

INFLAMMABLE LIQUID (AMENDMENT) ACT.

Act No. 25, 1946.

An Act to make further provision in relation to the keeping, conveyance and sale of inflammable liquid and/or dangerous goods; to amend the Inflammable Liquid Act, 1915-1931; and for purposes connected therewith. [Assented to, 17th April, 1946.]

George VI.
No. 25, 1946.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Inflammable Liquid (Amendment) Act, 1946."

Short title,
citation and
commence-
ment.

(2) The Inflammable Liquid Act, 1915, as amended by subsequent Acts is in this Act referred to as the Principal Act.

(3) The Inflammable Liquid Act, 1915, as amended by subsequent Acts and by this Act may be cited as the Inflammable Liquid Act, 1915-1946.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended—

Amendment
of Act No. 15,
1915.

(a) (i) by inserting in section five at the end of the definition of "Dangerous goods" the word "goods";

Sec. 5.
(Defini-
tions.)

(ii) by omitting from the same section the definition of "Highly combustible goods";

(iii) by omitting from the same section paragraphs (a) and (b) of the definition of "Protected work" and by inserting in lieu thereof the following paragraphs:—

(a) building in which any person dwells,
or in which persons are accustomed
to

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to assemble for purposes of public concourse, public religious worship, public entertainment or amusement, education, or discussion, and public offices;

- (b) stores (including bonded or free, or bonded and free combined), warehouses and buildings in which persons are employed for the purpose of any trade or business and which are not situated on the licensed store;
- (iv) by omitting from paragraph (c) of the same definition the word "any" and by inserting in lieu thereof the word "that";
- (v) by omitting from the same section the words "Chief Commissioner for Railways and Tramways, or of the Commissioner for Water Conservation and Irrigation" in the definition of "Railway" and by inserting in lieu thereof the words "Commissioner for Railways or of the Water Conservation and Irrigation Commission";

Sec. 6.
(Definition
of
"inflammable
liquid.")

- (b) by inserting at the end of section six the words "but shall not include ethyl alcohol which has been methylated by the addition of mineral spirit in quantity not exceeding five per centum of the resultant mixture";

Sec. 8.
(True
flashing
point.)

- (c) (i) by inserting in section eight after the words "inflammable liquid" the words "or of dangerous goods";
- (ii) by omitting from the same section the words "the liquid is" and by inserting in lieu thereof the words "such liquid is or dangerous goods are."

Further
amendment
of Act No. 15,
1915.

Part II.
(Heading.)

3. The Principal Act is further amended—

- (a) by inserting in the heading to Part II after the word "Liquid" the words "and Dangerous Goods";
- (b) (i) by omitting from section ten the words "or licensed";

Sec. 10.
(Stores and
premises
may be
licensed or
registered.)

(ii)

- (ii) by inserting at the end of the same section No. 25, 1946. the following new subsections:—

(2) Where any application for the licensing of a store or the amendment of any such license is made to enable the keeping of inflammable liquid and/or dangerous goods in bulk in quantities exceeding ten thousand gallons in any one depot such application shall not be granted without the consent of the Minister.

(3) An application for—

(a) the licensing of a store to enable the keeping of inflammable liquid and/or dangerous goods in bulk in quantities not exceeding ten thousand gallons in any one depot,

(b) the registration of any premises, or

(c) the amendment of any such license or certificate of registration,

may be refused if in the opinion of the Minister the grant of such application would, owing to the location of the site of the store or premises in respect of which the application is made or for any other reason, be contrary to public interests or safety.

Any such application may be refused notwithstanding that the requirements of this Act and the regulations thereunder applicable to the store or premises in respect of which such application is made have been or could be observed.

(4) (a) The Governor may, on the recommendation of the Minister, by proclamation published in the Gazette, define an area or areas within the boundaries of any city or town within which licenses may be granted, subject to the provisions of this Act and the regulations thereunder, for the keeping of mineral spirit and/or mineral

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mineral oil and/or dangerous goods of the prescribed Classes 1 and 2 in bulk in quantities in excess of those specified in such proclamation.

(b) Upon any area or areas within the boundaries of any particular city or town being defined in accordance with this subsection, no license for the keeping of mineral spirit and/or mineral oil and/or dangerous goods of the prescribed Classes 1 and 2 in bulk in quantities in excess of those specified in the proclamation shall be granted in respect of premises situated within that portion of such city or town outside the boundaries of such area or areas so defined.

