



New South Wales

Dangerous Goods (General) Regulation 1999

under the

Dangerous Goods Act 1975

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dangerous Goods Act 1975*.

JEFFREY WILLIAM SHAW, Q.C., M.L.C.,

Minister for Industrial Relations.

Explanatory note

The object of this Regulation is to repeal and remake, with modifications, the *Dangerous Goods Regulation 1978*. The new Regulation, entitled the *Dangerous Goods (General) Regulation 1999*, deals with the following matters:

- (a) general provisions relating to:
 - (i) licences to keep or carry dangerous goods or to import, manufacture or sell explosives, and
 - (ii) the various permits under the *Dangerous Goods Act 1975* and the Regulation (Part 2),
- (b) the prescription of dangerous goods for the purposes of the Act, the classification of dangerous goods and general provisions relating to the handling, keeping, manufacture and use of dangerous goods (Part 3),
- (c) the prescription of certain dangerous goods as explosives for the purposes of the Act and general safety provisions relating to the manufacture, importation, keeping, conveying and sale of explosives (Divisions 1 and 2, Part 4),
- (d) the receipt of explosives and the issue of shotfirers' permits, collectors' permits, display fireworks permits and firework wholesalers' permits (Division 3, Part 4),

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- (e) the issue by police of permits to receive explosives (Division 4, Part 4),
- (f) the regulation of persons using explosives (Division 5, Part 4),
- (g) the keeping of records of the sale, carriage, delivery and importation of explosives by the various licensees under the Act (Division 6, Part 4),
- (h) general provisions relating to the keeping of dangerous goods (Division 1, Part 5),
- (i) particular provisions relating to the keeping of explosives (Division 2, Part 5),
- (j) particular provisions relating to the keeping of certain classes of dangerous goods (other than explosives) (Divisions 3–9, Part 5),
- (k) general provisions relating to the conveyance of dangerous goods (Division 1, Part 6),
- (l) particular provisions relating to the conveyance of explosives (Division 2, Part 6),
- (m) particular provisions relating to the conveyance of other dangerous goods (Division 3, Part 6),
- (n) the marking and placarding (labelling) of dangerous goods (Part 7),
- (o) the packaging of dangerous goods (Part 8),
- (p) particular provisions relating to the manufacture of explosives (Part 9),
- (q) special requirements relating to the handling, keeping, manufacture, use and sale of particular classes of dangerous goods (Part 10),
- (r) special requirements relating to the handling and transport of dangerous goods in ports (Part 11),
- (s) matters of a minor, consequential or ancillary nature (Parts 1 and 12).

The Regulation is made under the *Dangerous Goods Act 1975*, including section 41 (the general regulation-making power) and various other sections referred to in the Regulation.

The Regulation refers to:

- (a) the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations* in relation to the prescription of dangerous goods for the purposes of the *Dangerous Goods Act 1975* (clause 13),
- (b) those Regulations, the *Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code)* and the *Australian Code for the Transport of Explosives by Road and Rail (Australian Explosives Code)* in relation to the classification of dangerous goods (clause 14),

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- (c) those Codes, various Australian Standards and other codes and standards for the purpose of prescribing, throughout the Regulation, provisions applicable to the handling, keeping, manufacture, conveyance, use and sale of dangerous goods.

The Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Clause 1 Dangerous Goods (General) Regulation 1999

Part 1 Preliminary

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Dangerous Goods (General) Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Regulation not to apply to transport of dangerous goods covered by other scheme

This Regulation does not apply to:

- (a) the transport of dangerous goods by road or rail, or
- (b) any associated activity or matter,

to the extent to which it is regulated by the *Road and Rail Transport (Dangerous Goods) Act 1997* or any regulations under that Act.

4 Definitions

- (1) Expressions used in this Regulation that are defined in the Dictionary at the end of this Regulation have the meanings set out in the Dictionary.
- (2) A reference in this Regulation to the abbreviation "AS" followed by a group of numerals or letters, or numerals and letters, is a reference to the Australian Standard, indicated by that group, recommended or adopted by Standards Australia.
- (3) To the extent of any inconsistency between a specific requirement in an Australian Standard applied or adopted by this Regulation (Part 11 excepted) and a general requirement in this Regulation, the specific requirement prevails.
- (4) A reference in this Regulation to a publication is a reference to the publication as in force from time to time.

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- (5) A reference in this Regulation:
- (a) to a licence or permit is a reference to a licence or permit, respectively, that is in force, and
 - (b) to a distance is a reference to that distance measured in a straight line in a horizontal plane, and
 - (c) to a licence for a licensed depot is a reference to the licence for the premises in or on which the depot is situated, and
 - (d) to the kind or quantity of dangerous goods that a depot is licensed to contain is a reference to the kind and maximum quantity, respectively, of dangerous goods that may lawfully be kept in the depot (including any annexe to it), and
 - (e) to the licensed capacity of a transport container vehicle or vessel is a reference to the maximum quantity of dangerous goods that may lawfully be carried in or on the transport container vehicle or vessel, as specified in the licence for the transport container, and
 - (f) to a depot for cryogenic liquid includes a reference to all pressure regulators, safety devices, vaporisers, manifolds, pipelines or other equipment provided in connection with the depot, but does not include a reference to any equipment for the conveyance or other handling of the goods kept in the depot beyond the point at which they enter a pipeline at service pressure.
- (6) For the purposes of this Regulation:
- (a) a substance or article is away from another substance or article if:
 - (i) the substances or articles are so situated in relation to each other that, in such circumstances as can reasonably be foreseen, neither can come into contact with the other, and
 - (ii) there is between them a distance of at least 5 metres or a liquid-tight wall being, or that with respect to security is equivalent to, a brick wall at least as high as the higher of the substances or articles, and
 - (b) a substance or article is separated from another substance or article if the substances or articles are sufficiently distant one from the other that they will not react chemically with each other, and are, in any case, at least one metre apart, and

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Clause 4 Dangerous Goods (General) Regulation 1999

Part 1 Preliminary

- (c) dangerous or other goods are incompatible with dangerous goods if, when the goods are mixed or otherwise brought into contact with the dangerous goods, the goods are likely to interact with the dangerous goods and increase risk because of the interaction, and
- (d) a substance or article is in immediate use if it is:
 - (i) in actual use in a process of manufacture, mixing, blending, degreasing, cleaning, painting or testing, or
 - (ii) being placed in vats, mixers or other containers in the course of any such process, or
 - (iii) being conveyed within a depot or a factory area, or
 - (iv) not kept in or on any premises for more than 12 hours,and a substance or article, other than an explosive, is manufactured for immediate use if it is manufactured with the intention that, immediately after it is manufactured, it will be in immediate use, and
- (e) an explosive is manufactured for immediate use if, after its manufacture, it is:
 - (i) kept in or on the premises where it was manufactured for less than 12 hours before it is placed in its position of final use, and
 - (ii) used, as soon as practicable, after being placed in its position of final use, and
- (f) explosive devices explode en masse if the explosion of one such device in a package of such devices would cause the other devices in the package to explode simultaneously or almost simultaneously, and
- (g) a substance or article belongs to the same compatibility group as another substance or article if the substances or articles are contained in the same compatibility group as referred to in Column 3 of Table 9.1 to the *Australian Explosives Code*.

- (7) If a provision of this Regulation applies or adopts a provision of the *ADG Code* or the *Australian Explosives Code*, any requirement made in the provision of the *ADG Code* or the *Australian Explosives Code* is taken to be made in the provision of this Regulation.
- (8) The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 5 Dangerous Goods (General) Regulation 1999

Part 2 Licences and permits (general provisions)

Division 1 Licences

Part 2 Licences and permits (general provisions)

Division 1 Licences

5 Application of Division

This Division applies to licences that are administered under the Act under an authorisation under Part 2 of Schedule 2 to the *Business Licences Act 1990*.

6 Applications

- (1) An application for a licence, for the renewal or transfer of a licence or for the alteration of the particulars set out in a licence must:
 - (a) be made in a manner approved by the WorkCover Authority, and
 - (b) be accompanied by any drawings, specifications, calculations and other documents required by the Authority.
- (2) The WorkCover Authority may require an applicant to furnish any other drawings, specifications, calculations or documents additional to those accompanying the application.

7 Notification of transfer of control of licensed transport container or premises

- (1) If the control of a licensed transport container or licensed premises is transferred (by way of sale or lease or otherwise), the person who held the licence concerned immediately before the transfer must, within 7 days after the transfer, notify the WorkCover Authority.
- (2) The notification must be in writing and must specify the date on which the transfer was effected and the name and address of the transferee.
- (3) The address of a transferee is, in the case of a corporation, the address of its registered office or its principal place of business.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

8 Licence fees

- (1) The WorkCover Authority may, by order published in the Gazette, determine the fee payable in respect of the issue or renewal of licences.
- (2) The *Interpretation Act 1987* applies to an order under this clause as if the order were a statutory rule within the meaning of that Act. Accordingly, the order is subject to disallowance by either House of Parliament.
- (3) An application for the issue or renewal of a licence to which this Division applies must be accompanied by the fee (if any) determined for the time being by the WorkCover Authority under this clause.

Division 2 Permits

9 Definition

In this Division, *permit* does not include a permit under Division 4 of Part 4 (Issue by police of permits to receive explosives).

10 Applications

An application for a permit or for the alteration of the particulars set out in a permit must be made in a manner approved by the WorkCover Authority.

Division 3 Miscellaneous

11 Changes of particulars of licences or permits

If there is any change in the particulars set out in the application for the issue or transfer (or, if there has been more than one transfer, the last transfer) of a licence or permit, the holder:

- (a) must as soon as practicable notify the WorkCover Authority, in writing, of the change, and

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Part 2 Licences and permits (general provisions)

Division 3 Miscellaneous

- (b) must apply to the Authority for an appropriate amendment of the licence or permit if, as a result of the change, any of the particulars set out in it are no longer appropriate.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

12 Substitute licences and permits

- (1) The WorkCover Authority may, on being satisfied that a licence or permit has been lost, stolen, destroyed or defaced, issue a substitute to the holder.
- (2) The substitute licence or permit is to be in same terms as, and has the same force and effect as, the one it replaces.

Part 3 Dangerous goods (general)

13 Prescription of dangerous goods

The following substances and articles are prescribed as dangerous goods for the purposes of the Act:

- (a) dangerous goods of Class 1,
- (b) the substances and articles that are dangerous goods within the meaning of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations*,
- (c) combustible liquids,
- (d) any mixture containing a chlorate in admixture with an ammonium salt,
- (e) any mixture of hydrogen and oxygen in the concentration range of 2 per cent to 97 per cent inclusive, volume to volume, of hydrogen in oxygen,
- (f) any flammable mixture of hydrogen, oxygen and any other gas or gases,
- (g) goods that are too dangerous to be transported, that is:
 - (i) goods mentioned in Appendix 5 to the *ADG Code*, or
 - (ii) goods determined under regulation 1.18 (g) of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations* to be too dangerous to be transported,
- (h) liquid oxygen explosives.

14 Classification of dangerous goods

(1) In this Regulation:

- (a) a reference to a class (designated by a number, a number followed by an upper-case letter or an upper-case letter followed by a number) of dangerous goods is:
 - (i) if the class is Class 1—a reference to the class of goods so designated in Column 3 of Table 9.1 to the *Australian Explosives Code*, and
 - (ii) if the class is Class C1 or Class C2—a reference to combustible liquids of Class C1 or Class C2, respectively, as set out in AS 1940 (The storage and handling of flammable and combustible liquids), and

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Part 3 Dangerous goods (general)

- (iii) in any other case—a reference to the class of goods so designated in the list in Appendix 2 to the *ADG Code*, and
 - (b) a reference to a Packing Group, designated by a numeral, of dangerous goods is a reference to the group of dangerous goods assigned to that group under regulation 2.5 of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations*, and
 - (c) a reference to dangerous goods of a subsidiary risk, designated by a numeral, is a reference to the dangerous goods assigned that number under regulation 2.4 of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations*, and
 - (d) a reference in any provision to a substance or article by means of the designation “UN Number” or “UN No” followed by a group of numerals is a reference to the substance or article designated by that group of numerals in the UN Recommendations.
- (2) For the purposes of this Regulation, ammonium nitrate, liquid (hot concentrated solution) (UN No 2426), being dangerous goods of Class 5.1, is to be taken to be dangerous goods of Class 5.1 Packing Group II.

15 Fees for examination and testing of dangerous goods and equipment

- (1) The following fees are payable to the WorkCover Authority for the examination and testing of dangerous goods and equipment used or intended for use in connection with dangerous goods:
 - (a) for the examination and testing of an explosive at the request of its owner, importer or consignee, except if the examination or testing is with a view to the declaration of the explosive as an authorised explosive under section 16 (1) of the Act:
 - (i) if physical examination or a heat test is to be performed—\$3, or
 - (ii) if chemical analysis is to be performed—\$45,
 - (b) for a test of fixed foam protection on a tank for dangerous goods of Class 3, being a test to prove initial compliance with this Regulation—\$45.

- (2) No further fee is payable by a person for an examination or test referred to in subclause (1) (a) if the person has already paid fees totalling \$3,000 for such examinations and tests during that financial year.
- (3) A fee is not payable if payment has been waived by the Minister.

16 Instructions in handling of dangerous goods

- (1) This clause applies to the following persons:
 - (a) the holders of licences issued under section 8, 10 or 19 of the Act in respect of premises in or on which dangerous goods are kept or transport containers in which they are carried,
 - (b) the occupiers of premises in or on which dangerous goods are kept,
 - (c) the owners of transport containers used for the carriage of dangerous goods of Class 1,
 - (d) the employers of persons engaged in the keeping or conveyance of dangerous goods.
- (2) A person to whom this clause applies must take all practicable steps to ensure that every person subject to his or her direction and control and engaged in the handling of the dangerous goods is:
 - (a) adequately instructed as to the hazards involved in the handling of those goods and precautions to be observed in relation to those goods, and
 - (b) competent to operate all safety equipment, including vehicles, pumps, fire protection equipment and breathing apparatus, provided under this Regulation in connection with the keeping, conveyance or handling of those goods.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

17 Precautions to be observed in relation to premises

- (1) This clause applies to the following persons:
 - (a) the holders of licences issued under section 8 or 19 of the Act in respect of premises,
 - (b) the occupiers of premises in or on which dangerous goods are kept or explosives are manufactured,

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- (c) the employers of persons in or on premises referred to in paragraph (a) or (b),
 - (d) the persons employed in or on such premises.
- (2) A person to whom this clause applies must:
- (a) take all practicable precautions to prevent the occurrence on the premises of accidents through fire, explosion, leakage of dangerous goods or other causes, and
 - (b) take all practicable precautions to prevent persons from entering, except with the permission of the holder of the licence or the occupier of the premises, the premises and any depot or building in or on the premises, and from having access, except with that permission, to any dangerous goods in or on the premises, and
 - (c) not do any act in or on the premises that may cause fire, explosion or any other dangerous occurrence, or that is not reasonably necessary for purposes of, or properly incidental to, the keeping or manufacture of dangerous goods, and
 - (d) if dangerous goods are escaping or have escaped from a package or bulk container in or on the premises, immediately take all practicable steps to contain, clean up and dispose of the goods and otherwise make the area safe.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

18 Consignment and delivery records

- (1) The holder of a licence issued under section 8 of the Act for the keeping of dangerous goods, other than explosives, in or on premises must make and keep, in a book or in some other suitable form, a record of:
- (a) the name of every person to whom, and
 - (b) the address to which, and
 - (c) the date on which,
- any dangerous goods are consigned or delivered from those premises, together with the description and quantity of the goods.

- (2) Subclause (1) does not apply to:
- (a) the consignment or delivery of dangerous goods of any class in a quantity less than the quantity prescribed under section 9 (1) of the Act in relation to goods of that class, or
 - (b) the delivery of goods into the fuel tank of a vehicle or vessel.
- (3) The licensee must keep a record made under subclause (1) readily available at the premises for 2 years after the date on which it is made.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

19 Dangerous occurrences

- (1) In this clause, *dangerous occurrence* means:
- (a) an explosion or fire, or
 - (b) an occurrence resulting in the death of or serious injury to a person or in substantial damage to property, or
 - (c) any other occurrence involving imminent risk of an explosion or fire or of any such death, injury or damage.
- (2) If there is a dangerous occurrence:
- (a) in or on licensed premises, or
 - (b) in, on or in connection with a licensed transport container, or
 - (c) in the course of the keeping, conveyance or use of any display fireworks received under the authority of a display fireworks permit,
- the holder of the licence or permit must immediately send or cause to be sent to the WorkCover Authority a notice in writing giving full particulars of the occurrence including, if it has resulted in the death of or serious injury to a person or substantial damage to property, particulars of that death, injury or damage.
- (3) If there is a dangerous occurrence in or on licensed premises or in, on or in connection with a licensed transport container:
- (a) the premises or transport container must not be used for the keeping, manufacture or carriage of dangerous goods, and

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- (b) any building, structure or other installation in or on the premises and any transport container must not, if it has been substantially damaged as a result of the occurrence, be reconstructed or repaired,

except with the permission of the WorkCover Authority.

