2016

Part 2 Dangerous Goods Safety (Explosives) Regulations 2007 amended

r. 29

29. Regulation 173 amended

In regulation 173(6B) delete “until the holder has a security clearance.” and insert:

under regulation 168A.

30. Regulation 177 amended

In regulation 177 delete “it, and any card issued under regulation 168(2) in relation to it,” and insert:

the licence

31. Part 15 Division 4A inserted

After Part 15 Division 4 insert:

Division 4A — Mutual recognition**182A. Terms used**

In this Division —

another participating jurisdiction means a participating jurisdiction other than this State;

corresponding law means a law of another State or a Territory corresponding, or substantially corresponding, to these regulations;

participating jurisdiction means —

- (a) this State; and
- (b) another State or a Territory that has a corresponding law;

Dangerous Goods Safety Regulations Amendment Regulations 2016
Dangerous Goods Safety (Explosives) Regulations 2007 **Part 2**
amended

r. 31

relevant licence means —

- (a) an explosives driver licence;
- (b) a shotfiring licence;
- (c) a fireworks operator licence;
- (d) a pyrotechnics (special use) licence.

182B. Recognition of licences granted in other participating jurisdiction

- (1) This regulation applies to a licence granted in another participating jurisdiction if —
 - (a) the licence is granted under a provision of a corresponding law; and
 - (b) the licence authorises the holder to carry out the activities that would be authorised by a relevant licence; and
 - (c) in the case of a licence held by an individual — the licence authorises the holder to have unsupervised access to an explosive or an SSAN; and
 - (d) the licence has effect in the other jurisdiction.
- (2) Except for circumstances that do not exist in this State, the licence has effect in this State as if it were a relevant licence granted by the Chief Officer under regulation 164.

Dangerous Goods Safety Regulations Amendment Regulations 2016**Part 2** Dangerous Goods Safety (Explosives) Regulations 2007
amended**r. 32**

32. Regulation 190 amended

(1) Delete regulation 190(1) and insert:

(1) In this regulation —

SSAN licence means either of the following licences issued under the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* —

- (a) an SSAN manufacture licence;
- (b) an SSAN storage licence.

(2) In regulation 190(2) delete “SRS” (each occurrence) and insert:

SSAN

33. Regulation 191 deleted

Delete regulation 191.

34. Regulation 194 amended

Delete regulation 194(6).

35. Schedule 4 amended

In Schedule 4 clause 5 delete “ammunition, ammunition propellant” and insert:

ammunition

Note: The heading to amended clause 5 is to read:

Ammunition and black powder

Dangerous Goods Safety Regulations Amendment Regulations 2016
Dangerous Goods Safety (General) Regulations 2007 **Part 3**
amended

r. 36

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

36. Regulations amended

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

37. Regulation 3 amended

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

ADG Code

UNTC

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

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* (also called the Australian Dangerous Goods Code) published by the National Transport Commission, Edition 7.4 (ISBN 978-1-921604-69-0), as in effect on 1 January 2016, including (for the avoidance of doubt) its appendices;

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

38. Regulation 15 amended

- (1) In regulation 15(1) in the definition of ***licence*** delete paragraph (b) and insert:

(b) any of these licences granted under the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* —

- (i) an SSAN import/export licence;

Dangerous Goods Safety Regulations Amendment Regulations 2016

Part 3 Dangerous Goods Safety (General) Regulations 2007
amended

r. 39

- (ii) an SSAN manufacture licence;
- (iii) an SSAN storage licence;
- (iv) an SSAN transport licence;
- (v) an SSAN supply licence;
- (vi) an SSAN fertiliser licence;

(2) Delete regulation 15(2)(b) and insert:

- (b) the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* regulation 35;

39. Schedule 2 amended

Delete Schedule 2 clause 1 and insert:

1. Infringement notice (r. 12)

| | | | |
|--|---|----------------------------|-------------|
| <i>Dangerous Goods Safety Act 2004 s. 56</i> | | Infringement notice | |
| <i>Dangerous Goods Safety (General) Regulations 2007</i> | | Number: | |
| Alleged offender (individual) | Family name | | |
| | Given names | | |
| | Address | | |
| | Date of birth | | Male/Female |
| | Driver's licence | No.: State/Country: | |
| | Type: Class(es): Expiry date: | | |

Dangerous Goods Safety Regulations Amendment Regulations 2016
 Dangerous Goods Safety (General) Regulations 2007 **Part 3**
 amended

r. 39

| | | | | |
|---|--|--|-----------------|--|
| Alleged offender (body corporate) | Name | | | |
| | ACN | | ABN | |
| | Address | | | |
| Description of alleged offence | Date | | Time | |
| | Place | | | |
| | Details ¹ | | | |
| | Regulation contravened ² | | | |
| Modified penalty | The modified penalty for the alleged offence is \$ | | | |
| Vehicle details³ | Plate No. | | State | |
| | Licence expiry date | | Vin/Chassis No. | |
| | Make | | Colour | |
| | Body type | | | |
| Officer issuing notice | Name | | | |
| | Office | | | |
| | Signature | | | |
| Date of issue | | | | |