(c) Paragraph (b) of this subsection shall not operate so as to preclude the renewal or amendment of licenses in force immediately before the date on which any such proclamation takes effect.

(d) The Governor may in like manner amend or revoke any such proclamation.

Sec. 11.
(Heading.)

(c) by omitting from the heading to section eleven the word "liquid" and by inserting in lieu thereof the words "inflammable liquid and dangerous goods";

Sec. 11.
(Only limited quantities may be kept in unlicensed and unregistered stores and premises.)

(d) (i) by omitting from subsection one of section eleven the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds";

(ii) by omitting from paragraph (a) of the proviso to the same subsection the words "Provided that all the inflammable liquid shall be kept in substantial vessels of metal or other prescribed material, so securely closed and stopped that neither liquid nor vapour can escape therefrom";

(iii)

- (iii) by omitting subparagraph (iii) of paragraph No. 25, 1946.
(a) of the proviso to the same subsection
and by inserting in lieu thereof the following subparagraph:—

(iii) One thousand gallons of inflammable liquid when kept in any place not within a city or town, where such inflammable liquid is kept for private use and not for sale and is kept separated by a distance of at least one hundred feet from any thoroughfare or building other than a building, if any, in which it is kept;

- (iv) by inserting at the end of the same subsection the following paragraph:—

Inflammable liquid kept pursuant to paragraph (a) of the foregoing proviso shall be kept in substantial vessels of metal or other prescribed material, so securely closed and stopped that neither liquid nor vapour can escape therefrom.

- (v) by omitting subsection two of the same section;

- (vi) by inserting at the end of the same section the following new subsection:—

(3) If any person keeps dangerous goods on any land, ship or boat, except in a licensed store or in registered premises, other than in such quantities and subject to such conditions as may be prescribed he and the occupier of the premises and the person in charge of the ship or boat shall be liable to a penalty not exceeding one hundred pounds.

- (e) by omitting section twelve;

Sec. 12.
(Mineral
spirit
exceeding three
gallons.)

- (f) (i) by omitting from paragraph (a) of subsection one of section fourteen the words
“Provided that with the approval in writing
of the chief inspector other goods of the
nature

Sec. 14.
(General
rules as to
registered
premises.)

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nature and in the quantity specified in the approval may be kept in a depot" and by inserting in lieu thereof the following proviso:—

Provided that where in any registered premises inflammable liquid is kept in a prescribed underground tank depot, quantities of inflammable liquid not exceeding those prescribed in paragraph (a) of the proviso in subsection one of section eleven of this Act may, with the approval of an inspector, also be kept elsewhere on the registered premises.

(ii) by inserting next after paragraph (a) of the same subsection the following new paragraph:—

(a1) Except as otherwise provided in this Act, or as to goods or things of the nature and quantity specified in any approval in writing given by the chief inspector, a depot shall not be used for the keeping of goods or things other than inflammable liquid and the packages in which such liquid is contained.

(iii) by omitting paragraphs (c) and (d) of the same subsection and by inserting in lieu thereof the following paragraphs:—

(c) The depot shall be so situated as not to be within fifty feet of any fire, forge, furnace, explosive or other source of danger, unless a screen wall intervenes between such fire, forge, furnace, explosive or source of danger and the depot.

(d) No explosives, nor anything liable to spontaneous ignition or combustion and no fire or light, except an artificial light of the construction and character prescribed, shall be placed, brought or allowed to remain within fifty feet of any depot

or

or place where any vessel containing inflammable liquid is being kept, or is in course of conveyance on the premises, unless a screen wall intervenes between such inflammable liquid and such explosive, thing, fire or light. No. 25, 1946.

- (iv) by inserting at the end of paragraph (g) of the same subsection the following words:—

This paragraph shall not apply to any quantity of inflammable liquid kept on premises elsewhere than in the prescribed underground tank depot pursuant to the proviso to paragraph (a) of this subsection.

