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Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Explosives) Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Explosives) Amendment Regulations 2012*.

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 — on the day after that day.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Explosives) Regulations 2007*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *UNMR*.

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

aerial shell has the meaning given to that term by AS 2187.0;

AS 2187 has the meaning given to that term by regulation 7;

AS 2187.0 has the meaning given to that term by regulation 7;

ground display has the meaning given to that term by AS 2187.0;

- (3) In regulation 3 in the definition of *proper shipping name* delete “Code or the UNMR;” and insert:

Code;

5. Regulation 6 amended

In regulation 6(2)(a) delete “in relation to the explosive in relation” and insert:

from the explosive

6. Regulation 9 amended

- (1) In regulation 9(1) in the definition of *assigned* delete paragraph (a) and insert:

- (a) by using the tests and criteria in the ADG Code for classifying dangerous goods; or

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- (2) In regulation 9(5) delete “UNMR,” and insert:

ADG Code,

7. Regulation 14 amended

In regulation 14(2) delete “a person who passes the test, or completes” and insert:

individuals who pass the test, or complete

8. Regulation 15 amended

In regulation 15(2)(b) delete “UNMR,” and insert:

ADG Code,

9. Regulation 22 amended

In regulation 22(3) delete “to so so” and insert:

to do so

10. Regulation 30 amended

In regulation 30(2):

- (a) in paragraph (f)(i) delete “UNMR; and” and insert:

AE Code; and

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(b) in paragraph (f)(iii) delete “UNMR” and insert:

ADG Code

11. Regulation 31 amended

In regulation 31(5) delete “UNMR.” and insert:

ADG Code.

12. Regulation 32 amended

Before regulation 32(1)(a) insert:

(aa) the UN number under the AE Code of every authorised explosive; and

13. Regulation 34 amended

In regulation 34(2)(a) delete “clause 1 —” and insert:

clause 2 —

14. Regulation 42 amended

(1) In regulation 42(1) delete the Penalty and insert:

Penalty: a level 2 fine.

(2) In regulation 42(3) delete the Penalty and insert:

Penalty: a level 2 fine.

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15. Regulation 44 amended

After regulation 44(3)(f) insert:

- (ga) the measures taken to control any leak, spill or accidental escape of explosives, and any fire or explosion, arising out of the situation;

16. Regulation 48 amended

In regulation 48 delete the Penalty and insert:

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

17. Regulation 57 amended

At the beginning of regulation 57 insert:

- (1A) This regulation does not apply to a sparkler that is an authorised explosive.

18. Regulation 76 amended

Delete regulation 76(b) and insert:

- (b) the person holds a licence referred to in regulation 77, 78 or 79 and stores the explosive in accordance with that regulation; or
- (c) the person holds a fireworks event permit and stores the explosive at the site of the event in accordance with the permit and regulation 89.

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19. Regulation 80 deleted

Delete regulation 80.

20. Regulation 82A inserted

After regulation 81 insert:

82A. Sparklers

- (1) A person storing more than 1 000 kg of sparklers must ensure the sparklers are stored properly.

Penalty: a level 2 fine.

- (2) For the purposes of subregulation (1) sparklers are not stored properly unless —

- (a) they are in a building or container that is separate from and at least 5 m from other buildings and containers; and
- (b) the building or container does not contain anything other than the sparklers, or the sparklers and other explosives with a classification code of 1.4S or 1.4G; and
- (c) on the outside of the entrance to the building or container are the following —
 - (i) a Class 1 Label, Model No. 1.4, that complies with the AE Code Figure 3.1 and that is at least 250 mm square;
 - (ii) a sign that says “FIREWORKS (SPARKLERS)” in black letters at least 100 mm high on a white or silver background;

and

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- (d) there is a fire extinguisher containing at least 9 L of water on or close to the outside of the building or container; and
 - (e) there is no combustible material within 5 m of the outside of the building or container; and
 - (f) there is a “HAZCHEM” outer warning placard that complies with the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* regulation 71 and Schedule 4 clause 2 —
 - (i) at every entrance in the perimeter of the site where the building or container is situated; or
 - (ii) at a position or positions approved in writing by FESA;
- and
- (g) except when it needs to be opened to deal with sparklers in it, the building or container is kept closed and locked so as to prevent removal of or access to the sparklers by unauthorised people.

