

INFLAMMABLE LIQUID (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 53, 1973.

An Act to make further provisions with respect to the determining of the flash point of inflammable liquid and of dangerous goods and the keeping of mineral spirit at certain premises; to provide that certain products may be proclaimed not to be dangerous goods; for these and other purposes to amend the Inflammable Liquid Act, 1915; and for purposes connected therewith. [Assented to, 28th September, 1973.]

BE

No. 53, 1973

BE it enacted by the Queen'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:—

Short title.

1. (1) This Act may be cited as the "Inflammable Liquid (Amendment) Act, 1973".

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

Commencement.

2. (1) This section and sections 1, 3, 7 and 8 commence on the date of assent to this Act.

(2) Subject to subsection (1), the several provisions of this Act commence on such day or days as may be notified by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amend-
ment of
Act No. 15,
1915.

3. The Principal Act is amended—

Sec. 5.
(Defini-
tions.)

(a) by inserting in section 5 next after the definition of "Screen wall" the following new definition:—

"Sell" includes—

- (a) barter or exchange;
- (b) agree to sell, barter or exchange;
- (c) offer or expose for sale, barter or exchange;
- (d) send, forward or deliver for or on sale or for barter or exchange;
- (e) have in possession for sale, barter or exchange;

(f)

Inflammable Liquid (Amendment).

- (f) cause or suffer to be sold, bartered, No. 53, 1973 exchanged, offered for sale, exposed for sale or sent, forwarded or delivered for or on sale or for barter or exchange;
- (g) attempt to sell, barter, exchange, expose for sale or send, forward or deliver for or on sale or for barter or exchange.
- (b) by omitting from section 17 (1) the words "selling, Sec. 17. or exposing for sale" and by inserting instead the words "or selling".

(General rules as to marking of packages.)

4. The Principal Act is further amended—

Further amendment of Act No. 15, 1915.

- (a) by inserting in section 5 next after the definition of Sec. 5. "Ship" the following new definition :—

(Definitions.)

"Subdivision" in relating to a building means a part of the building that is separately occupied or so constructed, designed or adapted as to be capable of separate occupation together with any yard, garage, car space or outhouse belonging to or usually enjoyed with that part of the building.
- (b) (i) by omitting from section 11 (1) the word Sec. 11. "premises" where secondly occurring and by (Only inserting instead the word "land"; limited quantities may be kept in unlicensed and unregistered stores and premises.)
(ii) by omitting section 11 (1) (a) (ii) and by inserting instead the following subparagraphs :—
 - (ii) Twenty-five litres of mineral spirit when kept in a subdivision of a building otherwise than as provided by paragraph (c).

(iia)

*Inflammable Liquid (Amendment).***No. 53, 1973**

(iia) One hundred litres of mineral spirit when kept otherwise than in a subdivision of a building and otherwise than as provided by subparagraph (iii) and paragraphs (b) and (c).

Further
amendment
of Act No.
15, 1915.

5. The Principal Act is further amended—

Sec. 6.
(Definition
of
“inflam-
mable
liquid.”)

(a) by omitting from section 6 the words “true flash-
ing point” and by inserting instead the words
“flash point”;

Sec. 7.
(Definition
of “mineral
spirit” and
“mineral
oil.”)

(b) by omitting from section 7 the words “true flash-
ing point” wherever occurring and by inserting
instead the words “flash point”;

Subst.
sec. 8.

(c) by omitting section 8 and by inserting instead the
following section :—

Determin-
ation of
flash point.

8. For the purposes of this Act, the flash point
of an inflammable liquid or of dangerous goods
shall be determined as prescribed.

Sec. 44.
(Regula-
tions.)

(d) by omitting section 44 (1) (p) and by inserting
instead the following paragraph :—

(p) prescribing—

(i) the method or methods to be used
for the purposes of determining the
flash point of inflammable liquid or
of dangerous goods;

(ii) the standard model of the apparatus
for testing inflammable liquid or
dangerous goods;

Schedule.

(e) by omitting the Schedule.

Inflammable Liquid (Amendment).

6. The Principal Act is further amended by omitting from **No. 53, 1973** section 15 (1) (b) the words "uninflammable material, **Further amendment of Act No. 15, 1915.** unless any such depot is within another building, and that building has a roof, externally uninflammable or" and by inserting instead the words "non-combustible material".

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

7. The Principal Act is further amended—

Further amendment of Act No. 15, 1915.