- (4) If, in relation to licensed premises or a licensed transport container, there is a contravention of subclause (3) the holder of the licence is guilty of a breach of this Regulation.
- (5) Subclause (2) does not apply to a dangerous occurrence that has been notified under the *Occupational Health and Safety (Notification of Accidents) Regulation 1990*.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

20 General requirements in relation to dangerous goods

A person must not:

- (a) manufacture dangerous goods that are unsafe for conveyance, keeping or use, or
- (b) import into the State, sell, convey or keep dangerous goods that are not in good order and condition or are unsafe for conveyance, keeping or use.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

21 Dangerous goods to be kept dry

- (1) A person having the custody of dangerous goods must take all practicable precautions to prevent water from coming into contact with them.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not prohibit:

- (a) the installation or use of water sprinkler systems in a building or place for the purpose of extinguishing fires, or
- (b) the use of water to cover dangerous goods where the water is used to prevent air or oxygen from reacting with the goods and does not itself materially react with them, or

- (c) the use of water for the purpose of extinguishing fires in an emergency in a building or place.

22 Equipment for use with dangerous goods

A person must not sell or supply equipment for use with dangerous goods unless:

- (a) it is suitable and safe for use with them, and
- (b) if this Regulation prescribes requirements in relation to such equipment when so used, the equipment conforms to those requirements.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

23 Supply of liquid and gaseous dangerous goods

- (1) A licensee under section 8 of the Act of premises in or on which there is a fuel dispensing unit for the delivery of dangerous goods of Class 2.1 or 3 must:
 - (a) not deliver or permit a person to receive delivery of any such goods, by means of the unit, into the fuel tank of a vehicle or vessel unless the engine of the vehicle or vessel is stopped, and
 - (b) take all practicable steps to ensure that, while any such goods are being delivered into the fuel tank of a vehicle or vessel by means of the unit, no person lights matches, uses any other source of ignition or smokes within 3 metres of the vehicle or vessel, and
 - (c) at all times prominently display on or near every unit from which any such goods are so delivered a sign bearing the words “STOP ENGINE—NO SMOKING” in letters at least 50 millimetres high conforming to Type B of AS 1744 (Forms of letters and numerals for road signs) in such a position that the sign will be clearly legible by persons who are at the unit for the purpose of obtaining any such goods, and
 - (d) take all practicable steps to ensure that the unit cannot be operated by:
 - (i) a person without the authority of the licensee, or
 - (ii) a person under 15 years of age.

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Part 3 Dangerous goods (general)

- (2) A person must not introduce dangerous goods of Class 2.1 or 3 into a vehicle or vessel by use of a fuel dispensing unit unless:
 - (a) the engine of the vehicle or vessel is stopped, and
 - (b) no person is smoking within 3 metres of the vehicle or vessel.
- (3) A person must not light a match, use any other form of ignition or smoke within 3 metres of a vehicle or vessel into which dangerous goods of Class 2.1 or 3 are being introduced from a fuel dispensing unit.
- (4) A person must not introduce liquefied petroleum gas into a vehicle or vessel by use of a fuel dispensing unit unless the hose attached to the unit is fitted with a coupling designed:
 - (a) to separate from the unit at a lower tension than that which could cause the hose or unit to fail or be damaged, and
 - (b) to stop the flow of gas from both the hose and the unit after separation.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

24 Records

A person must not, with intent to deceive:

- (a) obliterate, alter or falsify an entry or signature in a book or record required by this Regulation to be kept or made, or
- (b) make a false or misleading entry in any such book or record.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

25 Interference with signs and labels

A person must not wilfully pull down, erase, mutilate or otherwise interfere with a sign, label or marking erected, fixed or made under this Regulation.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

26 Exemptions

- (1) The WorkCover Authority may, in writing, exempt any person (including itself) or class of persons, either absolutely or subject to conditions, from any provision of this Regulation (other than a provision of Part 11 or a provision relating to the payment of fees) and may, in writing, vary or revoke any such exemption.
- (2) A person is not guilty of a breach of this Regulation by reason of the doing of any act if, by reason of stress of weather, accident resulting from causes not under his or her control or other emergency, the doing of the act was in the circumstances a matter of imperative necessity.

27 Approvals

- (1) An approval given under any Regulations made under an Act repealed by the Act is taken, otherwise than for the purposes of subclause (4), to have been given under this Regulation.
- (2) An approval may:
 - (a) except where this Regulation otherwise provides, be given:
 - (i) in writing or verbally, and
 - (ii) generally or in relation to a particular case, and
 - (iii) on application or without an application, and
 - (b) be given unconditionally or subject to conditions.
- (3) An approval given under this Regulation may at any time be rescinded or varied by the WorkCover Authority by notice in writing given by post or otherwise to the person, if any, on whose application it was given, or by notice in the Gazette.
- (4) The WorkCover Authority must keep a register of approvals and cause to be entered in it particulars of all approvals given under this Regulation and of all rescissions and variations of such approvals.
- (5) The register:
 - (a) may consist of or include separate books, cards or other records, and
 - (b) must be kept available at the office of the WorkCover Authority for perusal, without fee, by all persons at all reasonable times.

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Clause 28 Dangerous Goods (General) Regulation 1999

Part 3 Dangerous goods (general)

28 Maintenance of buildings and things

If this Regulation imposes an obligation to provide a building or thing or to ensure that a building or thing conforms to prescribed requirements, the person for the time being subject to the obligation must maintain it, or cause it to be maintained, in good order and condition and, in the case of any mechanical equipment or device, in good and efficient working order.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

29 Requirements for fire extinguishers

A provision of this Regulation requiring that a fire extinguisher be provided or carried is not complied with except by the provision or carrying, as the case may be, of a fire extinguisher that:

- (a) complies with the relevant standard for fire extinguishers of the class to which it belongs adopted by Standards Australia, and
- (b) carries the Standards Australia mark, and
- (c) is installed and maintained in accordance with AS 1851 (Maintenance of fire protection equipment), Part 1 (Portable fire extinguishers and fire blankets), and
- (d) is not a powder extinguisher of the gas container type.

30 Requirements for self-contained breathing apparatus

A provision of this Regulation requiring that a self-contained breathing apparatus be provided is not complied with except by the provision of a self-contained breathing apparatus:

- (a) that, when used by a person, will enable the person to breathe for at least 25 minutes without any alteration being made to the apparatus, and
- (b) that complies with the relevant provisions of AS 1715 (Selection, use and maintenance of respiratory protective devices) and AS 1716 (Respiratory protective devices), and
- (c) the face mask of which has a speech diaphragm.

31 Determination of flashpoint

- (1) The prescribed manner of determining the flashpoint of a liquid is:
 - (a) by the appropriate method designated in AS 2106 (Determination of the flashpoint of flammable liquids (closed cup)), or
 - (b) in accordance with the tests set out in clause 2.3.3 of the UN Recommendations.
- (2) The prescribed type of apparatus to be used in making a determination referred to in subclause (1) (a) is the appropriate apparatus referred to in AS 2106.

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Clause 32 Dangerous Goods (General) Regulation 1999

Part 4 Explosives (general)

Division 1 Prescribed, excluded and authorised explosives

Part 4 Explosives (general)

Division 1 Prescribed, excluded and authorised explosives

32 Dangerous goods prescribed as explosives

The following dangerous goods are prescribed as explosives for the purposes of the Act:

- (a) all dangerous goods of Class 1,
- (b) the dangerous goods described in clause 13 (d), (e), (f) and (h).

33 Certain provisions of the Act do not apply to certain explosives

For the purposes of section 15 of the Act:

- (a) distress signals (other than rockets) in a quantity not exceeding 10 kilograms, being explosives classified as dangerous goods of Class 1.4G, are prescribed as explosives in respect of which Divisions 4 and 5 of Part 4 of the Act do not apply, and
- (b) explosives classified as dangerous goods of Class 1.4S (other than detonators and safety cartridges) are prescribed as explosives in respect of which Divisions 2, 4 and 5 of Part 4 of the Act do not apply, and
- (c) toy fireworks (not being explosives classified as dangerous goods of Class 1.4S) are prescribed as explosives in respect of which Divisions 2, 4 and 5 of Part 4 of the Act do not apply, and
- (d) safety cartridges are prescribed as explosives in respect of which Divisions 2 and 5 of Part 4 of the Act do not apply.

34 Regulation not to apply to certain explosives

Nothing in this Regulation applies to or in respect of an explosive that is on board a vessel and that is required by or under any Act or other law to be carried as part of the vessel's equipment.

35 Authorised explosives

- (1) An application for the declaration under section 16 of the Act of an explosive as an authorised explosive must be made in writing to the WorkCover Authority and contain particulars of:
 - (a) the nature and composition of the explosive to which it relates, including the percentage by mass or volume that each ingredient bears to the whole, and
 - (b) any substance or substances desired to be approved as a substitute or as substitutes for a specified ingredient, and
 - (c) the method of use of the explosive.
- (2) An applicant must furnish to the Authority such additional information in relation to the explosive as it may require.
- (3) An applicant must supply to the Authority, without charge, such sample or samples of the explosive as it may require for the purpose of testing.
- (4) A fee of \$30 must be paid to the Authority in respect of an application. No fee is payable if the applicant has already paid to the Authority during that financial year fees totalling \$3,000 for the examination or testing of explosives or if the Minister has waived payment of the fee.

Division 2 Safety provisions (general)**36 Prohibited explosives (ammunition)**

- (1) A person must not manufacture, import into the State, keep, convey or sell a safety cartridge:
 - (a) in which the bullet is not firmly fixed in the cartridge case, or
 - (b) having a split or cracked case, or
 - (c) having a case that is liable to split or rupture when fired in a properly constructed weapon of a chambering and calibre appropriate to a cartridge of its class.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not apply to or in respect of safety cartridges held under a collector's permit if the cartridges are kept separate from cartridges to be used for shooting.

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Part 4 Explosives (general)

Division 2 Safety provisions (general)

(3) A person must not manufacture, import into the State, keep, convey or sell a safety cartridge or other cartridge having a bullet or other projectile that:

- (a) explodes, or
- (b) contains an incendiary or tracer composition, or
- (c) contains a lachrymatory, nauseating or toxic substance.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

(4) Subclause (3) does not apply to or in respect of:

- (a) a distress signal, or
- (b) the manufacture, importing, keeping, conveyance or sale, with the authority of the Commissioner of Police, of a cartridge for the use of the Police Service of the Commonwealth or a State or Territory of the Commonwealth, or
- (c) the importing, with the approval in writing of the WorkCover Authority, of a cartridge having a bullet or other projectile that contains an incendiary or tracer composition, or
- (d) a cartridge having a bullet or other projectile approved in writing.

(5) The WorkCover Authority must not approve, under subclause (4) (c), of the importing of a cartridge unless it is satisfied that it is to be imported:

- (a) for conversion into scrap, or
- (b) for sale after the bullet or other projectile is replaced by a bullet or other projectile not of a kind described in subclause (3).

37 Electric detonators

A person must not:

- (a) manufacture electric detonators of more than one type or series, or
- (b) import into the State electric detonators manufactured by one manufacturer and that are of more than one type or series,

unless the wires attached to the detonators are colour-coded in such a manner that the types and series of detonators can readily be distinguished from each other.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

38 Prohibited explosives (fireworks)

- (1) A person must not manufacture, import into the State, keep, convey or sell any of the following fireworks:
- (a) a toy firework (other than amorces, a streamer cone or a confetti bomb) containing a composition of a chlorate in admixture with sulfur, a sulfide or phosphorus,
 - (b) a firework of such construction that firework composition can escape from it,
 - (c) toy fireworks that are liable to explode en masse,
 - (d) a toy firework (other than amorces, a snap for a bon-bon cracker, a streamer cone or a confetti bomb) that explodes either wholly or in part,
 - (e) a firework that on ignition is liable to be projected through the air in an erratic or unpredictable flight,
 - (f) a toy firework that contains arsenic or a compound of arsenic as an ingredient of its composition,
 - (g) a firework that does not have displayed on it instructions in the English language (in or to the effect of the form approved in respect of the firework) relating to the manner in which it should be ignited and the manner in which it is designed to behave,
 - (h) a firework that ignites less than 3 seconds, or more than 15 seconds, after its wick or touch paper has been ignited in accordance with the instructions displayed on it,
 - (i) a firework that, after having been set up and ignited in accordance with the instructions displayed on it, behaves otherwise than in accordance with those instructions.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

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Part 4 Explosives (general)

Division 2 Safety provisions (general)

- (2) Subclause (1) (paragraphs (b) and (c) excepted) does not apply to or in respect of the manufacture, importing, keeping, conveyance or sale of fireworks for the purpose only of use outside the State if they are exported as soon as practicable after their manufacture or import into the State.
- (3) Subclause (1) (g) does not apply to or in respect of display fireworks that are to be ignited or discharged by their manufacturer or importer.

39 Prohibited explosives (marine distress flares and signals)

- (1) A person must not manufacture, import into the State for sale or sell marine distress flares or signals to which AS 2092 (Pyrotechnic marine distress flares and signals for pleasure craft) applies unless they comply with that Standard or an equivalent International Standards Organisation standard.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not apply to or in respect of the manufacture, import or sale of marine distress flares or signals for the purpose only of use outside the State if they are exported as soon as practicable after their manufacture or import into the State.

40 Prohibited explosives (model rocket propellant devices)

- (1) A person must not manufacture, import into the State, keep, convey or sell a model rocket propellant device that:
 - (a) contains a composition of a chlorate in admixture with sulfur, a sulfide or phosphorus, or
 - (b) is of such construction that ignitable substances can escape from it, or
 - (c) may explode either wholly or in part, or
 - (d) contains an ignitable substance or ignitable substances exceeding 15 grams in mass.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not apply to or in respect of the manufacture, importing, keeping, conveyance or sale of a model rocket propellant device by a person:
- (a) for the purpose only of use outside the State if it is exported as soon as practicable after its manufacture or import into the State, or
 - (b) in the case of a model rocket propellant device containing an ignitable substance or ignitable substances not exceeding 62.5 grams in mass—if the person is a bona fide member of an approved rocket club, or
 - (c) in the case of a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass—if the person is a bona fide member of an approved rocket club and holds a display fireworks permit.

41 Certain explosives not to be manufactured (except for immediate use), kept or conveyed

A person must not manufacture (except for immediate use), keep or convey any:

- (a) mixture of hydrogen and oxygen in the concentration range of 2 per cent to 97 per cent both inclusive, volume to volume, of hydrogen in oxygen, or
- (b) flammable mixture of hydrogen and oxygen together with any other gas or gases, or
- (c) liquid oxygen explosive.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

42 Responsibility of persons possessing explosives

- (1) In this clause, *responsible person* means a trustworthy person not under the age of 18 years who is physically and mentally capable of exercising proper supervision over explosives.
- (2) A person who has received explosives under the authority of a permit must:
 - (a) keep them in a secure place inaccessible to the public, or
 - (b) keep them under his or her immediate supervision or cause them to be kept by, and under the immediate supervision of, a responsible person.

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Part 4 Explosives (general)

Division 2 Safety provisions (general)

- (3) A person who removes for use any explosives from a magazine, or from a secure place referred to in subclause (2) (a), must:
- (a) until they are used, or placed in a magazine or secure place:
 - (i) keep them under his or her immediate supervision, or
 - (ii) cause them to be kept by, and under the immediate supervision of, another person who is a responsible person, and
 - (b) immediately place, or cause to be immediately placed, in a magazine or secure place, any that are not used.
- (4) If a person has set or caused to be set an explosive to explode at a place and the explosive has not been fired or has misfired, the person must not leave the explosive unsupervised until it has been exploded, destroyed or rendered harmless.
- (5) If a person has set or caused to be set an explosive to explode at a place and the explosive has not been fired or has misfired, an inspector may (if the explosive remains in place) direct the person to:
- (a) explode it, or
 - (b) render it harmless, destroy it or otherwise dispose of it in accordance with this Regulation,
- and the person so directed must not, without reasonable cause, fail to comply with the direction.
- (6) Subclauses (4) and (5) do not apply to or in respect of an explosive that is set to explode at a place in connection with any work to which the *Mines Inspection Act 1901*, the *Coal Mines Regulation Act 1982* or the *Construction Safety Act 1912* applies, and while the explosive remains at that place.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

43 Use of explosives in certain work

Any work involving the use of explosives to which AS 2187 (Explosives—Storage, transport and use), Part 2 (Use of explosives) applies must be carried out in compliance with that Standard.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

44 Destruction or other disposal of explosives

- (1) A person must not render harmless, destroy or otherwise dispose of an explosive:
- (a) except by a method permitted by this clause, and
 - (b) unless in so doing he or she takes adequate precautions against causing injury to any person or damage to any property.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Gunpowder, blasting powder and nitrocellulose propellant powder may be destroyed by burning under the supervision of:
- (a) an inspector, or
 - (b) an inspector under the *Mines Inspection Act 1901* or the *Coal Mines Regulation Act 1982*, or
 - (c) a representative of the manufacturer of the explosives or of an agent for their distribution on behalf of the manufacturer, if the manufacturer or agent has authorised the representative to supervise the burning and has certified in writing that he or she is a fit and proper person to do so, or
 - (d) a person authorised in writing by the WorkCover Authority for the purposes of this subclause.
- (3) The following explosives may be destroyed by burning:
- (a) blasting accessories such as safety fuse, fuse lighters, multiple safety fuse igniters, igniter cord and connectors for such accessories,
 - (b) delay action fuses,
 - (c) fireworks and pyrotechnics.
- (4) Explosives other than gunpowder, fireworks and firework composition may be destroyed by detonation in accordance with the following rules:
- (a) the method of detonation that provides the greatest degree of safety must be used,

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- (b) the detonation must be initiated by whichever of the following methods is the most appropriate having regard to the condition of the explosives:
 - (i) detonator,
 - (ii) detonating fuse,
 - (iii) detonator and priming cartridge,
 - (c) if detonators are to be destroyed, the following procedure must be adopted:
 - (i) not more than 1 000 detonators may be destroyed in any one detonation,
 - (ii) the detonators must be in a small box or bag,
 - (iii) electric detonators must have the wires cut off about 10 millimetres from the top of the shell,
 - (iv) a hole at least 300 millimetres deep must be dug in the ground, preferably in dry sand, and in a safe place,
 - (v) the box or bag containing the detonators must be placed in the hole together with a priming cartridge of about 200 grams of explosive and a properly positioned and serviceable detonator,
 - (vi) the detonators and priming cartridge must be carefully covered with paper and then by dry sand or fine earth and fired from a safe distance that (unless a bunker, a mound or other adequate means of protection is available and used for protection) is at least 200 metres from the box or bag containing the detonators,
 - (vii) after firing, a search for unexploded detonators must be made of the surrounding area for a distance of at least 30 metres in all directions (except underground) from the hole.
- (5) Explosives of any category may be disposed of by any method approved by the WorkCover Authority, an inspector or an inspector under the *Mines Inspection Act 1901* or the *Coal Mines Regulation Act 1982*.
- (6) Small quantities, not exceeding 25 kilograms on any one occasion, of blasting powder or other nitrate mixtures (including a mixture of ammonium nitrate and fuel oil) may be rendered harmless by immersing them in water.

