

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.

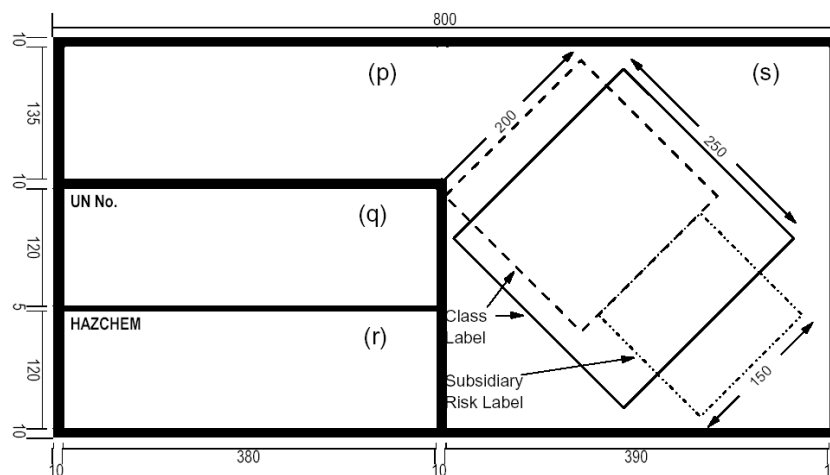
Figure 1 — Form and dimensions of an outer warning placard



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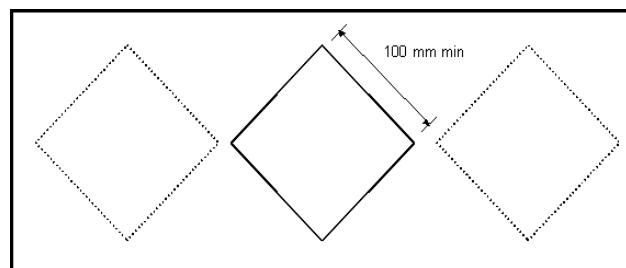
**Figure 2 — Template for a placard for dangerous goods
(other than C1 combustible liquids) in bulk**



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

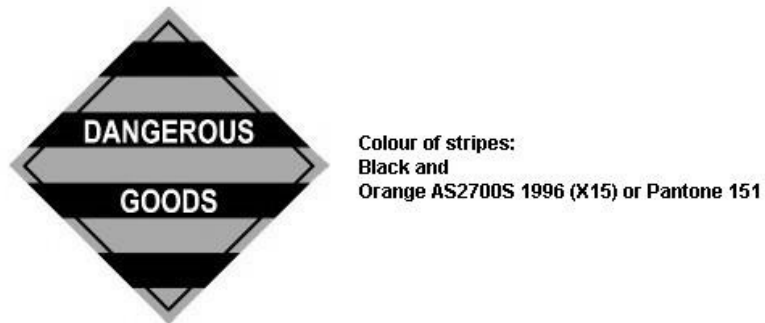


Note: The placard shown in Figure 3 must have sides at least 100 mm long.

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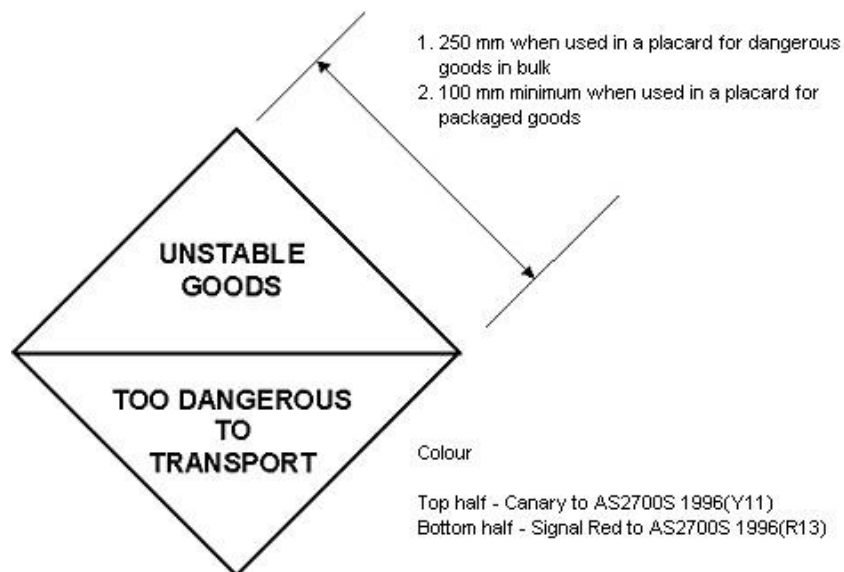
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Figure 4 — Form of a label for mixed classes or divisions



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.

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