21. Part 9 Division 4 heading replaced

Delete the heading to Part 9 Division 4 and insert:

Division 4 — Storage under licences and permits other than explosives storage licences

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22. Regulation 89 replaced

Delete regulation 89 and insert:

89. Fireworks event permit holders, storage by

- (1) This regulation applies to a person if —
 - (a) the person holds a fireworks event permit; and
 - (b) the person does not hold an explosives storage licence for the place where the event will be conducted; and
 - (c) the person stores at that place a firework that will be used at the event.
- (2) The requirements of this regulation are in addition to any condition included in the fireworks event permit that relates to the storage of any firework.
- (3) If the firework is an aerial shell and is stored —
 - (a) alone; or
 - (b) with another aerial shell; or
 - (c) with a ground display,

the person must store it in accordance with AS 2187.1 clauses 3.2.4.2 and 3.2.5.1 as if it were an explosive with a classification code of 1.1.
- (4) If the firework is a ground display, then, unless subregulation (3) applies, the person must store it in accordance with AS 2187.1 clauses 3.2.4.3 and 3.2.5.2 as if it were an explosive with a classification code of 1.3.
- (5) The person must ensure that the place where the firework is stored is at least 30 m from the place where any other firework is made ready for use or is ready for use or is used.

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- (6) The person must store the firework safely.
Penalty: a level 2 fine.

23. Regulation 90 amended

In regulation 90(7) delete the Penalty and insert:

Penalty: a level 2 fine.

24. Regulation 91 amended

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

Penalty: a level 2 fine.

- (2) Delete regulation 91(3).

25. Regulation 97 amended

After regulation 97(2) insert:

- (3A) Despite subregulation (2), a prime contractor who transports an authorised explosive by road in a vehicle that is licensed under the *Road Traffic Act 1974* Part III must hold an explosives transport licence that authorises the transport of the explosive unless —
- (a) the explosive is named in and transported in accordance with Schedule 7; or
 - (b) the prime contractor holds a licence referred to in regulation 98, 99, 100 or 101 and transports the explosive under that regulation.

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26. Regulation 104 amended

In regulation 104(1) delete the Penalty and insert:

Penalty: a level 2 fine.

27. Regulation 109 amended

(1) Delete regulation 109(2) and insert:

(2) In the case of a road vehicle involved in such an incident —

(a) one of the accountable persons for the vehicle must notify an emergency service as soon as practicable —

(i) of the incident; and

(ii) of the required details of the explosive being transported;

and

(b) each accountable person for the vehicle must provide the reasonable assistance required by a DGO, or an officer of an emergency service, to deal with the situation.

(2) After regulation 109(7) insert:

(8) It is a defence to a charge of an offence under subregulation (5) or (6) to prove the accused had already complied with the Act section 9(2) in respect of a reportable situation that arose from the incident.

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(1) Delete regulation 110(1)(c) and insert:

- (c) section 8.3.6 (other than section 8.3.6(3)(b)) and, for the purposes of section 8.3.6(1) and (2), section 3.4;

(2) Delete regulation 110(2)(b) and insert:

- (b) sections 6.1.1, 6.2(1)(a), 6.2(2)(d)(i), 6.3, 6.4.2, 6.4.3 and 6.4.4.

29. Regulation 112 amended

In regulation 112(b), (d) and (f) after “regulation 113,” insert:

114A,

30. Regulation 113 amended

(1) In regulation 113 delete “The holder” and insert:

(1) The holder

(2) At the end of regulation 113 insert:

- (2) The holder of an explosives import/export licence is authorised, without holding an explosives supply licence, to supply to any person any explosive that the holder imports under the licence.

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31. Regulation 114A inserted

After regulation 113 insert:

114A. Explosives manufacture licence authorises limited supply

The holder of an explosives manufacture licence is authorised, without holding an explosives supply licence, to supply to any person any explosive that the holder manufactures under the licence.

32. Regulation 130 amended

In regulation 130(1) delete “require, or comply with alternative safety measures for blast plans.” and insert:

require.

33. Regulation 136 amended

In regulation 136 in the definition of *fireworks event* delete “the public or a section of the public,” and insert:

one or more people, whether at a public or private event or show,

34. Regulation 138 amended

In regulation 138(2):

(a) in paragraph (b)(iii) delete “circumstances,” and insert:

circumstances.

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- (b) in paragraph (b) delete “and, if required by regulation 139 or 140, a permit or permits issued under those regulations.”.

35. Regulation 139 replaced

Delete regulation 139 and insert:

139. Using certain fireworks outdoors other than at fireworks events

- (1) This regulation does not apply to —
 - (a) the use of an unrestricted firework or a sparkler; or
 - (b) the use of a firework at a fireworks event under a fireworks event permit; or
 - (c) the use of a cracker chain under regulation 144 at a public ceremony; or
 - (d) the use of a firework by a person in an aircraft or by a skydiver; or
 - (e) the use of a firework to create a special effect for film or television at a place where the public are not present; or
 - (f) the use of a theatrical firework where people are present or proximate to create a theatrical effect for the purposes of a concert or theatrical performance.
- (2) A person must not use a firework outdoors unless, at least 14 days before the date of the proposed use of the firework, the person has given a fireworks notice signed by the person to —
 - (a) FESA; and

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- (b) the local government of the district in which the firework will be used.