(7) Despite any other provisions of this clause, a person must not dispose of explosives by discarding them:

- (a) in a river, creek, lake, lagoon or dam, or
- (b) on a garbage dump, or
- (c) on a building site, or
- (d) in or under newly poured concrete that has not set.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

45 Entry to licensed premises

(1) A person must not enter, or remain in or on, premises licensed under the Act for the manufacture or keeping of explosives, or any part of, or any building, structure or installation in or on, such premises unless he or she is authorised to do so by the licensee or by or under an Act.

(2) If a person enters, or remains in or on, any premises or part, or any building, structure or installation contrary to subclause (1):

- (a) he or she commits a breach of this Regulation, and
- (b) any of the following persons:
 - (i) the licensee,
 - (ii) an employee of the licensee,
 - (iii) a person acting with the authority of the licensee,
 - (iv) an inspector,
 - (v) a police officer,

may request him or her to leave the premises or part, or building, structure or installation and, if he or she fails to do so immediately after being so requested, remove him or her by the use of such reasonable force as is necessary for the purpose.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Part 4 Explosives (general)

Division 2 Safety provisions (general)

46 Prohibition on the retail sale of distress signals and on the use of distress signals for other purposes

- (1) A person must not sell a distress signal by retail except to a competent person over the age of 18 years who is a bona fide user of distress signals.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) It is an offence under Division 3 to use a distress signal for a purpose other than as a distress signal without a display fireworks permit.

47 Instructions to be attached to fireworks packages

A person must not sell fireworks or offer or expose fireworks for sale unless the package in which they are contained has attached to it readily understood instructions in the English language relating to the manner in which each firework in the package should be ignited and the manner in which each firework is designed to behave.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

48 Consignment of explosives

A person must not send or cause to be sent to any other person (in this clause referred to as the *consignee*) a consignment of explosives unless:

- (a) he or she has given to the consignee a notice of his or her intention to send the consignment and has set out in the notice the description and quantity of the explosives proposed to be sent, and
- (b) he or she has been informed by the consignee that the consignee will be prepared to receive the explosives on a specified day or within a specified period, and
- (c) the explosives are sent at such a time and by such means that in the ordinary course of transport the consignee will receive them on the specified day or within the specified period.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

49 Notification of arrival of explosives by vessel or aircraft

- (1) Immediately after the arrival in the State, by vessel or aircraft, of explosives consigned from outside the State, the importer of the explosives must give or cause to be given to the WorkCover Authority a notice in writing, in the approved form and manner, of the arrival of the explosives, the kinds of explosives and the quantity of each kind unless the consignee has already given that notice.
- (2) Neither the importer nor consignee of the explosives referred to in the notice must:
 - (a) transport or cause or permit the explosives to be transported from the place where they are unloaded to a bond or free store, premises licensed for the keeping of explosives or any other repository unless an inspector has certified by an entry on the form of notice that the explosives have been passed for such transport, or
 - (b) after the explosives have been so transported, remove them or cause or allow them to be removed from the store, premises or other repository:
 - (i) unless an inspector has certified in writing that they are suitable for removal, or
 - (ii) if an inspector has refused so to certify—except in accordance with directions for their removal and disposal given by the WorkCover Authority.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

50 Export of explosives by vessel

A person intending to export explosives from the State by vessel in a quantity exceeding 2.5 kilograms:

- (a) must, before they are loaded into or onto the vessel, give notice to the WorkCover Authority of the intended export in the approved form and manner, and
- (b) must not load them, or cause or permit them to be loaded, unless the master of the vessel has signed the certificate set out in the notice.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Part 4 Explosives (general)

Division 3 Authorities to receive, use or sell explosives (general)

Division 3 Authorities to receive, use or sell explosives (general)

51 Certain persons authorised to receive explosives

- (1) Subject to clause 58, the holder of a firearms licence is authorised to receive, on any one occasion, not more than 10 kilograms of propellant powder.
- (2) Subject to clause 58, if premises are licensed under section 8 of the Act for the keeping of explosives:
 - (a) the licensee, and
 - (b) any person acting in the course of his or her employment by the licensee, and
 - (c) any person authorised in writing by the licensee to receive explosives for keeping in or on those premises, and
 - (d) if the licensee is a corporation—any person acting in his or her capacity as a director of the corporation,are authorised to receive explosives for keeping in or on those premises.
- (3) Subject to clause 58, a person authorised by section 10 of the Act to carry explosives in a transport container is authorised to receive explosives for carriage in the container.

52 Shotfirers' permits

- (1) The WorkCover Authority may issue a shotfirer's permit to a person who applies for the permit and either:
 - (a) satisfies the Authority that he or she has satisfactorily completed a course in the use of explosives conducted by the Department of Technical and Further Education, or
 - (b) demonstrates to the satisfaction of the Authority that he or she is fully competent in the use of explosives.
- (2) The Authority may refuse to issue a shotfirer's permit:
 - (a) on any ground on which an application for a permit under Division 4 (Issue by police of permits to receive explosives) could be refused, or
 - (b) on any other reasonable ground.

- (3) The Authority must specify in a shotfirer's permit:
 - (a) the person to whom it is issued, and
 - (b) the quantities and kinds of explosives that may be received under it on any one occasion, and
 - (c) the period for which it is to be in force.
- (4) A shotfirer's permit is subject to:
 - (a) the condition (which must be specified in the permit) that the holder of the permit must so use the explosives received under the authority of the permit that at the end of any day he or she does not retain more than 2.5 kilograms of blasting explosives (as defined in Division 4), not more than 110 detonators and not more than 500 metres of detonating fuse, and
 - (b) any other conditions that the Authority thinks fit to impose and that are specified in it.
- (5) The holder of a shotfirer's permit is authorised, subject to clause 58 and to the condition or conditions specified in the permit, to receive explosives not exceeding on any one occasion the amount of explosives specified in the permit under subclause (3) (b).
- (6) Subject to the Act, a shotfirer's permit is in force for the period specified in it.

53 Collectors' permits

- (1) The WorkCover Authority may issue a collector's permit to a person who applies for the permit and satisfies the Authority that he or she is a member of a club or society:
 - (a) the aims of which are or include the study and collection of explosives of historical interest, and
 - (b) the name of which has been registered with the Authority on the application of its committee of management or other governing body.
- (2) The Authority may refuse to issue a collector's permit:
 - (a) on any ground on which an application for a permit under Division 4 (Issue by police of permits to receive explosives) could be refused, or
 - (b) on any other reasonable ground.

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Part 4 Explosives (general)

Division 3 Authorities to receive, use or sell explosives (general)

- (3) The Authority must specify in a collector's permit:
 - (a) the person to whom it is issued, and
 - (b) the quantities and kinds of explosives that may be received under it on any one occasion, and
 - (c) the period for which it is to be in force.
- (4) A collector's permit is subject to any conditions that the Authority thinks fit to impose and that are specified in it.
- (5) Subject to clause 58, the holder of a collector's permit is authorised to receive explosives of historical interest of the type or types specified in it, but only if he or she does so:
 - (a) subject to the conditions, if any, specified in the permit, and
 - (b) for the purpose of keeping the explosives as part of a bona fide collection of explosives of historical interest in his or her possession.
- (6) A collector's permit is in force for the period specified in it.

54 Display fireworks permits

- (1) A person who intends to:
 - (a) receive and use display fireworks, or
 - (b) use a distress signal other than as a distress signal, or
 - (c) use a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass,must apply to the WorkCover Authority for a display fireworks permit.
- (2) An application must:
 - (a) set out the purposes for which the fireworks are, or the signal or device is, to be used, and
 - (b) be made in an approved manner, and
 - (c) be accompanied by a fee of \$20.
- (3) The Authority may issue a display fireworks permit to an applicant if it is satisfied that he or she:
 - (a) is of or above the age of 18 years, and

- (b) has a good and sufficient reason for using the fireworks, signal or device for the purposes set out in the application, and
 - (c) has had adequate training and experience in, and is fully competent in, the use of the fireworks, signal or device, and
 - (d) in the case of an application to use display fireworks, can be trusted to receive, have in possession, convey and use the fireworks.
- (4) A display fireworks permit is subject to the conditions specified in it (including conditions that the Authority considers appropriate in the interests of the safety and welfare of the community).
- (5) Subject to clause 58, a display fireworks permit authorises its holder and any person acting under the authority or supervision of its holder to:
- (a) in the case of a permit to receive and use display fireworks—receive and use display fireworks of the types specified in the permit, and
 - (b) in the case of a permit to use a distress signal or model rocket propellant device—use the signal or device for the purposes set out in the permit,
- but only if the holder or person does so in accordance with the permit's conditions.
- (6) A person must not:
- (a) receive or use display fireworks, or
 - (b) use a distress signal other than as a distress signal, or
 - (c) use a model rocket propellant device containing an ignitable substance or ignitable substances exceeding 62.5 grams in mass,
- unless the person is the holder of a display fireworks permit or acting under the written authority or supervision of such a holder.
- Contravention of this subclause is an offence and is punishable in accordance with clause 340.
- (7) A display fireworks permit is in force only for the day or period specified in it.

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Clause 55 Dangerous Goods (General) Regulation 1999

Part 4 Explosives (general)

Division 3 Authorities to receive, use or sell explosives (general)

55 Firework wholesalers' permits

- (1) A person who intends to carry on the business of selling fireworks otherwise than by retail sale must apply to the WorkCover Authority in the approved manner for a firework wholesaler's permit.
- (2) The WorkCover Authority may issue a firework wholesaler's permit to an applicant if it is satisfied that he or she is of or above the age of 18 years.
- (3) The Authority must specify in a firework wholesaler's permit:
 - (a) the person to whom it is issued, and
 - (b) the period for which it is to be in force.
- (4) A firework wholesaler's permit is subject to any conditions that the Authority thinks fit to impose and that are specified in it.
- (5) A firework wholesaler's permit is in force for the period specified in it.

56 Restrictions on the sale of display fireworks

- (1) A person must not sell display fireworks unless the person has authority to sell those fireworks because of:
 - (a) a licence issued under section 8, 17, 19 or 21 of the Act, or
 - (b) a firework wholesaler's permit,and unless those fireworks are sold in accordance with the conditions of the licence or permit.
- (2) A person must not sell display fireworks except to a holder of a licence issued under section 8, 19 or 21 of the Act or a display fireworks permit.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

57 Certain persons authorised to receive explosives in the course of certain work

A person is authorised to receive, otherwise than by way of sale, explosives from another person if:

- (a) the explosives are supplied for use in carrying out work in, on or about a mine, quarry, farm, building site or other place on the day on which they are supplied, and

- (b) the person supplying and the person receiving the explosives are employed or engaged in, or responsible for, the carrying out of that work.

58 Production of evidence of authority to receive explosives

- (1) A person is not authorised to receive explosives from another person unless, in accordance with this clause, he or she produces to that other person, or to a prescribed representative of that other person, the prescribed evidence that he or she is (but for this clause) so authorised.
- (2) For the purposes of subclause (1) the prescribed evidence that a person is (but for this clause) authorised to receive explosives by:
 - (a) clause 51 (1)—is his or her firearms licence, or
 - (b) clause 51 (2) or (3)—is any evidence affording reasonable grounds for belief that he or she is so authorised, or
 - (c) clause 52, 53 or 54—is his or her shotfirer's permit, collector's permit or display fireworks permit, respectively, or
 - (d) Division 4—is a permit issued to him or her under that Division.
- (3) For the purposes of subclause (1) the prescribed representative of a person is:
 - (a) a person who is or appears to be an employee or agent of that person and to be acting in the course of his or her employment or within the scope of his or her authority, or
 - (b) if the firstmentioned person is a corporation, a person who is or appears to be a director of the corporation.
- (4) A person does not produce evidence, in the form of a document or documents, to another person in accordance with this clause unless he or she allows that other person:
 - (a) to peruse the document or documents and, if that other person so desires, to make a copy of or to take extracts from it or them, and
 - (b) if the document is a permit under Division 4—to make a notation on it in accordance with subclause (5).

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Division 3 Authorities to receive, use or sell explosives (general)

- (5) If a person receives explosives on the production, under subclause (1), of a permit under Division 4, the person supplying the explosives must make in the space provided for that purpose on the permit a notation showing the description and quantity of the explosives supplied and the date on which they are supplied.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (6) Nothing in this clause applies to or in respect of the supply of explosives under clause 57.

Division 4 Issue by police of permits to receive explosives

59 Definitions

In this Division:

blasting explosives means explosives of Classes 1.1C and 1.1D (other than detonating fuse), 1.3C and 1.5D.

officer means a police officer.

permit means permit under this Division.

60 Applications

An application for a permit is not duly made unless it is:

- (a) in Form 1, and
- (b) made to the officer in charge for the time being of the police station in the State nearest to:
 - (i) the applicant's usual place of residence, or
 - (ii) a place where the applicant is employed or engaged in a profession, trade or employment.

61 Issue of permits

- (1) An officer may issue a permit to a person who applies for it, or may refuse an application for a permit.
- (2) An officer must refuse an application for a permit:
 - (a) if the applicant is not a natural person, or
 - (b) if after making due inquiry the officer ascertains or has good reason to believe that the applicant:

- (i) has been convicted in the State or elsewhere of an offence relating to firearms or explosives and sentenced to penal servitude or imprisonment for 12 months or more and has been released from that penal servitude or imprisonment less than 5 years before the date of the application, or
 - (ii) is subject to a recognizance, granted in the State or elsewhere, to keep the peace, or
 - (iii) is the subject of a firearms prohibition order within the meaning of the *Firearms Act 1996*, or
- (c) if he or she is not satisfied that the applicant:
 - (i) is of or above the age of 18 years, and
 - (ii) is of good character and repute, and
 - (iii) has good reason for requiring a permit, and
 - (iv) can be trusted to have explosives in his or her possession and to use and convey explosives without danger to the public safety or to the peace.
- (3) An officer must not issue a permit without having made due inquiry as to the matters referred to in subclause (2) (b).
- (4) A permit is to be in Form 2.

62 Duration of permit

- (1) Subject to the Act and this Regulation, a permit is in force for the period, not exceeding 3 months from the date of its issue, specified in it.
- (2) While 2 or more permits issued to a person would, but for this subclause, be in force at the same time, only the permit first issued is in force.

63 Substitute permit

- (1) The officer in charge for the time being of the police station at which a permit was issued may, on the application of its holder, and if its holder furnishes to the officer a statutory declaration in evidence that the permit has been lost, destroyed or mutilated, issue a substitute permit in terms of the original permit.
- (2) Clauses 60 and 61 do not apply to or in respect of an application for the issue of a substitute permit.

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Part 4 Explosives (general)

Division 4 Issue by police of permits to receive explosives

64 Authority conferred by permit

The holder of a permit is authorised, subject to the conditions of the permit and to clause 58, to receive blasting explosives, detonators and detonating fuse.

65 Conditions of permit

- (1) A permit is subject to the conditions:
 - (a) that not more than the amount of blasting explosives, detonators and detonating fuse specified in it may be received under its authority on any one occasion, and
 - (b) that, unless the permit is subject to the condition referred to in subclause (3) (e), its holder must not keep, other than for immediate use, more than 2.5 kilograms of blasting explosives, 110 detonators and 500 metres of detonating fuse.
- (2) The amount of explosives to be specified under subclause (1) (a) is:
 - (a) 2.5 kilograms of blasting explosives, 110 detonators and 500 metres of detonating fuse, or
 - (b) if the officer issuing the permit is satisfied that the applicant needs, for a purpose specified by the applicant, to receive a greater quantity of blasting explosives than that referred to in paragraph (a)—50 kilograms of blasting explosives, 200 detonators and 500 metres of detonating fuse, or
 - (c) if the officer issuing the permit is satisfied that the applicant needs, for use in a mine, a greater quantity of blasting explosives than that specified in paragraph (a)—the maximum quantity of blasting explosives, detonators and blasting fuse that may be kept in the mine under the authority of any relevant mining legislation.
- (3) A permit may be issued subject to any one or more of the following conditions additional to those imposed by subclause (1):
 - (a) that explosives must not be received under its authority on more than a number of occasions specified in it,
 - (b) that within a period specified in it explosives must not be received on more than the number of occasions so specified,
 - (c) that only explosives of a class or description specified in it may be received,

- (d) that explosives of a class or description specified in it must not be received,
 - (e) that all blasting explosives received on any day must be used or disposed of on that day.
- (4) The conditions of a permit must be set out in it.