Dangerous Goods Safety Regulations Amendment Regulations 2016

Part 3 Dangerous Goods Safety (General) Regulations 2007
amended

r. 39

| | |
|--|--|
| <p>Notice to alleged offender</p> | <p>It is alleged that you have committed the above offence.</p> <p>If you want the alleged offence dealt with in court, tick the box below, post this notice to the address below, and do not pay the modified penalty above.</p> <p>If you do not wish to be prosecuted for the alleged offence in court, pay the modified penalty above within 28 days after the date on which you receive this notice. See below for how and where to pay the modified penalty.</p> <p>If you want an extension of time to pay the modified penalty, contact the Chief Dangerous Goods Officer at the address below.</p> <p>Paying the modified penalty will not be taken to be an admission for the purposes of any civil or criminal court case.</p> <p>If you do not pay the modified penalty, you may be prosecuted in court for the alleged offence and, if convicted, you will be liable to a penalty and costs.</p> |
| <p>Alleged offender's response [Tick one box]</p> | <p>To —</p> <p>Resources Safety Department of Mines and Petroleum Mineral House 100 Plain Street East Perth WA 6004</p> <p><input type="checkbox"/> I want this alleged offence dealt with by a court.</p> <p><input type="checkbox"/> I want to pay the modified penalty in person.</p> <p><input type="checkbox"/> I want to pay the modified penalty by post.</p> <p><input type="checkbox"/> I want to pay the modified penalty online.</p> <p><input type="checkbox"/> I want to pay the modified penalty by telephone.</p> |

Dangerous Goods Safety Regulations Amendment Regulations 2016
 Dangerous Goods Safety (Major Hazard Facilities) **Part 4**
 Regulations 2007 amended

r. 40

| | | |
|--|--------------|--|
| How to pay the modified penalty | In person | <i>[Details for paying in person]</i> |
| | By post | Post this notice, with a cheque or money order made payable to <i>[payee]</i> , to: <i>[Address]</i> Do not send cash in the mail. |
| | Online | <i>[Details for online payments]</i> |
| | By telephone | <i>[Details for telephone payments]</i> |

Notes to Form 1 —

1. The details should say what the alleged offender has done that is a contravention of the law.
2. Include here the name of the regulations and the number of the regulation contravened.
3. Include vehicle details if alleged offence relates to a vehicle or to a person driving a vehicle.

Part 4 — *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* amended

40. Regulations amended

This Part amends the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*.

41. Regulation 4 amended

In regulation 4 delete the definition of ***ADG Code*** and insert:

***ADG Code** means the Australian Code for the Transport of Dangerous Goods by Road and Rail (also called the Australian Dangerous Goods Code)*

Dangerous Goods Safety Regulations Amendment Regulations 2016

Part 5 Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 amended

r. 42

published by the National Transport Commission, Edition 7.4 (ISBN 978-1-921604-69-0), as in effect on 1 January 2016, including (for the avoidance of doubt) its appendices;

42. Regulation 34 amended

In regulation 34(1) in the definition of *site licence* delete paragraph (b) and insert:

- (b) an SSAN manufacture licence, or an SSAN storage licence, granted under the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* in respect of a dangerous goods site; or

Part 5 — *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* amended**43. Regulations amended**

This Part amends the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*.

44. Regulation 4 amended

In regulation 4 delete the definition of *IMDG Code* and insert:

IMDG Code means the *IMDG Code, International Maritime Dangerous Goods Code*, 2014 Edition, incorporating Amendment 37-14 (ISBN: 978-92-801-1597-0);

Dangerous Goods Safety Regulations Amendment Regulations 2016
Dangerous Goods Safety (Security Risk Substances) **Part 6**
Regulations 2007 amended

r. 45

Part 6 — *Dangerous Goods Safety (Security Risk Substances) Regulations 2007* amended

45. Regulations amended

This Part amends the *Dangerous Goods Safety (Security Risk Substances) Regulations 2007*.

46. Regulation 1 amended

In regulation 1 delete “(Security Risk Substances)” and insert:

(Security Sensitive Ammonium Nitrate)

47. Regulation 3 amended

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

ADG Code

security risk substance

SRS

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

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* (also called the Australian Dangerous Goods Code) published by the National Transport Commission, Edition 7.4 (ISBN 978-1-921604-69-0), as in effect on 1 January 2016, including (for the avoidance of doubt) its appendices;

security sensitive ammonium nitrate (or SSAN) means a substance named in Schedule 2;

SSAN stands for security sensitive ammonium nitrate;

Dangerous Goods Safety Regulations Amendment Regulations 2016

Part 6 Dangerous Goods Safety (Security Risk Substances)
Regulations 2007 amended

r. 48

48. Regulation 28 amended

After regulation 28(2)(a)(ii) insert:

- (iia) a photo card as defined in the *Western Australian Photo Card Act 2014* section 3; or

49. Regulation 32 amended

In regulation 32(6)(b)(i) delete “18 years” and insert:

21 years

50. Regulation 33 amended

In regulation 33(1) in the definition of *qualified officer* paragraph (a) delete “18 years” and insert:

21 years

51. Regulation 34 amended

In regulation 34(2) delete “may” and insert:

must

52. Regulation 50 amended

Delete regulation 50(5).