Penalty: a level 2 fine.

- (3) A fireworks notice must be in an approved form and contain this information —
 - (a) the details of the fireworks operator licence that the person holds;
 - (b) a description of the proposed use of the fireworks including —
 - (i) the date, time and intended duration of the use of the fireworks; and
 - (ii) if any firework to be used is an aerial shell, the diameter of the largest shell;
 - (c) where the fireworks will be used;
 - (d) the purpose of using the fireworks.
- (4) On receiving a fireworks notice from a person, FESA or a local government may give the person —
 - (a) a written notice that prohibits the proposed use of the firework; or
 - (b) a written notice that prohibits the proposed use of the firework unless the person complies with conditions specified in the notice.
- (5) Under subregulation (4)(b) FESA or a local government may include in a notice any condition that is reasonably necessary for any of these purposes —
 - (i) to ensure the safety of people, property or the environment in the vicinity of where the firework will be used;
 - (ii) to ensure such people are notified of the proposed use of the firework;
 - (iii) to reduce any disturbance of such people.

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- (6) FESA or a local government may amend or cancel a notice it has given to a person under this regulation by advising the person in writing.
- (7) A person who is given a written notice under subregulation (4) must comply with it.
Penalty: a level 2 fine.

36. Regulation 140 deleted

Delete regulation 140.

37. Regulation 148 amended

In regulation 148(2) delete the passage that begins with “Before” and ends with “following —” and insert:

Before the holder of a fireworks contractor licence can apply for a fireworks event permit, the holder must sign a fireworks event notice and give it to the following —

38. Regulation 149 amended

In regulation 149(2):

- (a) delete “approved form” and insert:

application

- (b) delete paragraph (c)(iv) and insert:

- (iv) if any event firework is an aerial shell, the diameter of the largest shell;

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(c) delete paragraph (d) and insert:

(d) if the applicant proposes to store the event fireworks at the site of the event before the event and there is no explosives storage licence for the site, details of where, how and for how long they will be stored at the site;

39. Regulation 150 amended

After regulation 150(8)(b) insert:

(ca) a condition as to where, how and for how long any firework that will be used in the event may be stored at the place of the event before the event;

40. Regulation 157 amended

Delete regulation 157(3)(c) and insert:

(c) evidence that the applicant has reached the required age;

41. Regulation 161 amended

(1) After regulation 161(1) insert:

(2A) In subregulations (2) and (4) —
explosive includes a constituent of an explosive that is a security risk substance.

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(2) In regulation 161(2)(b) after “clauses 2,” insert:

3A,

(3) In regulation 161(3) delete “clauses 2” and insert:

clauses 2, 3A

(4) In regulation 161(4)(b) delete “clauses 2” and insert:

clauses 2, 3A

(5) In regulation 161(5)(a) delete “clauses 2” and insert:

clauses 2, 3A

(6) In regulation 161(6)(a) after “clauses 2,” insert:

3A,

42. Regulation 164 amended

(1) Delete regulation 164(2)(e)(i) and insert:

(i) has reached the required age; and

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(2) Delete regulation 164(7) and insert:

- (7) As soon as practicable after making a decision under this regulation, the Chief Officer must give the applicant a written notice of —
- (a) the decision; and
 - (b) if the decision is to refuse an application, the reasons for the decision.

43. Regulation 165 amended

Delete regulation 165(4)(b)(i) and insert:

- (i) has reached the required age; and

44. Regulation 174 amended

In regulation 174(1)(d) delete “regulation 162.” and insert:

regulation 164.

45. Regulation 182 amended

(1) In regulation 182(1) delete the Penalty and insert:

Penalty:

- (a) if the condition is that imposed by regulation 194(2), a level 2 fine;
- (b) otherwise, a level 1 fine and imprisonment for 10 months.

(2) Delete regulation 182(3).

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46. Regulation 195 amended

(1) Delete regulation 195(1)(c), (d) and (e) and insert:

(c) a permit issued under regulation 131,

(2) Delete regulation 195(2).

47. Schedule 1 amended

In Schedule 1 item 4(a) delete “ground fireworks” and insert:

fireworks that are a ground display

48. Schedule 2 amended

After Schedule 2 clause 2(2)(c) insert:

(da) a sparkler the combustible part of which is more than 300 mm long;

49. Schedule 4 amended

(1) Delete Schedule 4 clause 1 and insert:

1. Sparklers

A person may possess a sparkler.