66 Permits to be retained

The person to whom a permit is issued must retain it in his or her possession for:

- (a) a period of at least 9 months after the date on which it was issued, or
- (b) while any explosives received under its authority are in his or her possession,

whichever is the longer period.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

67 Cancellation of permits

- (1) The officer in charge of a police station who issued a permit, the officer in charge for the time being of the police station or the Commissioner of Police may, by notice in writing, cancel a permit if:

- (a) had it not been issued, he or she would be required by clause 61 (2) to refuse an application for a permit made by its holder, or
- (b) he or she is satisfied that its holder:
 - (i) made a statement in or in connection with his or her application for the permit that was false or misleading in a material particular, or
 - (ii) has failed to comply with any of its conditions, or
- (c) he or she is satisfied that, at the time of the issue of the permit, another permit issued to the holder was in force, or
- (d) its holder has since its issue been convicted of an offence against the Act or this Regulation,

and must revoke a permit if its holder requests him or her to do so.

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Part 4 Explosives (general)

Division 4 Issue by police of permits to receive explosives

- (2) If a person cancels a permit he or she must cause a notice of the cancellation to be served on the holder by sending the notice by post addressed to the holder at his or her last known address or by delivering it or causing it to be delivered personally.
- (3) A cancellation takes effect:
 - (a) if the notice of cancellation is sent by post—when the notice would be delivered to the addressee in the ordinary course of post, or
 - (b) if the notice is delivered to the holder personally—when it is so delivered.

Division 5 Use of particular explosives

68 Definitions

In this Division:

explosives means explosives of Class 1.1D, 1.4D or 1.5D.

explosives user's permit means an explosives user's permit issued by the WorkCover Authority under clause 70.

learner's permit means a learner's permit issued by the WorkCover Authority under clause 72.

69 Persons working with explosives to hold explosives user's permit

- (1) A person must not prepare or fire charges of explosives unless the person holds an explosives user's permit.
- (2) A person must not employ, instruct or allow another person to prepare or fire charges of explosives unless the other person holds an explosives user's permit authorising him or her to do so.
- (3) A person who holds an explosives user's permit must not prepare or fire charges of explosives if the person is not authorised to do so by the permit.
- (4) Subclauses (1)–(3) do not apply to anything done by the holder of a learner's permit in accordance with the conditions of the permit.

- (5) The WorkCover Authority may by order in writing exempt persons from any provisions of this clause.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

70 Issue of explosives users' permits

- (1) The WorkCover Authority may issue an explosives user's permit to a person who satisfies the Authority that he or she:
- (a) is of or over 18 years of age, and
 - (b) does not have a physical infirmity (such as deafness, defective sight or epilepsy) that would render him or her unfit to hold a permit, and
 - (c) has had at least 12 months' experience in preparing and firing charges of explosives (or has had such other similar experience as is acceptable to the Authority), and
 - (d) has passed an approved written examination to test his or her knowledge of:
 - (i) the storage and conveyance of explosives and the preparation and firing of charges of explosives, and
 - (ii) the measures and precautions to be taken to prevent accidents in connection with the storage and conveyance of explosives and the preparation and firing of charges of explosives,with relevance to the type of work in respect of which the person has applied for the permit, and
 - (e) if required by the Authority, has passed an approved practical and oral examination to test his or her competency to prepare and fire charges of explosives, and
 - (f) is competent and trustworthy to prepare and fire charges of explosives, and
 - (g) is otherwise a fit and proper person to hold a permit.
- (2) The WorkCover Authority may issue an explosives user's permit to a person who satisfies the Authority that he or she holds an equivalent qualification issued under other New South Wales legislation or under the legislation of the Commonwealth or of another State or a Territory of the Commonwealth.

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- (3) An application to the WorkCover Authority for an explosives user's permit must be in a form acceptable to the Authority and be accompanied by such fee as is determined by the Authority.
- (4) An applicant for the issue of an explosives user's permit under subclause (1) must hold a relevant learner's permit at the time of the application.
- (5) The WorkCover Authority may require an applicant to produce a medical certificate in support of his or her application.
- (6) A person must not, in or in connection with an application, make a statement that the person knows to be false or misleading in a material particular.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.
- (7) An explosives user's permit may be issued subject to conditions.
- (8) An explosives user's permit authorises the holder to perform the type of work specified in it.

71 Refusal to issue a permit in certain cases

- (1) The WorkCover Authority may refuse to issue an explosives user's permit to a person:
 - (a) against whom an apprehended violence order (whether or not it is an interim order) is in force under Part 15A of the *Crimes Act 1900*, or
 - (b) if the Authority is satisfied that the person has a history of violence or threats of violence (whether or not the person has been convicted of an offence involving violence).
- (2) In subclause (1) (b), **violence** includes behaviour referred to in section 562AB (Stalking, intimidation with intent to cause fear for personal safety) of the *Crimes Act 1900*.

72 Learners' permits

- (1) The WorkCover Authority may issue a learner's permit authorising a person to prepare and fire charges of explosives subject to any conditions attached to the permit.

- (2) Without limiting subclause (1), it is a condition of a learner's permit that the holder of the permit must not prepare or fire charges of explosives unless supervised by the holder of an explosives user's permit.

73 Suspension or cancellation of permits

- (1) If it appears to the WorkCover Authority that the holder of an explosives user's permit is incompetent or untrustworthy in the performance of, or is unfit to perform, any work authorised by the permit, it may:
- (a) by order in writing direct the holder to cease doing the work and refrain from doing it for such period (not exceeding 10 days) as may be specified in the order, or
 - (b) by notice in writing served on the holder, require the holder to show cause why the permit should not be suspended or cancelled,
- or take action under both paragraphs.
- (2) A holder of an explosives user's permit who has been served with an order under subclause (1) (a) must comply with the direction set out in it.
- Contravention of this subclause is an offence and is punishable in accordance with clause 340.
- (3) The WorkCover Authority may, if not satisfied with the matters (if any) put to it by a permit holder in response to a show cause notice:
- (a) suspend the permit for a period not exceeding 12 months, or
 - (b) cancel the permit.
- (4) If the WorkCover Authority is satisfied that a person who has been served with a show cause notice has a history of violence or threats of violence (whether or not the person has been convicted of an offence involving violence), it may, at any time, suspend the person's explosives user's permit pending determination of the matter.
- (5) If the WorkCover Authority is satisfied that an apprehended violence order is in force under Part 15A of the *Crimes Act 1900* against the holder of an explosives user's permit (whether or not the

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person has been served with a show cause notice), it may, at any time, suspend the permit for a period determined by the Authority (being a period that ends on or before the end of the period during which the order remains in force).

- (6) The WorkCover Authority may, at any time, suspend for any period or cancel a learner's permit.
- (7) A person whose explosives user's permit or learner's permit is suspended or cancelled must, within 7 days of being notified of the suspension or cancellation, return the permit to the WorkCover Authority.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

74 Certificates and permits under the Construction Safety Act 1912 and regulations

- (1) In this clause:

construction safety legislation means the *Construction Safety Act 1912* and the *Construction Safety Regulations 1950*.

- (2) A certificate of competency as a powderman in force under the construction safety legislation immediately before the commencement of this Regulation is taken to be an explosives user's permit issued under this Division.
- (3) A powderman's learner's permit in force under the construction safety legislation immediately before the commencement of this Regulation is taken to be a learner's permit issued under this Division.
- (4) A certificate of competency as a powderman or a powderman's learner's permit under the construction safety legislation that was subject to a suspension in force under that legislation immediately before the commencement of this Regulation is, as from the end of the suspension, taken to be an explosives user's permit or learner's permit (as the case may be) issued under this Division.
- (5) Any appeal made under the construction safety legislation in relation to a powderman's certificate of competency and in progress as at the commencement of this Regulation may continue and be finalised after that commencement as if the provisions of the construction safety legislation relating to such appeals were still in force.

- (6) Any certificate of competency as a powderman issued as the result of a decision on such an appeal is taken to be an explosives user's permit issued under this Division.

Division 6 Records

75 Records to be kept by licensee for keeping or manufacture of explosives

- (1) Subject to this clause, the holder of:

- (a) a licence for the keeping of explosives in or on premises, or
- (b) a licence under section 19 of the Act for the manufacture of explosives in or on premises otherwise than for immediate use,

must, whenever in, on or from those premises explosives are purchased or received by the holder or sold or supplied to another person, immediately make or cause to be made in indelible ink, in a book conforming to subclause (4), a record of the matters referred to in subclause (2).

- (2) The matters a record of which is to be made or caused to be made are:

- (a) the name and address of the person from whom the explosives were purchased or received or to whom they were sold or supplied, and
- (b) in the case of:
 - (i) the purchase or receipt of explosives from a person—the number of the licence or permit authorising that person to supply the explosives, or
 - (ii) the sale or supply of explosives to a person—the number of the licence or permit authorising that person to receive the explosives, and
- (c) the date of the purchase, receipt, sale or supply, and
- (d) a description and the quantity of the explosives purchased, received, sold or supplied.

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- (3) The holder of a licence referred to in subclause (1) must, whenever he or she causes or permits explosives to be used, immediately make or cause to be made in indelible ink in the book referred to in that subclause a record of the date of the use of the explosives and the description and quantity of the explosives used.
- (4) A book conforms to this subclause if the pages of the book are:
 - (a) bound together by sewing or otherwise in such manner that a page cannot easily be removed, and
 - (b) numbered consecutively.
- (5) A licensee or other person must not:
 - (a) remove a page from a book, or
 - (b) deface an entry or mark in a book, or in any records made under an authority under subclause (7), so as to make that entry or mark indecipherable, or
 - (c) make an alteration in an entry made in a book or in such records unless the licensee who made the entry or caused it to be made attests the alteration by his or her signature.
- (6) The holder of a licence under section 8 or 19 of the Act:
 - (a) must not commence to use or to cause to be used a book under subclause (1) unless it has been identified and marked by the officer in charge of the police station nearest to the licensed premises, and
 - (b) when the use of the book is terminated, must produce it to the officer in charge of that police station for notation on it of the date on which the use was terminated.
- (7) The WorkCover Authority may issue to a person an authority in writing authorising him or her to make or cause to be made, in the manner specified in the authority, records of the matters referred to in subclause (2) and may cancel or vary the terms of that authority.
- (8) Subclause (1) does not apply to or in respect of:
 - (a) the purchase, receipt, sale or supply of explosives in, on or from premises if the licensee of the premises is for the time being authorised under subclause (7) and makes or causes to be made a record of the purchase, receipt, sale or supply in accordance with the authority, or

- (b) the sale or supply, in, on or from premises licensed under section 19 of the Act, of explosives for immediate use.
- (9) The holder of a licence referred to in subclause (1) must:
- (a) periodically (but at least once every 3 months) carry out an audit of the explosives kept, manufactured, purchased, received, sold, supplied and used in, on or from the licensed premises during the audit period, and
 - (b) keep a written record of each audit, and
 - (c) immediately notify the local police station and the WorkCover Authority of any discrepancies discovered during an audit.
- (10) A licensee of premises who in accordance with this clause or an authority under subclause (7) makes or causes to be made a record must:
- (a) retain in or on the premises for a period of at least 3 years after the making of the record the book or other document in or on which it was made, and
 - (b) retain the book or other document, in the case of premises licensed under:
 - (i) section 8 of the Act—in or at a magazine, or
 - (ii) section 19 of the Act—in the factory area, and
 - (c) whenever required to do so within that period of 3 years by a police officer of or above the rank of sergeant produce the book or other document to that officer and allow him or her to inspect, examine and take copies of or extracts from it.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

76 Records to be kept by licensee of vehicle or vessel

- (1) The holder of a licence under section 10 of the Act in respect of a transport container must, whenever explosives are carried in the container:
- (a) make or cause to be made in indelible ink, in a book conforming to subclause (2), a record of:
 - (i) a description and the quantity of the explosives, and
 - (ii) the dates and places of loading and unloading of the explosives, and

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- (b) on the delivery of the explosives, immediately present or cause to be presented to the prescribed person, for signature by that person, the book containing the record.
- (2) A book conforms to this subclause if the pages of the book are:
 - (a) bound together by sewing or otherwise in such manner that a page cannot easily be removed, and
 - (b) numbered consecutively.
- (3) The prescribed person referred to in subclause (1) (b) is, in relation to explosives delivered to:
 - (a) a magazine—the person for the time being in charge or apparently in charge of the magazine, or
 - (b) any other place—the person for the time being in charge or apparently in charge of the receipt of the explosives.
- (4) The prescribed person must, when a book containing a record in respect of explosives delivered to and accepted by him or her is presented to him or her in accordance with subclause (1) (b), immediately sign the book opposite that record in such manner as to indicate his or her receipt of the recorded description and quantity of those explosives.
- (5) A licensee or other person must not:
 - (a) remove a page from a book, or
 - (b) deface an entry or mark in a book so as to make the entry or mark indecipherable, or
 - (c) make an alteration in an entry made in a book unless the licensee who made the entry or caused it to be made attests the alteration by his or her signature.
- (6) A person who in accordance with this clause makes or causes to be made a record in a book must retain the book for a period of at least 12 months after the making of the record.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

77 Records to be kept by licensee for importation or sale of explosives

- (1) Subject to this clause, the holder of a licence under section 17 or 21 of the Act must, whenever explosives are imported or sold under the authority of the licence or are supplied by him or her or on his or her

behalf to any person, immediately make or cause to be made in indelible ink, in a book conforming to subclause (2), a record of:

- (a) in the case of an importation of explosives:
 - (i) the date of importation, and
 - (ii) a description and the quantity, and
 - (iii) the place of loading, and
 - (iv) the means of importation, and
 - (v) the method of transshipment after the arrival in the State,
of the explosives, and
 - (b) in the case of a sale or supply of explosives to another person:
 - (i) the name and address of the person to whom they were sold or supplied, and
 - (ii) the number of the licence or permit by virtue of which that person received them, and
 - (iii) the date on which the sale or supply took place, and
 - (iv) a description and the quantity of the explosives sold or supplied.
- (2) A book conforms to this subclause if the pages of the book are:
- (a) bound together by sewing or otherwise in such manner that a page cannot easily be removed, and
 - (b) numbered consecutively.
- (3) A licensee or other person must not:
- (a) remove a page from a book, or
 - (b) deface an entry or mark in a book, or in any records made under an authority under subclause (4), so as to make that entry or mark indecipherable, or
 - (c) make an alteration in an entry made in a book or in such records unless the licensee who made the entry or caused it to be made attests the alteration by his or her signature.
- (4) The WorkCover Authority may issue to a person an authority in writing authorising him or her to make or cause to be made, in a manner specified in the authority, records of the matters referred to in subclause (1) and may cancel or vary the terms of that authority.

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- (5) Subclause (1) does not apply to or in respect of the importation, sale or supply of explosives under the authority of a licence, or by or on behalf of a licensee, if the licensee is for the time being authorised under subclause (4) and makes or causes to be made a record of the importation, sale or supply in accordance with the authority.
- (6) A licensee who in accordance with this clause or an authority under subclause (4) makes or causes to be made a record must:
- (a) retain for at least 12 months after the record is made the book or other document in or on which it was made, and
 - (b) whenever required to do so within that period of 12 months by a police officer of or above the rank of sergeant produce the book or other record to that officer and allow him or her to inspect, examine and take copies of or extracts from it.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Part 5 Keeping of dangerous goods

Division 1 General

78 Definition

In this Part, *licence* means a licence under section 8 or 19 of the Act.

79 Application of this Part

- (1) This Part does not apply to or in respect of the keeping of dangerous goods:
 - (a) in or on a vehicle or other mobile plant, appliance or device if the goods are necessary for its propulsion or are part of, or necessary for the operation of, its equipment or accessories, or
 - (b) in the fuel tank of any stationary plant, appliance or device if the capacity of the tank does not exceed 250 litres, or
 - (c) while they are being conveyed, or
 - (d) of Class 7.
- (2) This Part, other than clause 99, does not apply to or in respect of the keeping of dangerous goods that are in immediate use within the meaning of clause 4 (6) (d) (subparagraph (iv) excepted) if the goods:
 - (a) are kept in containers that are open to the atmosphere or to the contents of which persons have access, and
 - (b) are kept in a manner that prevents them from escaping from premises, endangering persons or causing harm to property or the environment.
- (3) This Part does not apply to or in respect of the keeping of dangerous goods that are in immediate use within the meaning of clause 4 (6) (d) (iv) if the goods are kept in a manner that prevents them from escaping from premises, endangering persons or causing harm to property or the environment.

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Division 1 General

- (4) The provisions of this Part that prescribe requirements for or in respect of a depot do not apply to or in respect of a depot for goods that are:
- (a) prescribed under section 9 (1) (c) of the Act, and
 - (b) not required by this Part to be kept in a depot conforming to prescribed requirements.
- (5) This Part is subject to Part 10 (Special requirements for certain goods).

80 Obligations of licensees and occupiers

If a duty to observe any requirements of this Part that relate to any premises or place (or to any act, building, structure or thing in, on or in relation to any premises or place) is not by this Part specifically imposed on any person, it is the duty of:

- (a) the licensee of the premises if they are licensed, or
- (b) the occupier of the premises or place not being licensed premises,

to observe the requirements or to cause them to be observed.

