Dangerous Goods Safety Regulations Amendment Regulations 2018

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the Dangerous Goods Safety Regulations Amendment Regulations 2018.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published in the Gazette;

(b) the rest of the regulations — on the day after that day.

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

3. Regulations amended

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

4. Regulation 3 amended

In regulation 3 delete the definition of ADG Code and insert:

ADG Code has the meaning given in the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 regulation 4;

5. Regulation 20 amended

In regulation 20(5)(b) delete “personal details” and insert:

name

6. Regulation 25A inserted

At the end of Part 3 insert:
25A. Duty to correct information in relation to an application under regulation 17 or 21A

(1) In this regulation —

security information means information given by a security card holder to the Chief Officer in, or in relation to, an application made under regulation 17 or 21A.

(2) A security card holder must, within 14 days after becoming aware that security information has become incorrect in a material respect, correct that information by written notice to the Chief Officer.

Penalty for this subregulation: a level 3 fine.

7. Regulation 34 amended

In regulation 34(1) delete the passage that begins with “there is —” and ends with “of 1.4,” and insert:

there are —

(a) explosives with a classification code of 1.1, 1.2 or 1.5 and the gross weight of the explosives is more than 2.5 kg; or

(b) explosives with a classification code of 1.3 and the gross weight of the explosives is more than 15 kg; or

(c) explosives with a classification code of 1.4 and the gross weight of the explosives is more than 30 kg.

8. Part 7 Division 2 deleted

Delete Part 7 Division 2.

9. Regulation 78 amended

Delete regulation 78(b), (c) and (d) and insert:

(b) the gross weight of explosives with a classification code of 1.1 or 1.2 at the place is not more than 2.5 kg; and

(c) the gross weight of explosives with a classification code of 1.3 at the place is not more than 15 kg; and

(d) the gross weight of explosives with a classification code of 1.4 at the place is not more than 30 kg.
10. **Regulation 79 amended**

Delete regulation 79(b), (c) and (d) and insert:

(b) the gross weight of explosives with a classification code of 1.1 or 1.2 at the place is not more than 2.5 kg; and

(c) the gross weight of explosives with a classification code of 1.3 at the place is not more than 15 kg; and

(d) the gross weight of explosives with a classification code of 1.4 at the place is not more than 30 kg.

11. **Regulation 82A amended**

(1) In regulation 82A(1) delete “more than 1 000 kg of sparklers” and insert:

sparklers with a gross weight of more than 1 000 kg

(2) In regulation 82A(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

12. **Regulation 85 amended**

(1) At the end of regulation 85(1) insert:

Penalty for this subregulation: a level 3 fine.

(2) In regulation 85(2) delete “more than 2 kg of black powder” and insert:

black powder the NEQ of which is more than 2 kg

(3) In regulation 85(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

13. **Regulation 91 amended**

(1) In regulation 91(2) in the Penalty delete “Penalty:” and insert:
Penalty for this subregulation:

(2) In regulation 91(4) delete “more than 250 kg of explosive” and insert:

explosive the NEQ of which is more than 250 kg

(3) In regulation 91(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

14. **Regulation 98 amended**
Delete regulation 98(b).

15. **Regulation 99 amended**
Delete regulation 99(b).

16. **Regulation 100 amended**
Delete regulation 100(b).

17. **Regulation 101 amended**
Delete regulation 101(1)(b) and (2)(c).

18. **Regulation 104 amended**
(1) Delete regulation 104(2)(c) and insert:

(c) to the AE Code section 8.4.4(1) to the extent that it requires —

(i) the owner of a vehicle that is transporting explosives and the prime contractor to take all practicable steps to ensure a person who is driving the vehicle complies with the requirements of section 8.4.3; or

(ii) the owner of a vehicle that is transporting explosives to ensure the person who is driving the vehicle is authorised to do so under the Act; or
(2) After regulation 104(2) insert:

(2A) Also, subregulation (1) does not apply insofar as it requires a person who is transporting an explosive to comply with the AE Code section 3.2.7(1), if —

(a) the explosive being transported is identified in the AE Code as having —

(i) the UN Number 0082, with the proper shipping name of “Explosives, Blasting, Type B” and with the classification code 1.1D; or

(ii) the UN Number 0241, with the proper shipping name of “Explosives, Blasting, Type E” and with the classification code 1.1D; or

(iii) the UN Number 0331, with the proper shipping name of “Explosives, Blasting, Type B” and with the classification code 1.5D; or

(iv) the UN Number 0332, with the proper shipping name “Explosives, Blasting, Type E” and with the classification code 1.5D;

and

(b) the explosive is transported in an Intermediate Bulk Container that is labelled —

(i) in accordance with the requirements for outer packaging stated in the AE Code section 3.2.1; and

(ii) in accordance with the relevant requirements for the explosive set out in the GHS.

