

**DANGEROUS GOODS ACT 1975—REGULATION**

(Relating to the keeping of Class 6 and Class 8 dangerous goods)

NEW SOUTH WALES



*[Published in Gazette No. 137 of 20 November 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Dangerous Goods Act 1975, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD,  
Attorney General and Minister for Industrial Relations.

---

**Commencement**

1. This Regulation commences on 29th March, 1993.

**Amendments**

2. The Dangerous Goods Regulation 1978 is amended:
  - (a) by inserting after clause 17 (1) (c) the following paragraph:
    - (c1) a reference to dangerous goods of a subsidiary risk, designated by a numeral, is a reference to dangerous goods so designated in the list in Section 9 of the Australian Code;
  - (b) by inserting in clause 127 after the matter “Class 3” the words “, and includes any other dangerous goods that by this Regulation are required to comply with this Division as if they were dangerous goods of Class 3”;

- (c) by omitting Divisions 7 and 8 of Part 5 and by inserting instead the following Divisions:

**Division 7—Keeping of dangerous goods of Class 6**

**Goods not required to be kept in or on licensed premises**

168. (1) For the purposes of section 9 (1) (c) of the Act, the prescribed quantity of dangerous goods of Class 6.1 that may be kept in or on the same unlicensed premises is:

- fa) if the goods are in Packaging Group I:
  - 10 kilograms or less in the case of solids; or
  - 10 litres or less in any other case; or
- (b) if the goods are in Packaging Group II:
  - 100 kilograms or less in the case of solids; or
  - 100 litres or less in any other case; or
- (c) if the goods are in Packaging Group III:
  - 1 000 kilograms or less in the case of solids; or
  - 1 000 litres or less in any other case.

(2) For the purposes of section 9 (1) (c) of the Act, the prescribed quantity of dangerous goods of Class 6.2 that may be kept in or on the same unlicensed premises is an unlimited quantity.

(3) For the purposes of section 9 (1) (c) of the Act, a person keeping any dangerous goods of Class 6.1 or 6.2 in or on unlicensed premises must ensure that the relevant provisions of Part 3 are complied with.

**Goods required to be kept in or on licensed premises**

169. (1) This clause applies to dangerous goods of Class 6.1 kept in quantities of

- (a) if the goods are in Packaging Group I:
  - more than 10 kilograms in the case of solids; or
  - more than 10 litres in any other case; or
- (b) if the goods are in Packaging Group II:
  - more than 100 kilograms in the case of solids; or
  - more than 100 litres in any other case; or
- (c) if the goods are in Packaging Group III:
  - more than 1 000 kilograms in the case of solids; or
  - more than 1 000 litres in any other case.

(2) A licensee who keeps any such goods must ensure that the relevant provisions of this clause and of Part 3 are complied with.

(3) Goods of subsidiary risk 3 or having a flash point not greater than 61° Celsius:

- (a) must comply with the provisions of AS 1940 relating to the goods; and
- (b) must comply with the provisions of Division 4 as if they were dangerous goods of Class 3.

(4) Goods (other than goods of subsidiary risk 3 or goods having a flash point not greater than 61° Celsius) must be kept away from dangerous goods not of class 6.1 and from foodstuffs.

(5) An area in which liquid goods (other than goods of subsidiary risk 3 or goods having a flash point not greater than 61° Celsius) are kept:

- (a) in tanks—must be surrounded by a bund:
  - (i) that is of sufficient capacity to contain the contents of the largest tank; and
  - (ii) that is situated at a distance from each tank of at least half the height of the tank; or
- (b) otherwise than in tanks—must be surrounded by a bund or graded area of sufficient capacity to contain at least 25 per cent of the goods in the area.

**Other licensees may keep certain goods of Class 6.1**

169A Dangerous goods of Class 6.1, being goods of subsidiary risk 3 or having a flash point not greater than 61° Celsius, may be kept in any quantity in or on premises the subject of a licence for the keeping of dangerous goods of Class 3.

**Division 8—Keeping of dangerous goods of Class 8**

**Goods not required to be kept in or on licensed premises**

170 (1) For the purposes of section 9 (1) (c) of the Act, the prescribed quantity of dangerous goods of Class 8 that may be kept in or on the same unlicensed premises is:

- (a) if the goods are in Packaging Group I:
  - 50 kilograms or less in the case of solids; or
  - 50 litres or less in any other case; or
- (b) if the goods are in Packaging Group II:
  - 500 kilograms or less in the case of solids; or
  - 500 litres or less in any other case; or
- (c) if the goods are in Packaging Group III:
  - 1 000 kilograms or less in the case of solids; or
  - 1 000 litres or less in any other case.

(2) For the purposes of section 9 (1) (c) of the Act, a person keeping any dangerous goods of Class 8 in or on unlicensed premises must ensure that the relevant provisions of Part 3 are complied with.

**Goods required to be kept in or on licensed premises**

171. (1) This clause applies to dangerous goods of Class 8 kept in quantities of:

- (a) if the goods are in Packaging Group I:
  - more than 50 kilograms in the case of solids; or
  - more than 50 litres in any other case; or
- (b) if the goods are in Packaging Group II:
  - more than 500 kilograms in the case of solids; or
  - more than 500 litres in any other case; or
- (c) if the goods are in Packaging Group 111:
  - more than 1 000 kilograms in the case of solids; or
  - more than 1 000 litres in any other case.

(2) A licensee who keeps any such goods must ensure that the relevant provisions of this clause and of Part 3 are complied with.

(3) Goods of subsidiary risk 3 or having a flash point not greater than 61° Celsius:

- (a) must comply with the provisions of AS 1940 relating to the goods; and
- (b) must comply with the provisions of Division 4 as if they were dangerous goods of Class 3.

(4) Goods (other than goods of subsidiary risk 3 or goods having a flash point not greater than 61° Celsius) must be kept away from dangerous goods not of Class 8.

(5) An area in which liquid goods (other than goods of subsidiary risk 3 or having a flash point not greater than 61° Celsius) are kept:

- (a) in tanks—must be surrounded by a bund:
  - (i) that is of sufficient capacity to contain the contents of the largest tank; and
  - (ii) that is situated at a distance from each tank of at least half the height of the tank; or
- (b) otherwise than in tanks—must be surrounded by a bund or graded area of sufficient capacity to contain at least 25 per cent of the goods in the area.

**Other licensees may keep certain goods of Class 8**

171A. Dangerous goods of Class 8, being goods of subsidiary risk 3 or having a flash point not greater than 61° Celsius, may be kept in any quantity in or on premises the subject of a licence for the keeping of dangerous goods of Class 3.

---

**EXPLANATORY NOTE**

The purpose of this Regulation is to amend the Dangerous Goods Regulation 1978 so as to provide that dangerous goods of Class 6.1 (poisonous [toxic] substances) or Class 8 (corrosive substances) in excess of specified quantities must be kept in or on licensed premises. Currently, the majority of these goods may be kept in or on unlicensed premises.

---