81 Occupation of, and keeping of goods in or on, licensed premises

A person must not:

- (a) occupy licensed premises or any part of licensed premises, or
- (b) keep dangerous goods in or on licensed premises,

unless he or she is, or is authorised by, the licensee of the premises.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

82 Dangerous goods not to be kept except in licensed depots

Except as provided by section 9 (1) (c) of the Act, dangerous goods must not be kept in or on licensed premises except in a licensed depot.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

83 Only certain goods to be kept in licensed depots

- (1) No goods may be kept in a licensed depot except:
 - (a) dangerous goods, or
 - (b) packages for the dangerous goods kept or to be kept in the depot, or
 - (c) tools, implements, mats or overshoes necessary for the efficient operation of the depot or required to be kept in the depot by this Regulation, or
 - (d) goods approved for the purposes of this clause.
- (2) No greater quantity of dangerous goods may be kept in a licensed depot than the quantity that it is licensed to contain.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

84 Depots to comply with this Part

- (1) A depot must not be specified as a depot or magazine in a licence for premises unless it conforms, or would (if so specified) conform, to the applicable provisions of this Part, AS 2507 (The storage and handling of agricultural and veterinary chemicals) or AS 3833 (The storage and handling of mixed classes of dangerous goods in packages and intermediate bulk containers).
- (2) If a depot does not conform to the applicable provisions of this Part, AS 2507 or AS 3833 and it is situated in or on:
 - (a) licensed premises—the licensee of the premises, or
 - (b) any other premises or place—the occupier of the depot,is guilty of a breach of this Regulation.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

85 Location of depots (general)

- (1) Subject to this Regulation, a depot must not be located within a compound, or an area enclosed by the bund wall, of another depot if the dangerous goods kept in or on the depots are incompatible.

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Division 1 General

- (2) A depot must not be so located that piping or a pipeline (other than piping or a pipeline used for the conveyance of dangerous goods of a kind kept in the depot or of goods compatible with those dangerous goods kept in the depot) passes through, over, under or within 3 metres of the depot.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

86 Location of depots (distance from certain places and works)

- (1) In this clause, *prescribed separation distance* means a distance prescribed by this Regulation as a prescribed separation distance for the purposes of this clause.
- (2) If a provision of this Regulation prescribes a separation distance between a depot and:
- (a) a protected place, or
 - (b) a protected work, or
 - (c) any other place, building, installation or thing,

that protected place, protected work or other place, building, installation or thing is an *exposure* for the purposes of this clause and of the clause in which the provision occurs.

- (3) A building, structure, room, compartment, tank, store, area or receptacle must not be used as a depot if it is, or if so used would be, less than the prescribed separation distance from an exposure, unless the use is in accordance with the terms and conditions of an approval under subclause (4).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (4) If by reason of the erection of a building or any other occurrence during a period when a licence for premises is in force, a building, structure, room, compartment, tank, store, area or receptacle in or on the premises is, or if used as a depot would be, within a prescribed separation distance from an exposure, the WorkCover Authority may approve, on such conditions as it may (subject to subclause (5)) see fit to impose, of the use of the building or other thing as a depot pending the alteration of the licence or the issue of a new licence in consequence of the occurrence.

- (5) The conditions imposed under subclause (4) are to be such that if the licence for the premises had been issued immediately after the occurrence and subject to those conditions, the building or other thing would have been within a prescribed separation distance from any exposure.
- (6) Subject to clause 107 (3), if more than one separation distance between a depot and an exposure is prescribed by this Regulation, the prescribed separation distance for the purposes of this clause is the longer or longest of those distances.

87 Prevention of escape of liquid, gaseous or molten dangerous goods

Suitable measures must be taken, by grading or otherwise, to prevent liquid, gaseous or molten dangerous goods kept in a depot from flowing into, onto or beneath any other depot not in the same compound, protected place or protected work.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

88 Employment of persons to watch over depots

If the WorkCover Authority (by notice in writing to the licensee of premises in or on which a depot is situated) so requires, the licensee must employ a trustworthy person of or over 18 years of age to watch over the depot during such hours as are specified in the notice.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

89 Handling of dangerous goods

- (1) The licensee of premises must observe, or cause to be observed, the requirements of this clause.
- (2) Every person engaged as an employee or otherwise in work in or on licensed premises must to the extent practicable, having regard to the nature and scope of his or her duties or occupation, observe the requirements of this clause.
- (3) All dangerous goods received into licensed premises and not required for immediate use must, as soon as practicable (but within 12 hours), be conveyed into the depot in which they are to be kept in or on the premises.

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- (4) All dangerous goods taken from a depot in or on licensed premises for despatch from the premises must, as soon as practicable (but within 12 hours), be removed from the premises.
- (5) Dangerous goods other than solid goods must not be conveyed within licensed premises except:
 - (a) in closed containers so constructed that the goods cannot escape during conveyance, or
 - (b) by means of pipes so constructed and connected that the goods or vapour from them cannot escape from the pipes during the conveyance.
- (6) A packaging containing dangerous goods in or on licensed premises:
 - (a) must not be opened except in the area in which the goods are to be used or in the immediate vicinity of the depot in which they have been or are to be kept, and
 - (b) when opened for the removal of goods must:
 - (i) be left open only for the time necessary for that removal, and then immediately closed, and
 - (ii) if goods (other than goods to the keeping of which this Division does not apply) remain in the packaging and it is outside a depot, be immediately placed in a depot, and
 - (iii) if no goods remain in the packaging, be immediately removed to a safe place.
- (7) All practicable precautions must be taken for preventing the escape of dangerous goods, or vapour from dangerous goods, from a packaging, a tank or any other container.
- (8) Dangerous goods kept in or on or received into licensed premises must, if the packagings are damaged, leaking or otherwise defective, be immediately repacked into sound packagings.
- (9) Dangerous goods spilled in or on licensed premises must:
 - (a) immediately be cleaned up, and

- (b) minimising to the maximum extent practicable any danger to persons, other property or the environment, be kept and ultimately disposed of in compliance with any applicable Australian Standard.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

90 Young persons

A person under the age of 16 years must not be:

- (a) employed in a licensed depot, or
- (b) allowed to enter a licensed depot except in the presence and under the supervision of a person of or over the age of 18 years.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

91 Intoxicated persons

A person who is intoxicated must not be allowed to enter or remain in a licensed depot.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

92 Depots to be kept clean

- (1) A licensed depot must at all times be kept clean and in good order.
- (2) Before any repairs that may jeopardise the safety of persons, goods or the environment are carried out in or to a licensed depot all goods must be removed from the area of the repairs and the area must be thoroughly swept out or washed out.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

93 Fire hazards (general)

- (1) A person must not:
 - (a) smoke in or within 3 metres of a depot, or
 - (b) take into, or within 3 metres of, a depot:
 - (i) any fire, flame, matches, charcoal, oiled rags, oiled cotton, oiled waste or grit, or

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- (ii) any substance or article liable to spontaneous ignition or liable to cause fire or explosion,
unless it is to be kept in the depot in accordance with the Act and this Regulation.
- (2) Subject to subclause (3), a person must not in a Zone 0, 1 or 2 (as defined by AS 2430 (Classification of hazardous areas) in relation to a depot for flammable liquid):
 - (a) ignite, carry, or have in his or her possession any fire or flame, or
 - (b) carry out any welding, oxy-acetylene cutting or hot tapping or any other process or operation liable to cause fire or explosion.
- (3) An act does not contravene subclause (2) if:
 - (a) it is done with the approval of the WorkCover Authority, or
 - (b) it is done in an emergency, or
 - (c) between the depot and the place where the act is done there is a screen wall and from that place the closest distance around the screen wall to any part of the bund wall or to the opening into the depot is at least 15 metres.
- (4) If:
 - (a) a person carries out a process or operation in an emergency, and
 - (b) the carrying out of the process or operation otherwise than in an emergency would have contravened subclause (2),the person must immediately notify the WorkCover Authority of the carrying out of the process or operation.
- (5) Subject to this Regulation, the area within 5 metres from a depot, other than an internal depot, must be kept clear of dry grass, unmown grass, undergrowth and all other combustible material.
Contravention of this clause is an offence and is punishable in accordance with clause 340.

94 Fire hazards (vehicles and other appliances)

- (1) In this clause:
- (a) **appliance** means any kind of powered vehicle, plant, appliance or device, whether mobile or not, and whether or not it is designed for industrial, commercial or rural operation, and
 - (b) a reference, in relation to a depot, to a location of a Zone is a reference to a location in or about the depot that is, or is within, that Zone as defined by AS 2430 or that is taken by any provision of this Regulation to be within that Zone.
- (2) The licensee of premises in or on which a depot is situated or the occupier of a depot in or on premises that are not licensed premises must not operate, or cause, permit or suffer any person to operate, in a location:
- (a) of Zone 1 or 2, an appliance powered by an internal combustion engine with spark ignition, or
 - (b) of Zone 1, an appliance powered by an electric motor unless it:
 - (i) complies with AS 1915 (Electric equipment for explosive atmospheres—Battery-operated vehicles) or another approved Standard, and
 - (ii) is of an approved type, or
 - (c) of Zone 2, an appliance powered by an electric motor unless it:
 - (i) is not equipped with any arcing or sparking equipment or is equipped with arcing and sparking equipment protected in an approved manner, and
 - (ii) is of an approved type, or
 - (d) of Zone 1, an appliance powered by a compression ignition internal combustion engine unless it:
 - (i) is so constructed or has been so modified that it conforms to the requirements set out in subclause (3) or with the provisions of AS 2359 (Powered industrial trucks), Part 12 (Hazardous areas), relating to operation in such a Zone, and
 - (ii) conforms to the requirements set out in subclause (4), or
 - (e) of Zone 2, an appliance powered by a compression ignition internal combustion engine unless it:

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- (i) is so constructed or has been so modified that it conforms to the requirements set out in subclause (3) (f), (g) and (k), and
- (ii) is fitted with a switch to cut out all electrical equipment that may arc or spark and that switch is kept open at all times when the appliance is so operated, and
- (iii) conforms to the requirements set out in subclause (4).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (3) The requirements referred to in subclause (2) (d) (i) in relation to an appliance are that:
- (a) all electrical equipment is removed from the appliance or is protected by approved flame-proofing, pressurising or purging, or a combination of any or all of these methods, or other approved means, and
 - (b) adequate flame paths on all inlet and exhaust connections are provided, and
 - (c) all joints in the inlet and exhaust lines including the attachment of the inlet and exhaust manifold to the block have at least 12 millimetre sealing paths, and
 - (d) gaskets, if used, are of copper 1.5 millimetres thick or material of any other approved kind, and
 - (e) a flame trap is fitted to the inlet, and
 - (f) a strangler is fitted in the inlet, with controls that are within easy reach of the operator of the appliance when he or she is at the operating position, and
 - (g) a water wash box is provided for quenching the exhaust and the wash box contains sufficient water to allow 8 hours' operation without refilling, and
 - (h) either:
 - (i) a flame trap consisting of a stack of stainless steel plates spaced not more than 0.4 millimetres apart and having a depth of not less than 50 millimetres in the direction of the gas stream is fitted to the end of the exhaust, or

- (ii) an approved water wash box is used with a make-up tank and a low-level cut-off switch that are such that if the water level in the box drops to a level that renders the water wash inoperative the motor will automatically stop and cannot be restarted until the water is replenished, and
 - (i) the maximum temperature reached by any part of the appliance in contact with the atmosphere outside it does not at any time exceed 200°Celsius when it is in operation, and
 - (j) all components of the appliance are of sufficient strength to withstand an internal explosion of a mixture of propane and air giving the highest explosion pressure possible for such a mixture, and
 - (k) mechanical sparks cannot be produced in the engine compartment of the appliance through its operation.
- (4) The requirements referred to in subclause (2) (d) (ii) and (e) (iii) in relation to an appliance are that:
- (a) the assembled appliance has been inspected by an inspector and approved by him or her, and
 - (b) its engine unit is at all times maintained in good condition and efficient working order, and
 - (c) if a flame trap is provided under this clause, it is cleaned with a suitable chemical detergent at the end of each day or shift during which the appliance has been operated, and
 - (d) the water wash tank so provided and the wash box make-up tank if so provided are drained, flushed and refilled at the end of each such day or shift, and
 - (e) the baffles in the water wash box are removed and cleaned at such regular intervals as are desirable for the efficient operation of the wash box having regard to its construction and the condition of the engine.

95 Electrical apparatus and wiring

- (1) A building, structure, room, compartment, tank, store, area or receptacle must not be used as a depot unless its electrical wiring and equipment and the electrical wiring and equipment in its immediate precincts delimited a hazardous area by the relevant provisions of AS 2430:

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- (a) conform to the provisions of AS 3000 (SAA Wiring Rules) that relate to electrical equipment in hazardous locations, and
 - (b) are approved.
- (2) A fuel dispenser must not be used to dispense dangerous goods of Class 2.1 or 3 unless the electrical equipment in the area around the fuel dispenser delimited a hazardous area by the relevant provisions of AS 2430:
- (a) conforms to the provisions of AS 3000 that relate to electrical equipment in hazardous locations, and
 - (b) is approved.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

96 Sprinklers, fire hose reels and hydrants

If this Part requires the provision in or in respect of a depot of:

- (a) sprinklers—they must conform to the requirements of AS 2118 (Automatic fire sprinkler systems) that relate to the fire hazard in respect of which they are provided, or
- (b) fire hose reels—they must be installed and maintained in accordance with AS 2441 (Installation of fire hose reels) and AS 1851 (Maintenance of fire protection equipment), Part 2 (Fire hose reels), or
- (c) fire hydrants—they must be installed and maintained in accordance with AS 2419 (Fire hydrant installations).

Contravention of this clause is an offence and is punishable in accordance with clause 340.

97 Requirements for fire-fighting equipment

- (1) Apparatus and equipment for fire-fighting, other than portable fire extinguishers, required by or under this Part to be provided in or on premises:
- (a) must be compatible with the apparatus and equipment of the relevant fire authority, and
 - (b) must not be installed unless their plans and specifications have been approved, and
 - (c) must be so maintained that they are at all times in an efficient state and capable of instant use.

- (2) If by or under this Part a fire hydrant is required to be provided at a place in or on premises:
- (a) a hose (or 2 hoses, in total) at least 30 metres long, together with a hose nozzle, hose connectors, 2 hydrant spanners and any other fittings that are necessary, must be provided at that point, and
 - (b) the hydrant must be capable of throwing a water stream to a distance of 20 metres from a 30 metre hose equipped with a 25 millimetre diameter nozzle, and
 - (c) if more than one hydrant is required to be provided, such number of adjustable stream nozzles as is sufficient for the needs of the fire-fighting installation, and to enable that installation to be operated from at least 2 hydrant points, must be provided.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

98 Fire extinguishers to be provided at certain depots

- (1) If by clause 99 a notice and label, or notice and labels, are required to be kept exhibited at a depot, at least one dry chemical fire extinguisher having a rating of at least 60B when tested in accordance with AS 1850 (Portable fire extinguishers—Classification, rating and performance testing) must at all times be provided at and for the protection of the depot and in such a position that it can conveniently be used for such protection.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not require the provision of more than one fire extinguisher for 2 or more depots in or on the same premises if that clause can be complied with by the provision of one fire extinguisher for both or all those depots.
- (3) Subclause (1) does not apply to or in respect of a depot of any class if specific provision is made by this Regulation for the provision of fire-fighting equipment in respect of depots of that class.

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Division 1 General

99 Notices and labels to be exhibited at depots

- (1) Subject to subclause (2), there must at all times be kept exhibited at an above-ground depot (other than an internal magazine) for the keeping of dangerous goods of the class or description specified in Column 1 of the Table to this clause:
 - (a) a notice containing only:
 - (i) the words specified in Column 3 of the Table opposite that class or description of dangerous goods, or
 - (ii) if “Proper Shipping Name of the goods” is specified, that name, and
 - (b) a label setting out the class to which the goods belong.
- (2) A notice or label need not be kept exhibited at a depot for the keeping of dangerous goods of the class or description specified in Column 1 of the Table if the quantity of dangerous goods of that class or description kept in the depot does not exceed the quantity specified in Column 2 of the Table opposite that class or description of dangerous goods.
- (3) At any depot, whether licensed or not, in or on which is kept a quantity of dangerous goods exceeding:
 - (a) if the goods kept are of Class 2.2 (not being a cryogenic liquid)—300 cubic metres measured at MSC, or
 - (b) if the goods kept are of any other class (or a combination of any other classes)—1 000 kilograms in the case of solids or 1 000 litres in the case of liquids,there must at all times be kept exhibited a notice containing the words “Danger No Smoking” and a label setting out the class to which the goods belong and the subsidiary risk, if any, assigned to the goods (aerosols being dangerous goods of Class 2.1 or 2.3 kept in retail outlets are exempt from these requirements).
- (4) At a licensed depot in or on which are kept dangerous goods of subsidiary risk 3, 4.1, 4.2, 4.3 or 5.1 there must at all times be kept exhibited a notice containing the words “Keep Fire Away”.
- (5) The requirements of this clause relating to the exhibition of notices and labels are additional to each other.