(2B) In subregulation (2A) —

_GHS_ has the meaning given in the _Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007_ regulation 4;

_Intermediate Bulk Container_ means an Intermediate Bulk Container within the meaning of the AE Code;

_UN Number_, in relation to an explosive, means the UN Number shown in relation to the explosive in Appendix 2 of the AE Code.

19. Regulation 136 amended

(1) In regulation 136(1) delete the definition of _theatrical firework._

(2) In regulation 136(1) insert in alphabetical order:
close proximity firework means a firework, whether designed and labelled to be used indoors or outdoors, that is —

(a) designed to be ignited by using electricity only; and

(b) either —

(i) manufactured commercially and is designed and labelled as suitable to be used in close proximity to a person; or

(ii) manufactured from commercially available constituents that are designed and labelled as suitable to manufacture fireworks to be used in close proximity to a person;

(3) In regulation 136(1) in the definition of fireworks event:

(a) in paragraph (d) delete “theatrical firework” and insert:

close proximity firework

(b) in paragraph (e) delete “ceremony;” and insert:

ceremony.

20. Regulation 139 amended

In regulation 139(1)(f) delete “theatrical firework” and insert:

close proximity firework

21. Regulation 148 amended

In regulation 148(2):

(a) in paragraph (c) delete “occur;” and insert:

occur.

(b) delete paragraph (d).

22. Schedule 6 clause 4 amended

Delete Schedule 6 clause 4(a), (b) and (c) and insert:

(a) the gross weight of emergency devices with a classification code of 1.1 or 1.2 at the place is not more than 2.5 kg; and
(b) the gross weight of emergency devices with a classification code of 1.3 at the place is not more than 15 kg; and
(c) the gross weight of emergency devices with a classification code of 1.4 at the place is not more than 30 kg.

23. **Schedule 6 clause 5 amended**
Delete Schedule 6 clause 5(2)(b) and insert:

(b) the NEQ of black powder at the place is not more than 4 kg.

24. **Schedule 6 clause 7 amended**
Delete Schedule 6 clause 7(b) and insert:

(b) the gross weight of such articles at the place is not more than 250 kg.

25. **Schedule 7 clause 4 amended**
Delete Schedule 7 clause 4(a) and (b) and insert:

(a) the gross weight of emergency devices with a classification code of 1.3G in the vehicle is not more than 50 kg; and
(b) the gross weight of emergency devices with a classification code of 1.4 in the vehicle is not more than 250 kg.

26. **Schedule 7 clause 5 amended**
Delete Schedule 7 clause 5(2)(b) and insert:

(b) the NEQ of black powder in the vehicle is not more than 4 kg.

27. **Schedule 7 clause 7 amended**
Delete Schedule 7 clause 7(b) and insert:

(b) the gross weight of such articles in the vehicle is not more than 250 kg.
Part 3 — Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 amended

28. Regulations amended

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

29. Regulation 4 amended

(1) In regulation 4 delete the definition of ADG Code and insert:

ADG Code has the meaning given in the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 regulation 4;

(2) In regulation 4 in the definition of combustible liquid paragraph (b) delete “AS 1940-2004,” and insert:

AS 1940:2017,

30. Regulation 51 amended

In regulation 51(2) delete “from an above ground container or plant at a dangerous goods site,” and insert:

from an area of the site where the goods are stored or handled,

31. Regulation 76B amended

(1) In regulation 76B(5) in the Penalty delete “Penalty” and insert:

Penalty for this subregulation:

(2) In regulation 76B(6) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

(3) Delete regulation 76B(7) and insert:

(7) The operator of the site must ensure that the fire station or the office of the FES Department nearest the site has a copy of the current agreed FES emergency response guide for the site.

Penalty for this subregulation: a level 1 fine.
32. **Regulation 77 deleted**
Delete regulation 77.

33. **Regulation 79 amended**
   (1) Delete regulation 79(1)(b).
   (2) In regulation 79(1) in the Penalty delete “Penalty:” and insert:

   Penalty for this subregulation:

   (3) Delete regulation 79(2) and insert:

   (2) Subregulation (1) does not apply in relation to dangerous goods that are —
   (a) dangerous goods in transit; or
   (b) dangerous goods in containers that are not required to be labelled under the ADG Code; or
   (c) dangerous goods supplied to a retailer or retail warehouse operator in unopened consumer containers holding less than 30 kg or L of the dangerous goods.

   (4) In regulation 79(3) in the Penalty delete “Penalty:” and insert:

   Penalty for this subregulation:

   (5) In regulation 79(4) in the Penalty delete “Penalty:” and insert:

   Penalty for this subregulation:

34. **Regulation 136 deleted**
Delete regulation 136.

35. **Regulation 140 amended**
In regulation 140(2) in the Table delete “r. 89(3)”.

N. HAGLEY, Clerk of the Executive Council.