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(2) Delete Schedule 4 clause 4 and insert:

4. Emergency devices

A person may possess an emergency device if in the circumstances the person has a reasonable reason to possess it.

(3) Delete Schedule 4 clause 5 and insert:

5. Ammunition, ammunition propellant and black powder

A person may possess ammunition, ammunition propellant or black powder if authorised under the *Firearms Act 1973* to do so.

(4) At the end of Schedule 4 insert:

6. Model rocket motors

A person may possess a model rocket motor if the NEQ in the motor is not more than 62.5 g.

50. Schedule 6 amended

(1) Delete Schedule 6 clause 1 and insert:

1. Sparklers

A person may store a sparkler at any place.

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- (2) At the end of Schedule 6 insert:

6. Model rocket motors

A person may store a model rocket motor at any place if the NEQ in the motor is not more than 62.5 g.

51. Schedule 7 amended

- (1) In Schedule 7 clause 4(b) delete “code of 1.4G” and insert:

code of 1.4

- (2) In Schedule 7 clause 5(2)(a) delete “15 kg; and” and insert:

50 kg; and

- (3) At the end of Schedule 7 insert:

6. Model rocket motors

A person may transport any quantity of model rocket motors if the NEQ in each motor is not more than 62.5 g.

52. Schedule 8 amended

Delete Schedule 8 clause 5 and insert:

5. Ammunition, ammunition propellant and black powder

A person may supply ammunition, ammunition propellant or black powder if authorised under the *Firearms Act 1973* to do so.

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53. Schedule 9 amended

- (1) In Schedule 9 clause 4:
 - (a) in paragraph (b) delete “device.” and insert:

device; or
 - (b) after paragraph (b) insert:

(c) while skydiving for the purposes of public entertainment.
- (2) At the end of Schedule 9 insert:

6. Model rocket motors

A person may use a model rocket motor if the NEQ in the motor is not more than 62.5 g.

54. Schedule 10 amended

Delete Schedule 10 clause 2 and insert:

2. General matters

If a required plan is required to contain the matters in this clause it must contain the following —

- (a) the measures that will be taken to ensure any dangerous goods incident involving an explosive is reported to the Chief Officer as soon as practicable;
- (b) the measures that will be taken to ensure that people who may have access to an explosive are instructed about and comply with these regulations;

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- (c) the measures that will be taken to ensure that people who may have access to an explosive are instructed about and comply with the plan;
- (d) the measures that will be taken to monitor and ensure compliance with the plan;
- (e) the measures that will be taken to ensure the plan and its effectiveness are reviewed regularly and that the plan is revised if necessary;
- (f) the measures that will be taken to ensure a record is kept of measures taken under the plan.

3A. Emergency management plans

If a required plan is required to contain the matters in this clause it must contain an emergency management plan to deal with any dangerous goods incident, or any dangerous situation, involving an explosive that might occur that includes these matters —

- (a) the equipment and facilities that will be available;
- (b) the procedures that will be followed and the measures that will be taken, including matters such as sounding alarms and evacuating people;
- (c) the measures that will be taken to investigate why the incident or situation occurred;
- (d) the individuals who will be responsible for implementing the emergency management plan;
- (e) the measures that will be taken to train people to execute the emergency management plan;
- (f) which emergency services and other people will be given a copy of the emergency management plan.

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55. Schedule 11 amended

In Schedule 11 clause 1 delete “westerly and north westerly” and insert:

easterly and north easterly

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2012*.

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 — on 1 April 2012.

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

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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

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- (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

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(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.

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- (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

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- (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

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(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;

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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

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- (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

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- (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

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- (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

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- (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

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- 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.

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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.

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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;

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- (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

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(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

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- (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

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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

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- (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

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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

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- (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

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(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.

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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

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- 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.

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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.

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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

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- (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.

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- (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.

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- (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

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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

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- (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

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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

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(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

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- (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

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- (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

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- (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)

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(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

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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,

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- (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.