- (6) A notice must be in letters at least 50 millimetres high and conforming to Type B of AS 1744 (Forms of letters and numerals for road signs).
- (7) A notice required to be kept exhibited at a depot for the keeping of dangerous goods of Class 1.1B, 1.1D, 1.2 or 1.3 must be in accordance with AS 2187 (Explosives—Storage, transport and use), Part 1 (Storage).
- (8) A label must have sides of at least 250 millimetres in length and, subject to subclause (7), conform to the specifications for class labels and subsidiary risk labels in the *ADG Code*.
- (9) The notice and label must be kept exhibited in such a position as to be clearly legible by any person approaching or at the depot, and if there is more than one point of access to the depot, the notice and label must be kept exhibited at each point of access in such a position as to be clearly legible by persons when having access to the depot at that point.
- (10) No writing or sign may be displayed at or near a notice or label required to be exhibited by this clause if the writing or sign contradicts, qualifies or distracts attention from the notice or label.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Table Notices to be exhibited at depots

Column 1 Class or description of dangerous goods	Column 2 Exemption quantity (labelling level)	Column 3 Notice to be exhibited
Class 1.1B, 1.4B or 1.4S, being detonators	110	Detonators
Class 1.1, not being detonators	2.5 kg	Explosives
Class 1.2	2.5 kg	Explosives
Class 1.3	2.5 kg	Explosives
Class 1.4, not being detonators or Class 1.4S	200 kg	Explosives

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Class 1.4S, not being detonators	1 000 kg	Proper Shipping Name of the goods
Class 1.5	2.5 kg	Explosives
Toy fireworks (regardless of whether they are of Class 1.3G, 1.4G or 1.4S)	1 000 kg	Danger No Smoking; Fireworks; Keep Fire Away
<i>(All Class 1 mass limits are NEQ)</i>		
Class 2.1, if liquefied, not being unodorized LP gas	150 kg	Danger No Smoking; Keep Fire Away
Class 2.1, being unodorized LP gas	150 kg	Danger No Smoking; Keep Fire Away; Unodorized LP Gas
Class 2.1, if not liquefied	60 cu m (at MSC)	Danger No Smoking; Keep Fire Away
Class 2.2, not being a cryogenic liquid	300 cu m (at MSC)	Danger No Smoking
Class 2.2, being a cryogenic liquid but including UN No 2187 and UN No 2201	300 cu m (at MSC)	Danger No Smoking; Keep Fire Away; Proper Shipping Name of the goods
Class 2.3, if liquefied	50 kg	Danger No Smoking; Proper Shipping Name of the goods
Class 2.3, if liquefied and with subsidiary risk of 2.1	50 kg	Danger No Smoking; Keep Fire Away; Proper Shipping Name of the goods
Class 2.3, if not liquefied	20 cu m (at MSC)	Danger No Smoking; Proper Shipping Name of the goods
Class 2.3, if not liquefied and with subsidiary risk of 2.1	20 cu m (at MSC)	Danger No Smoking; Keep Fire Away; Proper Shipping Name of the goods
Class 3, Packing Group I	100 L	Danger No Smoking; Keep Fire Away; Proper Shipping Name of the goods
Class 3, Packing Group II or III	1 000 L	Danger No Smoking; Keep Fire Away
Class C1 or C2 combustible liquids	1 000 L	Danger No Smoking; Keep Fire Away

Class 4.1, Packing Group I or nitrocellulose (UN No 2557)	25 kg or L	Danger No Smoking; Keep Fire Away; Proper Shipping Name of the goods
Class 4.1, Packing Group II, being self-reactive substances (UN Nos 3221 to 3240 inclusive)	50 kg or L	Danger No Smoking; Keep Fire Away; Proper Shipping Name of the goods
Class 4.1, Packing Group II, not being self-reactive substances or nitrocellulose, or III	1 000 kg or L	Danger No Smoking; Keep Fire Away
Class 4.2, Packing Group I	25 kg or L	Danger No Smoking; Keep Fire Away; Proper Shipping Name of the goods
Class 4.2, Packing Group II or III	1 000 kg or L	Danger No Smoking; Keep Fire Away
Class 4.3, Packing Group I	25 kg or L	Danger No Smoking; Keep Fire Away; Keep Water Away; Proper Shipping Name of the goods
Class 4.3, Packing Group II or III	1 000 kg or L	Danger No Smoking; Keep Fire Away; Keep Water Away
Class 5.1, Packing Group I	25 kg or L	Danger No Smoking; Keep Fire Away; Proper Shipping Name of the goods
Class 5.1, Packing Group II or III	1 000 kg or L	Danger No Smoking; Keep Fire Away
Class 5.2	1 000 kg or L	Danger No Smoking; Keep Fire Away
Class 6.1, Packing Group I	10 kg or L	Danger No Smoking; Proper Shipping Name of the goods
Class 6.1, Packing Group II or III	1 000 kg or L	Danger No Smoking

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Class 8, Packing Group I 50 kg or L Danger No Smoking; Proper Shipping Name of the goods

Class 8, Packing Group II or III 1 000 kg or L Danger No Smoking

Class 9 1 000 kg or L Danger No Smoking

Aerosols being dangerous goods of Class 2.1 or 2.2 kept in retail outlets are exempt from these requirements.

100 Dangerous goods to be removed from premises on termination of licence

If:

- (a) a licence for premises has ceased to be in force, and
- (b) no person is the occupier of the premises, and
- (c) a person has an immediate right to enter into the occupation of the premises,

the person referred to in paragraph (c) must immediately remove or cause to be removed from the premises all dangerous goods, other than goods to the keeping of which this Part does not apply, that are in or on the premises.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

101 Vents in ventilating systems

If, in accordance with this Part, a vent has been provided for natural ventilation, or as part of or in connection with a mechanical ventilation system, a person must not prevent the vent from operating or affect its operation by placing articles or substances in or near it.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 2 Keeping of explosives**102 Certain explosives that may be kept in or on unlicensed premises**

- (1) For the purposes of section 9 (1) (c) of the Act, the prescribed quantity of explosives that may be kept in or on the same unlicensed premises is:
- (a) not more than 2.5 kilograms of blasting explosives (as defined in Division 4, Part 4), not more than 110 detonators and not more than 250 metres of detonating fuse if the explosives have been received under the authority of a shotfirer's permit or a permit under Division 4 of Part 4 (Issue by police of permits to receive explosives), or
 - (b) an unlimited quantity if the explosives are display fireworks received under the authority of a display fireworks permit, or
 - (c) an unlimited quantity if the explosives are:
 - (i) safety cartridges not kept for sale, or
 - (ii) dangerous goods of Class 1.4S (not being detonators), not elsewhere specified in this subclause, or
 - (d) not more than 2 000 rounds if the explosives are safety cartridges kept for sale, or
 - (e) 10 kilograms or less if the explosive is a propellant powder received under the authority of a firearms licence, or
 - (f) 2.5 kilograms or less if the explosive is a propellant powder received under the authority of a shotfirer's permit or a permit under Division 4 of Part 4, or
 - (g) 10 kilograms NEQ or less of distress signals and one tonne or less of toy fireworks if the explosives are distress signals not kept for sale and toy fireworks, or
 - (h) an unlimited quantity if the explosives have been received under the authority of a collector's permit.
- (2) For the purposes of subclause (1), explosives that are kept by a person in or on premises within one kilometre of each other are taken to be kept in or on the same premises.

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Part 5 Keeping of dangerous goods

Division 2 Keeping of explosives

103 Conditions subject to which certain explosives may be kept

- (1) This clause applies to explosives that may be kept in or on the same unlicensed premises in the quantities prescribed by clause 102, but does not apply to:
 - (a) distress signals kept for sale in a quantity not exceeding 10 kilograms NEQ, or
 - (b) safety cartridges kept by the holder of a licence under section 21 of the Act for sale under the authority of the licence.
- (2) For the purposes of section 9 (1) (c) of the Act, the prescribed manner and conditions for the keeping of explosives to which this clause applies are as prescribed by this clause.
- (3) Propellant powder, blasting explosives or detonating fuse must be kept:
 - (a) in a securely locked container or containers in a place where the explosives will be inaccessible except to the person keeping the explosives or persons acting with his or her authority, and
 - (b) in a building that is kept securely locked at all times except when a trustworthy person of or over the age of 18 years is in it and exercising supervision over the explosives.
- (4) Fuse lighters must not be kept in a container referred to in subclause (3).
- (5) Detonators must be kept:
 - (a) in a securely locked container containing nothing except detonators, and
 - (b) away from all other explosives, and
 - (c) in a building that is kept securely locked at all times except when a trustworthy person of or over the age of 18 years is in it and exercising supervision over the detonators.
- (6) Safety fuse, safety cartridges and other ammunition that are dangerous goods of Class 1.3 or 1.4 must be kept in a cool and dry place away from all other explosives.
- (7) No substance or article of a highly flammable nature may be kept otherwise than at a safe distance from the explosives and the building in which they are kept.

104 Keeping and handling of explosives generally

Subject to this Regulation, a person having explosives in his or her possession must ensure that they are kept and handled in accordance with AS 2187 (Explosives—Storage, transport and use).

105 Conditions under which distress signals and display fireworks may be kept for sale

(1) In this clause:

packaging does not include a container that is made from plastics film less than 38 micrometres thick.

receptacle means a cupboard, drawer, enclosed shelf, glass showcase or trunk, or metal or wooden box, that is capable of being closed.

(2) This clause applies to distress signals in a quantity not exceeding 10 kilograms NEQ and display fireworks.

(3) For the purposes of section 9 (1) (c) of the Act, the prescribed manner and conditions for the keeping of distress signals or display fireworks are as prescribed by this clause.

(4) If distress signals or display fireworks are kept in a shop:

- (a) they must not be placed in a window display, and
- (b) they must, except where otherwise approved, be kept:
 - (i) if they are in a part of the shop to which the public has access—in sealed sparkproof packagings contained in closed receptacles, or
 - (ii) if they are in a part of the shop to which the public does not have access—in closed receptacles or in sealed sparkproof packagings, and
- (c) they must be kept in such manner as does not impede the free movement of persons, and
- (d) they must be separated from any other dangerous goods and from any combustible materials.

(5) A receptacle that contains distress signals or display fireworks:

- (a) must not be used otherwise than as a container for other distress signals or display fireworks, and
- (b) must not be opened except when other distress signals or display fireworks are being placed in or taken from it, and

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- (c) must at all times be kept clean and free of dust and grit, and
 - (d) must not have in it any matches, including Bengal matches, and
 - (e) must not have in it any means of artificial lighting.
- (6) All reasonable precautions must be taken to prevent:
- (a) the occurrence of accidents through the explosion or ignition from any cause of distress signals or display fireworks, and
 - (b) the doing in or on the premises or place where distress signals or display fireworks are kept of any act that may cause or tend to cause fire and that is not reasonably necessary, and
 - (c) unauthorised persons from having access to distress signals or display fireworks.

106 Conditions under which certain safety cartridges may be kept for sale

- (1) For the purposes of section 9 (1) (c) of the Act, the prescribed manner and conditions for the keeping of safety cartridges by the holder of a licence under section 21 of the Act for sale under the authority of the licence are as prescribed by this clause.
- (2) Safety cartridges must be kept in a building in:
- (a) a locked room, or
 - (b) a magazine conforming to clause 118, or
 - (c) the original outer packaging in which they were received, or
 - (d) enclosed packets on a shelf, or in a cupboard or similar receptacle, if:
 - (i) the packets are so placed as to prevent unauthorised persons from having access to them, and
 - (ii) the building is kept locked at all times except when the licensee, or an employee of the licensee having the duty of exercising supervision over the cartridges, is in the building and able to exercise supervision over the cartridges.
- (3) Safety cartridges must not be placed or kept in a shop window or kept on a shop counter.

- (4) Safety cartridges must not be kept in a room or magazine, or in a cupboard or other receptacle, in which there are other explosives, unless they are separated from the other explosives by a partition of such substance and construction, or by such space, or by both, that an explosion or fire will not be communicated from the cartridges to the other explosives, or from the other explosives to the cartridges.

107 Magazines (separation distances)

- (1) In this clause:
magazine means an external magazine that is a licensed magazine.
- (2) Subject to subclause (3), if a provision of AS 2187 (Explosives—Storage, transport and use), Part 1 (Storage), requires a magazine to be located not less than a specified distance from any place, building, installation or thing, that distance is, in relation to that magazine, a prescribed separation distance for the purposes of clause 86.
- (3) If, in the licence for a magazine, a distance is specified as a separation distance in relation to the magazine, that distance is a separation distance for the purposes of clause 86 instead of the separation distance that would otherwise have been applicable.
- (4) A distance specified under subclause (3) must be not less than one half of the separation distance that would otherwise have been applicable.
- (5) The WorkCover Authority must not specify under subclause (3) a distance less than that which would otherwise be applicable in relation to:
- (a) a protected place—unless the place is a road, a street, a thoroughfare, a reserve, dedicated land, park land, a waterway, a railway or a tramway and it is satisfied that the place is not frequently used or resorted to by the public, or
 - (b) protected works Class B within the meaning of AS 2187—unless the work is a building occupied by the occupier of the magazine.
- (6) In ascertaining the prescribed separation distance between any 2 magazines for the purposes of clause 86, the licensed capacity of either one must be taken to be its licensed capacity or that of the other, whichever is the greater.

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108 Construction of external magazines

- (1) In this clause, *magazine* means an external magazine that is a licensed magazine.
- (2) A magazine must comply with Part 1 of AS 2187 and with the provisions of this clause.
- (3) A building must not be licensed to contain more explosives than the quantity permitted by subclause (4) (e).
- (4) A magazine must be a building and must:
 - (a) have walls of steel plate not less than 5 millimetres thick, reinforced concrete not less than 125 millimetres thick or brick not less than 225 millimetres thick set in cement mortar, and
 - (b) have a roof of steel plate not less than 5 millimetres thick with a shade roof, or a roof of reinforced concrete not less than 75 millimetres thick, and
 - (c) be lined on the inside of its walls, door or doors, ceiling and floor with a lining conforming to subclause (8), and
 - (d) if the magazine is licensed to contain more than 150 kilograms of explosives—be equipped with lightning protection conforming to the relevant provisions of AS 1768 (Lightning protection), and
 - (e) have an internal volume not less than 0.4 cubic metres for each 100 kilograms of explosives it contains and sufficient internal volume to permit free circulation of air and ready access to the explosives, and
 - (f) be ventilated by means of wall vents, which must be adequately protected.
- (5) Paragraphs (a) and (b) of subclause (4), in their application to a magazine built before 31 December 1999, are to be read as if “3 millimetres” were substituted for “5 millimetres”.
- (6) Every internal door of a magazine must be of wood.
- (7) All locks and fittings of an internal door of a magazine must be of non-ferrous metal.
- (8) The lining of a magazine must:
 - (a) be such that no iron or steel is exposed on the interior of the wall, door or doors, ceilings or floor, and

- (b) consist of:
 - (i) close-fitting boards joined together by tongue and groove joints, or
 - (ii) reconstituted wood, or
 - (iii) marine quality plywood, and
 - (c) be not less than 10 millimetres thick on the walls, door or doors and ceiling and not less than 25 millimetres thick on the floor, and
 - (d) be so secured by non-ferrous fastenings or secret nailing to bearers on the walls, door or doors and roof that there is an air space of at least 20 millimetres between the lining and every wall and door and between the lining and the roof, and
 - (e) be supported on the floor by joists spaced at not more than 0.5 metre centres.
- (9) A magazine licensed to contain more than 1 000 kilograms of blasting explosives must be surrounded by a mound complying with Part 1 of AS 2187.
- (10) A magazine may have a porch and any such porch must:
- (a) be of the same construction as the remainder of the magazine, and
 - (b) be used only for the keeping of tools or implements used in connection with the magazine or the changing of clothes and shoes, or for both purposes,
- and may have an inner door opening into the interior of the magazine.
- (11) A magazine must not be heated artificially otherwise than by means of steam, hot air or hot water and the heat so employed must be generated at a safe distance from the magazine, every other magazine and every process building.
- Contravention of this clause is an offence and is punishable in accordance with clause 340.

109 Exhibition of notices in magazines

- (1) There must at all times be kept prominently exhibited inside an external magazine that is a licensed magazine a clearly legible notice setting out:

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- (a) the quantity of explosives (including the number of detonators, if any) that the magazine is authorised to contain under the licence for the premises in or on which it is situated, and
 - (b) if it is a condition of the licence for those premises that not more than a specified number of persons is to be permitted to be present in the magazine at any one time—a statement to the effect that not more than that number of persons is to be present in the magazine.
- (2) There must at all times be kept prominently exhibited inside a licensed magazine a clearly legible copy of so much of this Regulation, of any other Regulations and of any Act as the WorkCover Authority may, by notice served on the licensee, require.
 - (3) Every notice and copy required by this clause to be kept exhibited inside a magazine must be kept securely fixed to an interior wall of the magazine in such a position that the notice or copy will not be obscured by an opened door, stacked goods or otherwise.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

110 Keeping of explosives of different compatibility groups

Subject to the applicable provisions of Part 1 of AS 2187, explosives of more than one compatibility group must not be kept in the same magazine.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

111 Magazine keeper

- (1) An external magazine that is a licensed magazine must at all times have a magazine keeper.
- (2) The licensee and the magazine keeper must comply (or cause compliance) with clauses 112 and 114–116.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

112 Certain articles to be provided

- (1) In this clause, *magazine* means an external magazine that is a licensed magazine.
- (2) There must at all times be provided in a magazine that does not contain any gunpowder or firework composition:
 - (a) a hair broom, and
 - (b) a coir mat about 750 millimetres by 500 millimetres in size.
- (3) There must at all times be provided in a magazine that contains gunpowder or firework composition:
 - (a) a hair broom, and
 - (b) a coir mat about 750 millimetres by 500 millimetres in size, and
 - (c) a sufficient number of suitable copper, brass or wooden tools or implements for opening packages, and
 - (d) if persons are to enter the magazine, suitable footwear or a sufficient number of overshoes (not having any exposed iron or steel) for use by those persons.
- (4) The mat, tools or implements and footwear or overshoes prescribed by subclause (3) must be kept in a suitable cupboard or area in the magazine when they are not in actual use.
- (5) A person must not enter a magazine that contains gunpowder or firework composition unless he or she is wearing footwear or overshoes provided under subclause (3).