(a) by omitting section 29 and by inserting instead the **Subst. sec. 29.** following new section :—

29. An offence under this Act or the regulations **Punishment of offences.** is punishable on summary conviction before a court of petty sessions unless provision is made by this Act for its punishment on indictment.

(b) by inserting in section 30 after the word "Act" the **Sec. 30.** words "or the regulations thereunder"; **(Costs and forfeiture.)**

(c) by inserting in section 32 after the word "Act" **Sec. 32.** wherever occurring the words "or the regulations **(Exemption of occupier from penalty on proof of another being the actual offender.)** thereunder";

(d) by inserting in section 36 after the word "Act" **Sec. 36.** wherever occurring the words "or the regulations **(Certificate of inspector to be evidence.)** thereunder";

(e)

*Inflammable Liquid (Amendment).***No. 53, 1973**

Sec. 43.
 (Power to proclaim inflammable liquid; dangerous goods; protected works; &c.)

(e) (i) by inserting in section 43 (b) after the word "substance" the words "or class of substance";

(ii) by omitting from section 43 (d) the words "inflammable liquid." and by inserting instead the following words and new paragraph :—
 "inflammable liquid";

(e) any manufactured product not to be "dangerous goods" if it contains not more than ninety per centum of dangerous goods and not less than ten per centum of other substances except inflammable liquid or water.

Sec. 44.
 (Regulations.)

(f) (i) by inserting in section 44 (1) after the word "for" where secondly occurring the words "or with respect to";

(ii) by omitting from section 44 (1) (s) the words "section 20A of this Act." and by inserting instead the following words and new paragraph :—
 section 20A;

(t) prescribing the procedures to be followed in respect of stores or premises or part or parts thereof that cease to be licensed or registered under this Act and the person or persons by whom those procedures are to be followed.

(iii) by inserting at the end of section 44 the following new subsections :—

(3) A regulation may adopt wholly or in part or by reference any of the standard rules recommended or adopted by the British Standards Institution or the Standards Association of Australia, or any standard rules

or

Inflammable Liquid (Amendment).

or specifications approved by the Minister No. 53, 1973 and published in the Gazette, relating to the matter with which the regulation deals.

(4) Where a reference to a temperature reading in any standard rule or specification adopted pursuant to subsection (3) is a reference to a temperature reading expressed in terms or in a manner used in connection with the Fahrenheit scale, that reading shall, unless the context or subject matter is such that it would be inappropriate or the contrary intention appears, be construed as a reference to a reading in terms or in a manner used in connection with the Celsius scale that is—

- (a) its equivalent; or
- (b) where its equivalent is not a whole number, the next highest whole number to its equivalent.

8. A provision of the Principal Act specified in the First Column of the Schedule is amended in the manner specified opposite that provision in the Second Column of the Schedule. Further amendment of Act No. 15, 1915.

No. 53, 1973

SCHEDULE.

First Column.	Second Column.
Section 6	Omit "one hundred and fifty degrees Fahrenheit"; insert "sixty-one degrees Celsius".
Section 7	Omit "seventy-three degrees Fahrenheit" wherever occurring; insert "twenty-three degrees Celsius".
Section 10	Omit "ten thousand gallons" wherever occurring; insert "fifty thousand litres".
Section 11 (1) (a) (i) ..	Omit "two hundred and fifty gallons"; insert "one thousand litres".
Section 11 (1) (a) (ii) ..	Omit "fifty feet"; insert "fifteen metres".
Section 11 (1) (a) (iii) ..	Omit "Sixteen gallons"; insert "One hundred litres".
Section 13 (1) (a) ..	Omit "One thousand gallons"; insert "Five thousand litres".
Section 13 (1) (b) ..	Omit "one hundred feet"; insert "thirty metres".
Section 13 (1) (c) ..	Omit "Eight hundred gallons"; insert "Four thousand litres".
Section 14 (1)	Omit "fifty feet"; insert "fifteen metres".
Section 15 (1) (c) ..	Omit "Three hundred gallons"; insert "One thousand five hundred litres".
Section 16 (1) (c) ..	Omit "fifty feet"; insert "fifteen metres".
Section 44 (1) (n) ..	Omit "One hundred gallons"; insert "Five hundred litres".
	Omit "five hundred gallons"; insert "two thousand five hundred litres".
	Omit "fifty feet" wherever occurring; insert "fifteen metres".
	Omit "fifty feet"; insert "fifteen metres".
	Omit "fifty feet"; insert "fifteen metres".
	Omit "two hundred yards"; insert "two hundred metres".