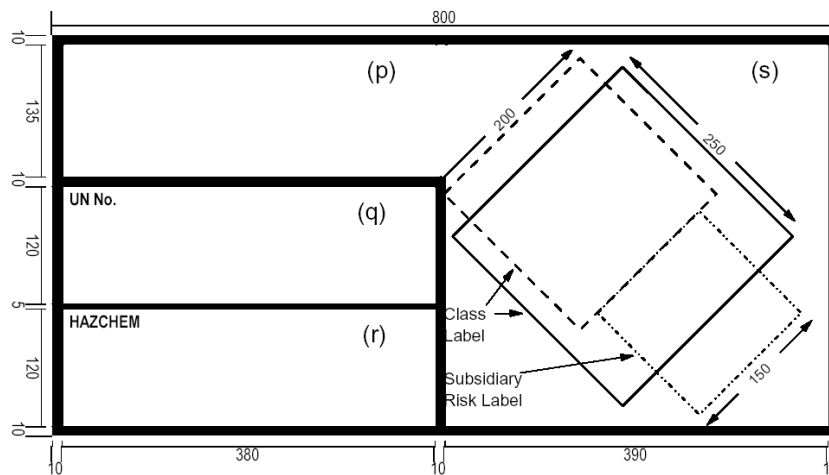
Figure 1 — Form and dimensions of an outer warning placard



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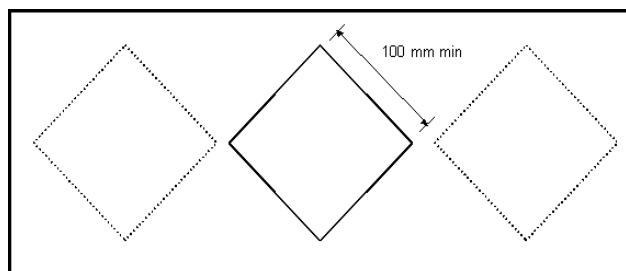
**Figure 2 — Template for a placard for dangerous goods
(other than C1 combustible liquids) in bulk**



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

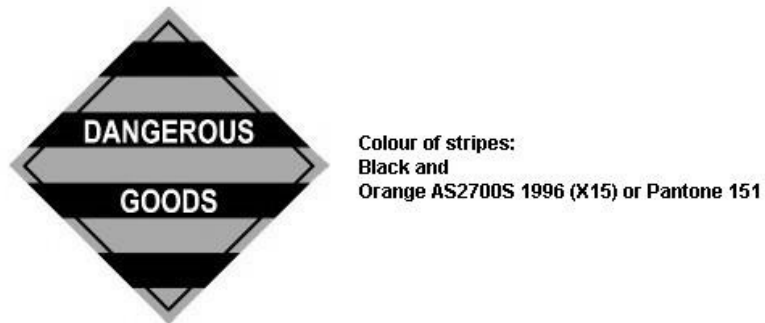


Note: The placard shown in Figure 3 must have sides at least 100 mm long.

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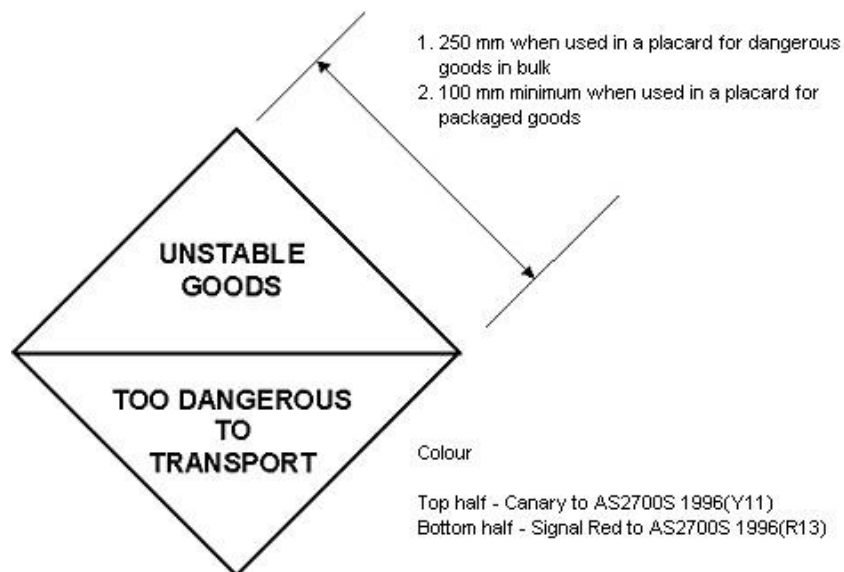
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Figure 4 — Form of a label for mixed classes or divisions



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

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



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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.

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- (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

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- (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.

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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”.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

***Dangerous Goods Safety (Storage and Handling of Non-explosives)
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Dangerous Goods Safety (General) Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (General) Amendment Regulations 2012*.

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 — on 1 April 2012.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (General) Regulations 2007*.