- (v) by omitting from paragraph (k) of the same subsection the word “fourteen” and by inserting in lieu thereof the word “fifteen”;
- (vi) by inserting in paragraph (l) of the same subsection after the word “shall” the words “smoke in any depot and no person shall”;
- (vii) by inserting at the end of paragraph (m) of the same subsection the following words:—
- Where so ordered by the chief inspector, chemical extinguishers of the foam or such other type as may be approved by the chief inspector and such other fire-fighting apparatus or equipment as may appear necessary to the chief inspector, shall be kept immediately available for use on any premises.
- viii) (a) by inserting in paragraph (n) of the same subsection next before the word “shall” where firstly occurring the words “including adequate supervision of all workmen and employees”;
- (b) by inserting in the same paragraph after the word “explosion” where firstly occurring the words “or otherwise”;

(c)

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- (c) by inserting in the same paragraph after the word "explosion" where secondly occurring the words "or other dangerous occurrence";
- (ix) by inserting next after paragraph (o) of the same subsection the following new paragraph:—
 - (p) The area surrounding any detached depot shall be kept clear of dry grass, undergrowth and other combustible material.

**Further
amendment
of Act No.
15, 1915.**

**Sec. 15.
(Conditions
as to
licensing
stores.)**

**Sec. 16.
(General
rules as to
licensed
stores.)**

4. The Principal Act is further amended—

- (a) by omitting from paragraph (c) of subsection one of section fifteen the words "highly combustible goods" wherever occurring;
- (b) (i) by inserting at the end of paragraph (a) of subsection one of section sixteen the following proviso:—

Provided that where in the store inflammable liquid is kept in a prescribed underground tank depot, quantities of inflammable liquid not exceeding those prescribed in paragraph (a) of the proviso in subsection one of section eleven of this Act may, with the approval of an inspector, also be kept elsewhere on the store.

- (ii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph:—
 - (b) Except as otherwise provided in this Act, or as to goods or things of the nature and quantity specified in any approval in writing given by the chief inspector, the depot shall not be used for the keeping of goods or things other than inflammable liquid and the packages in which such liquid is contained.

(iii)

- (iii) by inserting at the end of paragraph (f) of the same subsection the following words:— No. 25, 1948.

This paragraph shall not apply to any quantity of inflammable liquid kept on the store elsewhere than in the prescribed underground tank depot pursuant to the proviso to paragraph (a) of this subsection.

- (iv) by omitting from paragraph (j) of the same subsection the word “fourteen” and by inserting in lieu thereof the word “fifteen”;

- (v) by inserting in paragraph (k) of the same subsection after the words “kept in” the words “any depot of”;

- (vi) by inserting in paragraph (l) of the same subsection after the words “chief inspector” the words “and such other fire-fighting apparatus or equipment as the chief inspector may require”;

- (vii) (a) by inserting in paragraph (n) of the same subsection next before the word “shall” where firstly occurring the words “including adequate supervision of all workmen and employees”;

- (b) by inserting in the same paragraph after the word “explosion” where firstly occurring the words “or otherwise”;

- (c) by inserting in the same paragraph after the word “explosion” where secondly occurring the words “or other dangerous occurrence”;

- (viii) by inserting next after paragraph (o) of the same subsection the following new paragraph:—

- (p) The area surrounding any detached depot shall be kept clear of dry grass, undergrowth and other combustible material.

(ix)

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- (ix) by inserting at the end of the same section the words “and to the cancellation of the license of the store in respect of which the offence was committed”.

Further
amendment
of Act No. 15,
1915.

Part IV.
(Heading.)

5. The Principal Act is further amended—

Sec. 18.
(General
rules as to
conveying,
loading,
and
unloading
inflammable
liquid.)

- (a) by inserting in the heading to Part IV after the word “Liquid” the words “and Dangerous Goods”;
- (b) (i) by inserting in subsection one of section eighteen after the word “liquid” where firstly occurring the words “and/or dangerous goods”;
- (ii) by inserting in paragraph (a) of the same subsection after the word “liquid” where firstly and secondly occurring the words “or goods”;
- (iii) by inserting in the same paragraph after the word “vessels” where firstly occurring the words “or receptacles”;
- (iv) by inserting in the same paragraph after the word “vapour” the words “or otherwise”;
- (v) by omitting from the same paragraph the words “or vessels” and by inserting in lieu thereof the words “vessels or receptacles”;
- (vi) by inserting in paragraphs (b) and (c) of the same subsection after the word “liquid” wherever occurring the words “or goods”;
- (vii) by inserting in paragraph (d) of the same subsection after the word “liquid” the words “or dangerous goods”;

Sec. 19.
(By-laws.)