Dangerous Goods Safety Regulations Amendment Regulations 2016
 Dangerous Goods Safety (Security Risk Substances) **Part 6**
 Regulations 2007 amended

r. 53

53. Schedule 2 amended

- (1) In the heading to Schedule 2 delete “**Security risk substances**” and insert:

Security sensitive ammonium nitrate

- (2) In Schedule 2 clause 1 delete “security risk substance” and insert:

security sensitive ammonium nitrate

54. Various references to “SRS” amended

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

SSAN

Table

| | |
|---|---------------------------------|
| r. 3 defs. of <i>access, interstate transport licence, Material Safety Data Sheet, required details, secure, secure nominee, store, supervised, supervised access, unexplained loss, unsupervised access</i> and <i>unsupervised access authorisation</i> | r. 5(1), (2) and (3) |
| r. 6(2) | r. 9(1), (2), (3) and (7) |
| r. 11(2) | r. 12(1), (2), (3), (4) and (5) |

Dangerous Goods Safety Regulations Amendment Regulations 2016

Part 6 Dangerous Goods Safety (Security Risk Substances)
Regulations 2007 amended

r. 54

| | |
|--------------------------------------|---|
| r. 13(1) and (2) | r. 14(1) def. of <i>unauthorised person</i> , (2), (3) and (4) |
| r. 16(1) and (2) | r. 17 |
| r. 18(1), (2) and (3) | r. 19(1) |
| r. 20 def. of <i>manufacture</i> | r. 21(1), (2), (3) and (4) |
| r. 22(1), (2), (3), (4) and (5) | r. 23(1) defs. of <i>licensed place</i> and <i>packaged SRS</i> , (2), (3), (4), (5), (6) and (7) |
| r. 24(1), (2), (3), (4), (5) and (6) | r. 25(1), (3) and (4) |
| r. 26 | r. 27(1), (2), (3), (4), (5) and (6) |
| r. 28(1), (2) and (3) | r. 29 def. of <i>licence</i> |
| r. 30(4) and (6) | r. 31(1) def. of <i>authorised person</i> , (2), (3), (4) and (5) |
| r. 32(1), (6) and (7) | r. 33(1) def. of <i>qualified officer</i> and (5) |
| r. 34(1) | r. 37(3) and (4) |
| r. 44(1) | Schedule 1 item 1 |

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

Table

| Amended regulation | Regulation heading |
|---------------------------|--|
| r. 9 | Licence holder may authorise individuals to have access to SSAN |
| r. 14 | Duties to keep SSAN secure |

Dangerous Goods Safety Regulations Amendment Regulations 2016
 Dangerous Goods Safety (Storage and Handling of Non-**Part 7**
 explosives) Regulations 2007 amended

r. 55

| Amended regulation | Regulation heading |
|--------------------|--|
| r. 19 | Chief Officer may direct that SSAN be analysed |

- (2) In the provisions listed in the Table delete “SRSs” and insert:

SSANs

Table

| | |
|---------------|---------------|
| Pt. 4 heading | Pt. 5 heading |
| Pt. 6 heading | Pt. 7 heading |
| r. 23(7)(a) | Pt. 8 heading |
| Pt. 9 heading | |

Part 7 — *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* amended

55. Regulations amended

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

56. Regulation 4 amended

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

ADG Code

IMDG Code

UNTC

Dangerous Goods Safety Regulations Amendment Regulations 2016**Part 7** Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 amended**r. 56**

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

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* (also called the Australian Dangerous Goods Code) published by the National Transport Commission, Edition 7.4 (ISBN 978-1-921604-69-0), as in effect on 1 January 2016, including (for the avoidance of doubt) its appendices;

IMDG Code means the *IMDG Code, International Maritime Dangerous Goods Code*, 2014 Edition, incorporating Amendment 37-14 (ISBN: 978-92-801-1597-0);

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

- (3) In regulation 4 in the definition of **flashpoint**:

(a) delete paragraph (a) and insert:

(a) AS/NZS 2106; or

(b) in paragraph (b) delete “AS 2106;” and insert:

AS/NZS 2106;

- (4) In regulation 4 in the definition of **rural dangerous goods location** paragraph (e) delete “stored, handled or” and insert:

stored or handled but not

Dangerous Goods Safety Regulations Amendment Regulations 2016
Dangerous Goods Safety (Storage and Handling of Non-**Part 7**
explosives) Regulations 2007 amended

r. 57

57. Regulation 48 amended

- (1) In regulation 48(2) delete “goods site” and insert:

goods site, at which more than the manifest quantity of dangerous goods are stored,

- (2) After regulation 48(2) insert:

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

58. Regulation 51 amended

- (1) Delete regulation 51(1) and insert:

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

Penalty for this subregulation: a level 1 fine.

Dangerous Goods Safety Regulations Amendment Regulations 2016**Part 7** Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 amended**r. 58**

- (2) In regulation 51(2) delete the Penalty and insert:

Penalty for this subregulation: a level 2 fine.

N. HAGLEY, Clerk of the Executive Council.