113 Prevention of introduction of hazardous articles into magazines

The licensee of premises in or on which a magazine is situated must, in order to prevent persons employed or engaged in or about the magazine from taking articles or substances into it in contravention of clause 93 (1):

- (a) provide them with, and require them to wear whenever they are in the magazine, approved working clothes without pockets, and suitable footwear, or
- (b) maintain an effective system of search, or
- (c) take any other effective measures necessary.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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114 Magazines to be kept locked

- (1) An external magazine that is a licensed magazine must be kept securely closed and locked at all times except when goods are being placed in or taken from it or when it must be kept open for some other purpose in connection with its management.
- (2) The keys to such a magazine must at all times be in the custody of a trustworthy person and kept readily available for production to an inspector.

115 Packagings of gunpowder or other powder

- (1) Packagings of gunpowder or other propellant powder must not be opened in a magazine unless all the explosives in them is contained in inner packagings.
- (2) Packaging that has any exposed iron or steel must not be used for the keeping of gunpowder or firework composition in a magazine.

116 Thunderstorms

Whenever a thunderstorm appears to be imminent in the vicinity of an external magazine that is a licensed magazine, every person engaged in or about the magazine must be withdrawn to a safe distance from it and it must be kept closed and locked until the thunderstorm has ceased or the threat of it has passed.

117 Restrictions on use of internal magazines

- (1) An internal magazine must not be specified as a magazine in a licence for premises unless it is specified as a magazine:
 - (a) for the keeping of the prescribed kinds and quantities of explosives, and
 - (b) for use under the prescribed conditions.
- (2) The prescribed kinds and quantities of explosives referred to in subclause (1) (a) are:
 - (a) not more than 50 kilograms of blasting explosives, or not more than 50 kilograms of propellant powder being dangerous goods of Class 1.1, or
 - (b) not more than 20 000 detonators, or
 - (c) not more than 200 kilograms of propellant powder being dangerous goods of Class 1.3, or

- (d) not more than 200 kilograms NEQ of distress signals or display fireworks.
- (3) The licensee of premises in which an internal magazine is situated must not use the magazine except in conformity with the prescribed conditions.
Contravention of this subclause is an offence and is punishable in accordance with clause 340.
- (4) The prescribed conditions referred to in subclauses (1) (b) and (3) are that no 2 or more internal magazines must be in the same building:
 - (a) if both or all or any 2 or more of them contain explosives described in a paragraph of subclause (2), and
 - (b) unless each is separated from the other or every other by a distance of at least 10 metres.
- (5) The distance referred to in subclause (4) (b) is the length of a straight line (whether horizontal or not) from one magazine to another.

118 Internal magazines for blasting explosives and certain other explosives

- (1) An internal magazine for the keeping of blasting explosives, propellant powder (being dangerous goods of Class 1.1) or detonators must:
 - (a) consist of a strong receptacle fitted with a close-fitting lid, and
 - (b) be constructed of wood covered on the outside with sheet steel not less than 0.8 millimetres thick or (subject to subclause (2)) be of approved construction, and
 - (c) subject to paragraph (d), be painted red on the whole of the outside of its top and sides, and
 - (d) be clearly marked in white letters with:
 - (i) the word “DETONATORS” if detonators and no other explosives are kept in it, or
 - (ii) in any other case, the word “EXPLOSIVES” and the licensed capacity of the magazine, and
 - (e) be fitted with handles for lifting it.

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- (2) An internal magazine in which gunpowder is kept must be lined with wood and all its fittings must be of non-ferrous metal.
- (3) All the fittings of an internal magazine referred to in subclause (1) in which no gunpowder is kept must be of steel and the magazine must be fitted with a lock having a steel hasp.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

119 Keeping of certain propellant powder and fireworks

- (1) An internal magazine for the keeping of propellant powder (being dangerous goods of Class 1.3) or fireworks must be:
 - (a) a receptacle constructed, painted, marked and fitted as described in clause 118 (1) and (3), or
 - (b) a cabinet conforming (unless otherwise approved) to the following requirements:
 - (i) the walls, floor, door or doors and roof must be of double-walled sheet steel construction, with a space between the walls not less than 40 millimetres in width either left empty or filled with non-combustible insulation, and
 - (ii) the door or doors must be self-closing, close-fitting, held shut by catches at not fewer than 2 points and fitted with a lock, and
 - (iii) the word "EXPLOSIVES" and the licensed capacity of the magazine must be clearly marked on its outside in white letters on a red background.
- (2) A person who keeps toy fireworks in a quantity in excess of one tonne must keep them under dry conditions in a building or freight container that is kept securely locked at all times except when a trustworthy person of or over the age of 18 years is in the building or by the freight container and exercising supervision over the fireworks.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 3 Keeping of dangerous goods of Class 2**120 Definitions**

In this Division:

dangerous goods means dangerous goods of Class 2.

depot means a depot for the keeping of dangerous goods.

121 Certain gases that may be kept in or on unlicensed premises

- (1) For the purposes of section 9 (1) (c) of the Act, the prescribed quantity of dangerous goods that may be kept in or on the same unlicensed premises is:
- (a) 300 kilograms or less if the goods are a liquefied flammable gas in a container or containers connected to one or more consuming devices, or
 - (b) 150 kilograms or less if the goods are a liquefied flammable gas not kept for sale and not in a container connected to one or more consuming devices, or
 - (c) 25 kilograms or less if the goods are a liquefied flammable gas kept for sale in containers each containing not more than 6 kilograms of the gas, or
 - (d) an unlimited quantity if the goods are a liquefied flammable gas (other than aerosols (UN No 1950)) in disposable containers, or
 - (e) 60 cubic metres or less if the goods are of Class 2.1 other than:
 - (i) a liquefied gas, or
 - (ii) aerosols (UN No 1950), or
 - (f) 5 000 kilograms or less if the goods are aerosols (UN No 1950) being dangerous goods of Class 2.1 not kept for sale, or
 - (g) 600 cubic metres or less if the goods are of Class 2.2 being a cryogenic liquid, or
 - (h) an unlimited quantity if the goods are of Class 2.2 not being a cryogenic liquid, or
 - (i) 2 500 kilograms or less if the goods are a liquefied flammable gas or anhydrous ammonia kept:

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- (i) for use (other than for sale) by the person keeping the goods in or on the premises or place where they are kept, and
 - (ii) elsewhere than in a city or town, and
 - (iii) at a distance of at least 30 metres from any public place or protected work, or
 - (j) 20 cubic metres or less if the goods are of Class 2.3 other than:
 - (i) a liquefied gas, or
 - (ii) aerosols (UN No 1950), or
 - (k) 50 kilograms or less if the goods are:
 - (i) a liquefied toxic gas, or
 - (ii) aerosols (UN No 1950) being dangerous goods of Class 2.3,kept in or on premises or a place not open to the public.
- (2) The volumes referred to in subclause (1) are volumes measured at MSC.
- (3) For the purposes of section 9 (1) (c) of the Act, the manner in which and the conditions subject to which the dangerous goods referred to in subclause (1) in the quantities prescribed by that subclause are to be kept are that:
- (a) the provisions of Part 3 and the applicable provisions of AS 4332 (The storage and handling of gases in cylinders) are observed, and
 - (b) in the case of the goods referred to in subclause (1) (d), if kept in a quantity exceeding 100 kilograms, the disposable containers are:
 - (i) in groups each containing not more than 100 kilograms of gas and at least 6 metres from each other, or
 - (ii) in, or directly ventilated to, the open air and separated by at least 3 metres from any combustible material.

122 Depots (general)

- (1) A depot for the keeping, otherwise than in cylinders, of:
- (a) dangerous goods other than toxic gas—must be a tank as prescribed by clause 123, or

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- (b) toxic gas—must be:
- (i) a tank as prescribed by clause 123, or
 - (ii) a building as prescribed by clause 124 in which the gas is kept in tanks none of which has a capacity exceeding 2 cubic metres, or
 - (iii) an area as prescribed by clause 125 in which the gas is kept in tanks none of which has a capacity exceeding 2 cubic metres.
- (2) A depot for the keeping of dangerous goods in cylinders of a capacity of 500 litres or less must comply with AS 4332.
- (3) A depot for the keeping of dangerous goods in cylinders of a capacity of more than 500 litres must comply with the provisions of this Division applicable to tanks that are depots.
- (4) Subclause (2) does not apply to a depot in relation to the keeping of cylinders of:
- (a) anhydrous ammonia if they are kept in compliance with AS 2022 (SAA anhydrous ammonia code), or
 - (b) cryogenic fluids if they are kept in compliance with AS 1894 (The storage and handling of non-flammable cryogenic and refrigerated liquids), or
 - (c) liquefied chlorine gas if they are kept in compliance with AS 2927 (The storage and handling of liquefied chlorine gas), or
 - (d) liquefied natural gas if they are kept in compliance with AS 3961 (Liquefied natural gas—Storage and handling), or
 - (e) liquefied petroleum gas if they are kept in compliance with AS 1596 (Storage and handling of LP gas).
- (5) A depot must not, except with the approval in writing of the WorkCover Authority, be used for the keeping of dangerous goods of Class 2.1 below ambient temperature.
- (6) If a depot is used for the keeping of dangerous goods of Class 2.1 or 2.3, being aerosols (UN No 1950), and more than 1 000 kilograms of the goods are kept within an imaginary sphere of 5 metres diameter, the goods must be kept:
- (a) in a place that allows for the safe dispersal of gas or vapours that might escape from leaking containers, and

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- (b) in an enclosure preventing the projection of containers if involved in a fire, and
- (c) at least 5 metres from any other class of dangerous goods (not being aerosols (UN 1950)) or any combustible material, and
- (d) at least 3 metres from any fixed ignition sources (other than electric ceiling lighting).

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Note. See clause 237 for further provisions regarding the keeping and handling of cylinders of gas.

123 Depots (tanks)

- (1) A tank that is a depot must:
 - (a) if it is used for:
 - (i) the keeping of gas under pressure—be a pressure vessel conforming to an approved code or standard or to approved specifications, or
 - (ii) the keeping of gas at a temperature below ambient temperature—be a storage vessel for refrigerated gas conforming to an approved code or standard or to approved specifications, or
 - (iii) the keeping of gas under any other conditions—be an approved tank, and
 - (b) be an above-ground tank, and
 - (c) be fitted with an approved safety relief device so placed that flames from the device will not impinge on the tank or any other depot, and
 - (d) have on all openings in use or to which pipes are connected, other than openings for safety relief devices and level gauges, valves so fitted that they are within the tank or as close to the shell of the tank as possible, and
 - (e) unless the licensed premises are so fenced that the public is effectively excluded from the area in which the depot is situated, be surrounded by a fence at least 1.8 metres high and at least 1.5 metres from the depot having:
 - (i) 2 gates that are on opposite sides of the depot and that open only outwards, or

- (ii) if the tank is a vertical tank that is used for the keeping of cryogenic liquids of Class 2.2, gates complying with subparagraph (i) or one gate that is located as far as practicable from any potential sources of leaks and that opens only outwards, and
 - (f) if it is to remain in position for more than 6 months, be set on substantial non-combustible or hardwood supports, and
 - (g) if it is to remain in position for not more than 6 months, be set on firm foundations and so that no movement of the tank that might impose a strain on the piping connected to it can take place, and
 - (h) be readily accessible to persons having duties in relation to the depot and to equipment for the conveyance of goods to and from it.
- (2) There must be installed in the vicinity of a tank for the keeping of dangerous goods of Class 2.1, being unodorized liquefied petroleum gas, a flammable gas detector with at least 4 detecting heads evenly spaced around the tank that will give an automatic alarm, whenever the gas is present in the air at a head at a concentration of 25 per cent or more of the lower explosive limit of the gas, by:
- (a) producing a sound of not less than 105 decibels, and
 - (b) giving a visible signal.

124 Depots (buildings)

- (1) A building that is a depot must conform to this clause.
- (2) The building must have either:
 - (a) a framework of hardwood, steel or other approved material covered with fibre-cement, steel or other non-combustible sheeting material, or
 - (b) walls of brick or masonry.
- (3) The floor of the building must be of hardwood or concrete and the space below the floor must be either completely open to the atmosphere or filled with solid material.
- (4) Adequate ventilation must be provided, taking into account the properties (including the density) of the gas to be kept in the depot, the depot's location and any other relevant factors.

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- (5) The roof must be of steel, fibre-cement, tiles or other approved non-combustible material and be so designed and constructed that gas cannot accumulate beneath the roof and that the tanks in the building are protected from direct sunlight.
- (6) The building must be made secure against entry by unauthorised persons.

125 Depots (areas)

- (1) Subject to subclause (2), an area that is a depot must:
 - (a) be level, paved or of gravel, and drained, and
 - (b) be clear of any combustible material, and
 - (c) be capable of withstanding the mass of the dangerous goods containers to be kept in it, and
 - (d) be an area defined by a surrounding fence at least 1.8 metres high having gates that open only outwards from the area and that are capable of being securely locked.
- (2) The WorkCover Authority may approve of the use as a depot of an area not defined by a surrounding fence if it is satisfied that:
 - (a) the premises in which the area is situated are fenced, and
 - (b) the area is not accessible to the public.
- (3) The licensee of a depot that is an area defined by a surrounding fence must at all times ensure that:
 - (a) no dangerous goods are placed or kept within 300 millimetres of the fence, and
 - (b) only equipment necessary for the operation of the depot is kept inside the fenced area.

126 Method of storage of certain articles

- (1) The licensee of premises licensed for the keeping of dangerous goods must observe, or cause to be observed, the requirements of this clause.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) A person engaged in work in or on premises licensed for the keeping of dangerous goods must, to the extent practicable having regard to the nature and scope of his or her duties or occupation, observe the requirements of this clause.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (3) Empty cylinders for dangerous goods, if they are kept in or on the premises or kept elsewhere by the licensee for use in or on the premises, must be kept away from public places and protected works and with their valves closed.
- (4) Means of fire protection provided in compliance with clause 127 must at all times be kept available for instant use.

127 Fire protection

- (1) Premises licensed for the keeping of dangerous goods must be provided with means of fire protection, conforming to this clause, in respect of each depot in or on the premises.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) In respect of each depot, a garden hose of sufficient length to reach all parts of the depot must be provided and permanently attached to a water supply at a distance of 8 metres, or other approved distance, from the depot.
- (3) In respect of each depot for the keeping of more than 4 000 kilograms of liquefied flammable gas or more than 500 cubic metres of compressed flammable gas, 2 fire hydrants must be provided at opposite sides of the depot and not less than 20 metres or more than 30 metres from it.
- (4) In respect of each depot being a tank for the keeping of more than 50 000 kilograms of liquefied flammable gas or more than 7 000 cubic metres of compressed flammable gas, there must be provided fixed water sprays, or monitors, that will supply water at the rate of at least 10 litres per minute for each square metre of tank surface.
- (5) The requirements of subclause (3) are additional to those of subclause (2).
- (6) The requirements of subclause (4) are additional to those of subclauses (2) and (3).

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- (7) Sufficient reticulated or stored water, or both, must be available to ensure that the water sprays or monitors provided under subclause (4) will supply water at the rate specified in that subclause for at least 3 hours to all the depots in or on the premises or, if there are more than 3 depots in or on the premises, to the 3 depots that have the greatest licensed capacities.
- (8) The licensee of the premises must:
- (a) each week test or cause to be tested the water sprays or monitors provided under subclause (4), and
 - (b) keep for at least 3 years, and produce to an inspector whenever required by the inspector to do so, a record setting out the dates and results of those tests.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

128 Tanks or cylinders having common connections

- (1) If, in or on any premises, 2 or more tanks or cylinders for the keeping of dangerous goods have in common any connections for the passage of vapour or liquid, or both, the tanks or cylinders must be supported in such positions that the maximum liquid levels are in the same horizontal plane.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not apply if approved valving or piping is installed to prevent uncontrolled liquid levelling.

129 Depots (tanks) for flammable gases (separation distances)

- (1) Subject to this clause, for the purposes of clause 86 a distance set out in Column 2 of the Table to this clause is, in relation to a tank that is a depot for the keeping of flammable gas, a prescribed separation distance from the depot to a work, place, installation or thing (an *exposure*) described in Column 1 of the Table opposite the distance.
- (2) Subject to subclause (3), if a screen wall is between a depot referred to in subclause (1) and an exposure, and the screen wall is such that the depot is completely obscured from the exposure, then, for the

purposes of clause 86 (3), the distance between the depot and the exposure may, with the approval of the WorkCover Authority, be taken to be the distance between them measured around the screen wall.

- (3) Subclauses (1) and (2) do not apply to or in respect of the distance between 2 tanks containing flammable gas.
- (4) For the purposes of clause 86, the prescribed separation distance between 2 depots being tanks for the keeping of flammable gas is a distance equal to the diameter of the larger tank (or if they are of equal diameter, that diameter) or 3 metres, whichever is the lesser.
- (5) For the purposes of clause 86, the prescribed separation distance between:
 - (a) a depot for the keeping of flammable gas below ambient temperature, and
 - (b) a protected place or a protected work,
 is a distance determined by the WorkCover Authority and specified in the licence for the depot.