4. Part 6 inserted

After regulation 13 insert:

Part 6 — Miscellaneous matters

14. Fees, Chief Officer may reduce etc.

If, in the circumstances of a particular case in which a fee is payable under the Act, the Chief Officer thinks it is fair or reasonable to do so, he or she may reduce, or refund or waive all or part of, the fee.

15. Licences, Chief Officer may synchronise duration of and date for payment of annual fees for

(1) In this regulation —

licence means —

- (a) any of these licences granted under the *Dangerous Goods Safety (Explosives) Regulations 2007* —
 - (i) an explosives import/export licence;
 - (ii) an explosives manufacture licence;
 - (iii) an explosives manufacture (MPU) licence;
 - (iv) an explosives storage licence;
 - (v) an explosives transport licence;
 - (vi) an explosives supply licence;
- (b) any of these licences granted under the *Dangerous Goods Safety (Security Risk Substances) Regulations 2007* —
 - (i) an SRS import/export licence;
 - (ii) an SRS manufacture licence;
 - (iii) an SRS storage licence;
 - (iv) an SRS transport licence;
 - (v) an SRS supply licence;
 - (vi) an SRS fertiliser licence;
- (c) a licence granted under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* Part 4;
- (d) a registration for a dangerous goods pipeline granted under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* Part 5.

(2) This regulation operates despite the following —

- (a) the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 167;
- (b) the *Dangerous Goods Safety (Security Risk Substances) Regulations 2007* regulation 35;
- (c) the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* regulations 34 and 97.

(3) If a person holds 2 or more licences, the Chief Officer, with the person's consent —

- (a) may reduce the duration of one or more of them in order that all of them will, due to the passage of time, expire simultaneously; and

- (b) may set for all or some of the licences one date in each year as the date on which any fee payable each year for each licence is due (the *due date*).
- (4) If under subregulation (3)(a) the Chief Officer decides to reduce the duration of a licence —
 - (a) he or she must cancel the licence and issue a replacement in identical terms that specifies the date on which the licence will expire; and
 - (b) the reduction takes effect on the day on which the replacement licence is issued.
 - (5) If under subregulation (3)(b) the Chief Officer decides to set a due date, he or she must give the holder of the licences written notice of —
 - (a) the due date; and
 - (b) each licence to which the due date applies; and
 - (c) each fee to which the due date applies.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

Dangerous Goods Safety (Security Risk Substances) Amendment Regulations (No. 2) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Security Risk Substances) Amendment Regulations (No. 2) 2012*.

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 — on 1 April 2012.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Security Risk Substances) Regulations 2007*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *fee*.
- (2) In regulation 3 insert in alphabetical order:

annual fee, for a licence, means the annual fee in Schedule 1 for the licence;

5. Regulation 30 amended

Delete regulation 30(1)(c) and insert:

- (c) be accompanied by the annual fee payable for the first year of the licence; and

6. Regulation 32 amended

In regulation 32(3) before “fee.” insert:

annual

7. Regulation 35 amended

Delete regulation 35(1) and insert:

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

8. Regulation 41 replaced

Delete regulation 41 and insert:

41. 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) if the existing licence relates to a place specified in it, a licence is not needed for the place; or
 - (d) 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.

9. Regulation 42 amended

- (1) In regulation 42(1)(b)(i) delete “the terms of”.

(2) Delete regulation 42(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 relevant offence; or
 - (b) the holder has not paid an annual fee for the licence in accordance with regulation 46A; or
 - (c) the holder has not paid a fee in accordance with the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34.

10. Regulation 46A inserted

At the beginning of Part 10 Division 4 insert:

46A. Annual fees for licences

- (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 the licence relates to a place specified in it and a fee is payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the place.
- (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 annual fee, a late payment fee equal to 10% of the fee.

11. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Annual fees

[r. 3]

Item	Annual fee	Fee (\$)
1.	Annual fee for a licence (r. 30(1)(c) and 46A) —	
	(a) SRS import/export licence	163
	(b) SRS manufacture licence	306
	(c) SRS storage licence	143
	(d) SRS transport licence	153
	(e) SRS supply licence	133
	(f) SRS fertiliser licence	51

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

Dangerous Goods Safety (Explosives) Amendment Regulations (No. 3) 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Explosives) Amendment Regulations (No. 3) 2012*.

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 — on 1 April 2012.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Explosives) Regulations 2007*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

annual fee, for a trading licence, means the annual fee in Schedule 1 for the licence;

trading licence means —

- (a) an explosives import/export licence; or
- (b) an explosives manufacture licence; or
- (c) an explosives manufacture (MPU) licence; or
- (d) an explosives storage licence; or
- (e) an explosives transport licence; or
- (f) an explosives supply licence;

5. Regulation 157 amended

(1) Delete regulation 157(1)(c) and insert:

- (c) if the application is not for a trading licence, be accompanied by the fee; and

- (da) if the application is for a trading licence, be accompanied by the annual fee payable for the first year of the licence applied for; and

(2) After regulation 157(1) insert:

- (2A) An annual fee is not payable under subregulation (1)(da) if the licence would relate to a place and a fee would be payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the place if the licence were issued.