- (c) (i) by omitting from subsection one of section nineteen the words “Sydney Harbour Trust Commissioners, the Railway Commissioners for New South Wales, the Water and Irrigation Commission” and by inserting in lieu thereof the words “Maritime Services Board of New South Wales, the Commissioner for Railways, the Water Conservation and Irrigation Commission”;
- (ii)

- (ii) by omitting from the same subsection the words "is conveyed" and by inserting in lieu thereof the words "and/or dangerous goods are conveyed";
- (iii) by inserting in the same subsection after the word "liquid" where secondly occurring the words "and/or dangerous goods";
- (iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) If any person required by the Minister under subsection one of this section to make special by-laws as aforesaid fails within three months to comply with such requisition to the satisfaction of the Minister, the Minister may make such by-laws which shall, when approved by the Governor, have the same effect as if made by such person.
- (v) by omitting from subsection four of the same section the words "fifty pounds" and by inserting in lieu thereof the words "one hundred pounds."

6. The Principal Act is further amended—

- (a) by inserting in section twenty-two after the word "liquid" wherever occurring the words "or dangerous goods";
- (b) by inserting in paragraph (c) of subsection one of section twenty-three after the word "liquid" wherever occurring the words "or dangerous goods";
- (c) by inserting next after section twenty-three the following new section:—

23A. (1) All licensed stores and registered premises shall be inspected by an inspector as frequently as the chief inspector can arrange.

(2) The holder of a license or certificate of registration shall comply with any direction, not being inconsistent with the provisions of this

Further amendment of Act No. 15, 1915.

Sec. 22. (Powers of inspector.)

Sec. 23. (Inspector to be assisted.)

New sec. 23A.

Inspections of licensed stores and registered premises.

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this Act and the regulations thereunder, given by an inspector in writing, in relation to a licensed store or registered premises or the keeping of inflammable liquid and/or dangerous goods in such store or premises.

If any person fails to comply with any such direction within the period stipulated by the inspector, the Minister may cause the license or certificate of registration relating to the store or premises in respect of which such direction has been given to be cancelled and such store or premises shall thereupon be deemed to be unlicensed or unregistered, as the case may be.

Sec. 24.
(Protection
to inspector.)

(d) by inserting in section twenty-four after the word "liquid" the words "or dangerous goods";

Now sec.
24A.

(e) by inserting next after section twenty-four the following new section:—

Annual
report.

24A. The chief inspector shall make an annual report of his proceedings, investigations and administration under this Act and the regulations thereunder during the preceding year to the Minister, which report shall be embodied in the annual report of the Department of Mines, laid before both Houses of Parliament.

Sec. 25.
(Standard
model
apparatus for
testing.)

(f) by inserting in subsection one of section twenty-five after the word "liquid" the words "or dangerous goods";

Sec. 30.
(Costs and
forfeiture.)

(g) by inserting in section thirty after the word "liquid" the words "or dangerous goods";

Sec. 31.
(Forfeiture
where owner
unknown.)

(h) (i) by inserting in section thirty-one after the word "liquid" where firstly occurring the words "or dangerous goods";

(ii) by inserting in the same section after the word "liquid" where secondly and thirdly occurring the words "or goods";

Sec. 34.
(Payment of
penalties and
proceeds of
forfeiture.)

(i) by inserting in section thirty-four after the word "liquid" the words "or dangerous goods".

Sec. 39.
(Forging
stamp.)

(j) by inserting in section thirty-nine after the word "liquid" the words "or dangerous goods";

(k)

- (k) by inserting next after section forty-four the following new section:—

44A. Rules, regulations and by-laws made in pursuance of this Act may authorise any matter or thing from time to time to be determined, applied or regulated by the Minister, chief inspector or inspector, either generally or for any class of cases or in any particular case.

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New sec.

44A.

General provision as to rules, regulations and by-laws.

cf. Act No. 41, 1919, s. 576 (4) (f).

- (l) by inserting in the Schedule to the Act after the word "liquid" where secondly occurring the words "or dangerous goods".

Schedule.