6. Regulation 163 amended

(1) In regulation 163(2)(a) delete “licence” and insert:

licence, or an explosives storage licence,

(2) In regulation 163(3)(a) delete “licence” and insert:

licence, or an explosives storage licence,

7. Regulation 167 amended

Delete regulation 167(1) and insert:

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

- (1) A licence other than a trading licence has effect on and from the date it is issued —
 - (a) for the period specified in it, being 3 years or less; or
 - (b) until it is cancelled in that period.

8. Regulation 172 amended

- (1) Delete regulation 172(3)(c) and insert:
 - (c) if the proposed amendment relates to an explosives storage licence and would increase the maximum quantity of explosives specified in it to a quantity that would mean a greater annual fee is payable for the licence than has already been paid — a fee equal to the difference between —
 - (i) the greater annual fee; and
 - (ii) the fee already paid,adjusted proportionally for the remaining part of the year to which the annual fee relates; and
- (2) After regulation 172(3) insert:
 - (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.
- (3) After regulation 172(9) insert:
 - (9) If an explosives storage licence is amended to reduce the maximum quantity of explosives 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 annual fee already paid; and
 - (b) the lower annual fee,adjusted proportionally for the remaining part of the year for which the annual fee was paid.

9. Regulation 173 amended

(1) Before regulation 173(1) insert:

(1A) This regulation does not apply to a trading licence.

(2) Delete regulation 173(3)(i) and insert:

(i) be accompanied by the fee; and

(3) In regulation 173(4) delete “licence referred to in regulation 157(7),” and insert:

fireworks contractor licence,

10. Regulation 174A inserted

After regulation 173 insert:

174A. Trading licences, renewal of

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

11. Regulation 174 amended

In regulation 174(2):

(a) in paragraph (b) delete “regulations.” and insert:

regulations; or

(b) after paragraph (b) insert:

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

12. Regulation 179A inserted

Before regulation 179 insert:

179A. Annual fees for trading licences

- (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 trading licence if the licence relates to a place specified in it and a fee is payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the place.
- (3) The holder of a trading 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 annual fee, a late payment fee equal to 10% of the fee.

13. Regulation 184 deleted

Delete regulation 184.

14. Regulation 187 replaced

Delete regulation 187 and insert:

187. Fees to be paid annually

The fees payable under this Part by the holder of a licence referred to in this Part for use of an SEF must be paid in advance —

- (a) if the holder was lawfully using the SEF immediately before 1 May 2012, before 1 May in each year;
- (b) in any other case, before —
 - (i) the first day on which the holder is authorised to use the SEF; and
 - (ii) subsequently, before 1 May in each year.

15. Regulation 188 amended

In regulation 188:

- (a) delete “or part of a year”;
- (b) delete paragraph (a) and insert:
 - (a) if the SEF is a type A facility — the greater of —
 - (i) \$3 187; or
 - (ii) \$8.45 per m² or part thereof of the area of land occupied by the holder at the SEF other than for storing explosives;

16. Regulation 189 amended

In regulation 189:

- (a) delete “or part thereof”;
- (b) delete paragraph (a)(i) and (ii) and insert:
 - (i) if the licence authorises the storage of less than 100 kg of explosive — \$200;
 - (ii) if the licence authorises the storage of 100 kg or more but not more than 1 000 kg of explosive — \$200 plus \$1.70 for each 10 kg or part thereof over 100 kg authorised by the licence;

(c) delete paragraph (b) and insert:

(b) if the explosive is stored in a magazine provided by the holder at a type A facility — \$305 for each 1 000 kg or part thereof of the official capacity of the magazine;

17. Regulation 190 amended

In regulation 190(2):

(a) delete “or part thereof”;

(b) delete paragraph (a) and insert:

(a) if the SEF is a type A facility — the greater of —

(i) \$3 187; or

(ii) \$8.45 per m² or part thereof of the area of land occupied by the holder at the SEF other than for storing explosives;

18. Schedule 1 amended

(1) Delete Schedule 1 item 5(a), (b), (c), (d), (e) and (g).

(2) After Schedule 1 item 5 insert:

6A. Annual fee for a trading licence (r. 157(1)(da) and 174A) —

(a) explosives import/export licence	163
(b) explosives manufacture licence	347
(c) explosives manufacture (MPU) licence	800
(d) explosives storage licence —	
(i) for less than 1 t of explosives	102
(ii) for 1 t or more but less than 5 t of explosives	123
(iii) for more than 5 t of explosives	327
(e) explosives transport licence	817
(f) explosives supply licence	56

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations 2012*.

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 — on 1 April 2012.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*.

4. Regulation 26 amended

- (1) In regulation 26(1)(b) delete “Schedule 3.” and insert:

Schedule 3 clause 1.

- (2) Delete regulation 26(2).

5. Regulations 33 and 34 inserted

After regulation 32 insert:

33. Classes of major hazard facility for purposes of fees

- (1) For the purposes of Schedule 3, major hazard facilities are to be classified under this regulation.
- (2) A Class A facility is any major hazard facility at which Schedule 1 substances are used in, or produced by means of, an industrial production process that the Chief Officer determines is a process of high complexity.

- (3) A Class B facility is any major hazard facility at which Schedule 1 substances are used in, or produced by means of, an industrial production process that the Chief Officer determines is a process of medium complexity.
- (4) A Class C facility is —
 - (a) any major hazard facility at which Schedule 1 substances are used in, or produced by means of, an industrial production process that the Chief Officer determines is a process of low complexity; or
 - (b) any major hazard facility at which Schedule 1 substances —
 - (i) are stored but not used in, or produced by means of, an industrial production process; and
 - (ii) in the view of the Chief Officer, are frequently handled.
- (5) A Class D facility is any major hazard facility at which Schedule 1 substances —
 - (a) are stored but not used in, or produced by means of, an industrial production process; and
 - (b) in the view of the Chief Officer, are infrequently handled.

34. Annual fee for major hazard facilities

- (1) In this regulation —
 - former regulation** means —
 - (a) the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 184; or
 - (b) the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* regulation 134,as in force immediately before 1 April 2012;
 - grace period** means, as the case requires —
 - (a) the one month period referred to in subregulation (4); or
 - (b) the 3 month period referred to in subregulation (6);
 - site licence** means —
 - (a) an explosives manufacture licence, or an explosives storage licence, granted under the *Dangerous Goods Safety (Explosives) Regulations 2007* in respect of a dangerous goods site; or

- (b) an SRS manufacture licence, or an SRS storage licence, granted under the *Dangerous Goods Safety (Security Risk Substances) Regulations 2007* in respect of a dangerous goods site; or
 - (c) a licence granted under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* Part 4 in respect of a dangerous goods site.
- (2) The holder of a site licence granted in respect of a dangerous goods site that is a major hazard facility must pay for each year the relevant annual fee specified in Schedule 3 clause 2.
- (3) An annual fee payable under subregulation (2) must be paid annually.
- (4) The first annual payment must be made before, on or within one month after —
 - (a) if the site licence is in force immediately before 1 April 2012 — the date on which the first quarterly payment would have had to be made after 31 March 2012 by the holder under the relevant former regulation;
 - (b) in any other case — 28 days after the date on which both of these conditions are satisfied —
 - (i) the site is subject to a site licence; and
 - (ii) a safety report for the site is approved under Part 5.
- (5) If the date referred to in subregulation (4)(a) or (b) (**date A**) is not the date, or an anniversary of the date, on which the site licence is granted (**date B**), then, despite subregulation (2), the Chief Officer may reduce the first annual payment to an amount that is in proportion to the period that begins on date A and ends on date B.
- (6) Each subsequent annual payment must be made 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 site licence — the due date in each year;
 - (b) in any other case — the anniversary of the date on which the first annual payment has to be made under subregulation (4).
- (7) If under subregulation (4) or (6) a fee (including a fee reduced under subregulation (5)) is paid in the grace

period, the holder must pay, with the fee, a late payment fee equal to 1% of the fee.

6. Schedule 3 replaced

Delete Schedule 3 and insert:

Schedule 3 — Fees

[r. 26 and 34]

1. Safety reports, fees for approval of (r. 26)

The relevant fee to be paid under regulation 26 for an application for approval of a safety report for a major hazard facility is the fee in the Table relevant to the class of the facility.

Table

Class of facility under r. 33	Fee (\$)
Class A	80 000
Class B	40 000
Class C	40 000
Class D	20 000

2. Annual fees for major hazard facilities (r. 34)

The relevant annual fee to be paid under regulation 34 in respect of a major hazard facility is the fee in the Table relevant to the class of the facility.

Table

Class of facility under r. 33	Fee (\$)
Class A	80 000
Class B	40 000
Class C	40 000
Class D	20 000

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.