Table Separation distance for depots (tanks) for flammable gases

Column 1 Exposure	Column 2 Separation distance (in metres)
Building or structure:	
(a) not of fire-resistant construction	15
(b) of fire-resistant construction	3
(c) being a protected work not of fire-resistant construction and not elsewhere specified in this Table	15
Opening into a protected work of fire-resistant construction not elsewhere specified in this Table	15

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Above-ground depot for flammable liquid having a licensed capacity:

- (a) not exceeding 5 000 litres 8
- (b) exceeding 5 000 litres 15

Underground depot for flammable liquid (distance to be measured from vent and fill-pipe) 8

Public place 4

Place where solid materials that burn rapidly, such as wood shavings or paper, are stored 15

Place where solid materials that burn slowly, such as coal or timber, are stored 8

In this Table, *fire-resistant* means having a fire-resistance level of at least 60/240/240.

130 Deliveries to depots for unodorized liquefied petroleum gas

When a delivery of unodorized liquefied petroleum gas is made to a licensed depot, being a tank, by means of a vehicle in or on which the gas is carried in a tank:

- (a) the licensee of the premises in or on which the depot is situated must ensure that the vehicle:
 - (i) does not stand on a public road, and
 - (ii) stands in such a position that it can be driven away from the depot in a forward direction, and
- (b) while the gas is being transferred from the vehicle to the depot:
 - (i) by a hose that is not vented when the delivery is completed—the space for a horizontal distance of 10 metres from the vehicle to a height of 3 metres is taken for the purposes of clause 94 to be a Zone 2 location, or
 - (ii) by a hose that is vented—the space for a distance of 3 metres about the valve connections on the vehicle to a height of 3 metres is taken for those purposes to

be a Zone 1 location, and the space laterally outside the firstmentioned space to a distance of 10 metres and a height of 3 metres is taken for those purposes to be a Zone 2 location.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

131 Charging of aerosols and disposable containers with liquefied flammable gas

- (1) In this clause, *charging area* means the area in a building in which aerosols or disposable containers are charged with liquefied flammable gas.
- (2) A person must not in a building, personally or by his or her employees or agents, charge aerosols or disposable containers with liquefied flammable gas:
 - (a) without the prior approval of the WorkCover Authority, and
 - (b) unless the requirements of subclauses (3)–(9) are observed.
- (3) The charging area in a building must be separated from all other parts of the building by a vapour-tight wall that may have the following but no other openings:
 - (a) a doorway, and
 - (b) openings each not exceeding 0.1 square metre in area for the passage of containers into and from the charging area.
- (4) A charging area must be equipped with a system of mechanical ventilation that is separate from any other such system in the building and so constructed, maintained and operated that:
 - (a) the concentration of any gas escaping into the atmosphere of the charging area is at all times kept less than 25 per cent of the lower explosive limit of the gas, and
 - (b) gas so escaping does not flow through any doorway or other opening referred to in subclause (3).

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- (5) The ducting of the system of mechanical ventilation must not pass through any part of the building other than the charging area and must be such that the air drawn from the charging area is discharged into the atmosphere outside the building at a point above the level of every part of the roof of the building that is within 10 metres, measured laterally, from that point.
- (6) The door of a doorway referred to in subclause (3) must:
 - (a) have double hinges so as to be able to be opened both inwards and outwards, and
 - (b) be kept closed at all times except when it is necessarily open for the passage of persons or materials.
- (7) All piping conveying liquefied flammable gas from the storage tank for the gas to the charging area must:
 - (a) conform to AS 4041 (Pressure piping) or be approved, and
 - (b) be joined by welding, and
 - (c) be equipped with a manual shut-off valve at the tank and a manual shut-off valve immediately outside the building, and
 - (d) be equipped with an excess flow valve and a manual shut-off valve at every point where the gas enters a flexible connection to the charging machine.
- (8) The valves referred to in subclause (7) (c) and (d) must conform to AS 1596 (Storage and handling of LP gas) or be otherwise approved.
- (9) A gas detector that will function whenever liquefied flammable gas is present in the air at a concentration of 25 per cent or more of the lower explosive limit for the gas used to charge the aerosols or disposable containers must be installed in a position adjacent to every charging machine and every opening referred to in subclause (3) (b).
- (10) For the purpose of subclause (9), a gas detector functions if it:
 - (a) produces a sound not less than 105 decibels, and
 - (b) gives a visible signal, and
 - (c) shuts off the flow of gas into the building referred to in subclause (3).

- (11) Clause 94 applies to and in respect of a charging area as if:
- (a) a reference in that clause to a depot or the licensee of premises in or on which a depot is situated were a reference to the charging area of a building or the occupier of that building, respectively, and
 - (b) the charging area were a location in Zone 1, and
 - (c) an area outside the charging area within a 5 metre radius of any of the openings referred to in subclause (3) and to a height of 1.5 metres above flood level were a location in Zone 2.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

132 Tanks, cylinders or other containers for cryogenic liquids

A licensee of premises in or on which is situated a tank, cylinder or other container (whether a depot or not) used for the keeping of dangerous goods being a cryogenic liquid must, in relation to the use of the tank, cylinder or other container, observe (or cause to be observed) the storage and handling requirements, operating conditions and procedures specified in AS 1894 (The storage and handling of non-flammable cryogenic and refrigerated liquids).

Contravention of this clause is an offence and is punishable in accordance with clause 340.

133 Depots for toxic gases (general)

- (1) The area within a building in or on licensed premises that comprises:
- (a) a space, at least 0.75 metres in width, immediately surrounding:
 - (i) a depot that is a tank for the storage of toxic gas, and
 - (ii) tanks containing toxic gas that are being kept in the building, and
 - (b) a passageway at least 0.75 metres in width from the space referred to in paragraph (a) to an entrance to the building,
- must be demarcated by a yellow paint line on its outer borders and at all times kept free so as to allow convenient and unrestricted access by persons having duties in relation to the tank.

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- (2) Adequate provision must be made for access to and movement around tanks in which toxic gas is kept in or on licensed premises otherwise than in a building.
- (3) If the WorkCover Authority so requires, a depot for the keeping of toxic gas must be provided with a system of mechanical ventilation such as will:
 - (a) provide a flow of at least 15 cubic metres per minute, and
 - (b) exhaust any air of the depot that may contain escaped toxic gas to an outlet situated at such a height that the airborne concentration of the gas at ground level is less than the concentration specified in respect of the gas in the publication entitled "Exposure Standards for Atmospheric Contaminants in the Occupational Environment" published by Worksafe Australia.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

134 Depots (tanks) for toxic gases (separation distances)

- (1) Subject to this clause, for the purposes of clause 86:
 - (a) a distance set out in Column 2 of the Table to this clause is, in relation to a tank that is a depot for the keeping of toxic gas in a quantity not exceeding 600 cubic metres of compressed gas or 2 000 kilograms of liquefied gas, a prescribed separation distance from the depot to a place or work (an *exposure*) described in Column 1 of the Table opposite the distance, and
 - (b) a distance set out in Column 3 of the Table is, in relation to a tank that is a depot licensed for the keeping of toxic gas in a quantity exceeding 600 cubic metres of compressed gas or 2 000 kilograms of liquefied gas, a prescribed separation distance from the depot to an exposure described in Column 1 of the Table opposite the distance.
- (2) Subject to subclause (3), if a screen wall is between a depot referred to in subclause (1) and an exposure, the distance between the depot and the exposure is taken to be the distance between them measured around the screen wall.
- (3) Subclause (2) does not apply to or in respect of the distance between 2 tanks containing toxic gas.

- (4) For the purposes of clause 86, the prescribed separation distance between 2 depots that are tanks for the keeping of toxic gas is a distance equal to the diameter of the larger tank (or if they are of equal diameter, that diameter) or 3 metres, whichever is the lesser.

Table Separation distance for depots (tanks) for toxic gases

Column 1	Separation distance (in metres)	
	Column 2	Column 3
Exposure		
Public place	15	30
Protected work other than depot	30	60
Depot	15	25

Division 4 Keeping of dangerous goods of Class 3 and combustible liquids

135 Definition

In this Division, *dangerous goods* means dangerous goods of Class 3 and combustible liquids.

136 Goods that may be kept in or on unlicensed premises

- (1) For the purposes of section 9 (1) (c) of the Act, the prescribed quantity of dangerous goods that may be kept in or on the same unlicensed premises is:
- (a) if the goods are of Class 3 Packing Group I or II not kept in an underground tank—100 litres or less, or
 - (b) if the goods are of Class 3 Packing Group III not kept in an underground tank—1 000 litres or less, or
 - (c) if the goods are of Class 3 kept in or on any premises or place not less than 2 hectares in area in or on which a rural industry is carried on—5 000 litres or less, or

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- (d) if the goods are of Class C1 (combustible liquids) not kept in a tank having a capacity exceeding 50 000 litres—an unlimited quantity, or
 - (e) if the goods are of Class C2 (combustible liquids)—an unlimited quantity, or
 - (f) if the goods are:
 - (i) of Class 3 Packing Group I or II kept in approved packages each having a capacity not exceeding 5 litres, or
 - (ii) of Class 3 Packing Group III kept in approved packages each having a capacity not exceeding 25 litres,and, as packaged, are manufactured products—an unlimited quantity.
- (2) For the purposes of section 9 (1) (c) of the Act, the prescribed manner and conditions of the keeping of the dangerous goods referred to in subclause (1) in the quantities prescribed by that subclause are that:
- (a) they are kept and handled in accordance with AS 1940 (The storage and handling of flammable and combustible liquids), and
 - (b) the provisions of Part 3 and clause 139 are observed in relation to them.

137 Keeping of other dangerous goods

Subject to this Division, a person who keeps dangerous goods (other than goods referred to in clause 136 in the quantities prescribed by that clause) must comply (or cause compliance) with the provisions of AS 1940 relating to the goods.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

138 Self-service fuel dispensing units

- (1) A person who keeps dangerous goods, being vehicle fuel, for sale or supply by means of a self-service fuel dispensing unit (other than a coin or card operated dispensing unit) must in relation to the unit comply (or cause compliance) with the provisions of this clause (except subclauses (6) and (7)).

- (2) Instructions for the operation of the unit must be clearly displayed on or immediately adjacent to it.
- (3) The unit and the area surrounding it must be adequately illuminated when the unit is in operation.
- (4) A person (an *operator*) must be appointed to control and supervise from a control point the operation of the unit when it is in operation for the sale of fuel.
- (5) A person must not be appointed as an operator unless he or she:
 - (a) is a trustworthy person of or over the age of 18 years, and
 - (b) is fully conversant with the manner of operation of the unit by the users and the system employed for the sale of fuel by means of the unit.
- (6) When a vehicle is standing near a self-service fuel dispensing unit, the driver of the vehicle must ensure that its engine:
 - (a) is stopped before the fuel tank is opened, and
 - (b) remains stopped while the dangerous goods are being dispensed into the vehicle.
- (7) A person must not smoke within 3 metres of a self-service fuel dispensing unit.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

139 Location of tanks

A person must not keep dangerous goods of Class 3 Packing Group I or II:

- (a) in a tank in or under a building in which a person resides, or
- (b) in an above-ground tank in or on any premises less than 2 hectares in area in a residential area of a city or town.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

140 Drainage areas

If, in relation to a depot licensed for the keeping of flammable liquid, Rule 4.3.3 of AS 1940 is complied with by the provision of a compound away from the depot for the reception of flammable liquid draining from the depot, the compound must be so situated

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that the distances set out in Table 4.1 of AS 1940 are adhered to as though the compound were a depot having a licensed capacity one quarter that of the depot.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

141 Fire protection for certain above-ground tanks

(1) In relation to premises in respect of which a person is required by AS 1940 to provide fixed foam systems for above-ground tanks, the provisions of:

- (a) subclauses (2)–(11), and
- (b) such of the provisions of sections 9 and 10 of AS 1940 as are not at variance with those subclauses,

must be observed.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

(2) Subject to subclause (3), a fixed foam protection system for extinguishing fires must be installed on every depot that:

- (a) is a fixed roof tank or a floating roof tank, and
- (b) has a diameter greater than 6 metres.

(3) Subclause (2) does not apply to or in respect of a tank containing dangerous goods of Class C1 or C2 (combustible liquids) if it is not situated in the area within the bund wall surrounding a tank or tanks for the keeping of flammable liquid.

(4) The fixed foam protection system installed on a floating roof tank must be capable of covering the circumferential seal of the tank with foam in not more than 2 minutes.

(5) A suitable fitting must be provided for the supply of water into the foam protection system by means of a pump operated by the New South Wales Fire Brigades or other community fire-fighting service (the system must be so designed that it will continue to provide the requisite quantities of foam while the pump is connected to the system despite any failure of any pump that is a permanent part of the system).

- (6) Permanent pipe lines, galvanised and, if practicable, laid above ground, and fitted with suitable valves, must be provided for the supply of foam to the tanks from a control point.
- (7) All horizontal foam pipe lines of the system must be adequately flushed with water at intervals not longer than 6 months and means for carrying out such flushing must be provided.
- (8) All the horizontal foam pipe lines must be hydrostatically pressure-tested at twice the normal operating pressure at intervals not longer than 2 years.
- (9) The system must be tested by the use of foam at intervals not longer than 12 months.
- (10) A record must be kept of every test carried out under subclauses (8) and (9) and of every flushing carried out under subclause (7) and the records must:
 - (a) be kept at the depot for a period of at least 5 years, and
 - (b) whenever an inspector within that period so requires, be produced for his or her examination.
- (11) Dangerous goods must not be placed in a tank until the foam protection installation of the tank has been tested and passed by an inspector for compliance with this Regulation.

142 Keeping of carbon disulfide

- (1) Carbon disulfide must not be kept in or on licensed premises if any other flammable liquid is also kept in or on those premises, unless:
 - (a) the electrical installation and the electrical equipment of the depot or depots where the carbon disulfide is kept conforms to AS 3000 (SAA Wiring Rules) and is approved for the purposes of this paragraph, and
 - (b) nothing in the depot or depots, with the exception of the electrical equipment, has a surface temperature in excess of 90°Celsius.
- (2) A tank for the keeping of carbon disulfide must:
 - (a) be constructed of welded mild steel, and

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- (b) be within a pit or enclosure, impervious to water and carbon disulfide and having a capacity at least equal to that of the tank (if there is only one) or to the aggregate capacity of all such tanks in the pit or enclosure,

and the ullage space in the tank must be kept filled with water or an inert gas.

- (3) The pit or enclosure referred to in subclause (2) (b) must be kept wholly or partly filled with water.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

143 Abandonment of disused underground tanks

- (1) If an underground tank has been used for the keeping of flammable or combustible liquid and no flammable or combustible liquid has been placed in or taken from it for a continuous period of 6 months, the licensee or occupier of the premises in or on which it is situated must immediately remove any remaining liquid from, and abandon, the tank in compliance with AS 1940.
- (2) The person abandoning the tank must, within 7 days of the abandonment, notify the WorkCover Authority in writing of the abandonment.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

144 Floating pans in tanks

If a floating pan is installed in a cone roof tank being a licensed depot for the keeping of dangerous goods, there must not be a foam dam near the wall seal.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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145 Goods that may be kept in or on unlicensed premises

- (1) For the purposes of section 9 (1) (c) of the Act, the prescribed quantity of dangerous goods of Class 4 that may be kept in or on the same unlicensed premises is:

- (a) if the goods are of Class 4.1 Packing Group I or nitrocellulose (UN No 2557)—25 kilograms or less, or
 - (b) if the goods are of Class 4.1 Packing Group II (excluding nitrocellulose (UN No 2557)) or self-reactive substances (UN Nos 3221 to 3240 inclusive)—50 kilograms or less, or
 - (c) if the goods are of Class 4.1 Packing Group III—1 000 kilograms or less, or
 - (d) if the goods are of Class 4.2 Packing Group I—25 kilograms or less, or
 - (e) if the goods are of Class 4.2 Packing Group II or III—1 000 kilograms or less, or
 - (f) if the goods are of Class 4.3 Packing Group I—25 kilograms or less, or
 - (g) if the goods are of Class 4.3 Packing Group II or III—1 000 kilograms or less.
- (2) For the purposes of section 9 (1) (c) of the Act, the prescribed manner and conditions of the keeping of the dangerous goods referred to in subclause (1) in the quantities prescribed by that subclause are that:
- (a) if any provisions of this Division relate to the keeping of the goods in the quantity prescribed—those provisions, and
 - (b) the provisions of Part 3,
- are observed in relation to the goods.

146 Dangerous goods of Class 4.1 (being substances that are UN No 2557)

- (1) Dangerous goods of Class 4.1 (being substances that are UN No 2557), other than goods referred to in clause 145 in the quantities prescribed by that clause, must be kept in a depot that, unless it is a depot referred to in subclause (17), conforms to subclauses (2)–(15).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) The depot must be a building, or a room of a building, so situated that a fire in it will not endanger:
- (a) any other building or the contents of any other depot, or

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- (b) if it is a room of a building—any workroom, ventilation shaft, stairway or passage of, or any exit from, that building.
- (3) The depot must have walls having a fire-resistance level of at least 240/240/240.
- (4) The roof of the depot must be of concrete or other non-combustible material.
- (5) An approved fireproof door opening only outwards must be installed in every doorway of the depot.
- (6) If the depot is a room of a building, all horizontal or vertical ventilation flues provided for the depot that are inside the building must be of reinforced concrete not less than 125 millimetres thick or be of an approved material of approved thickness.
- (7) All ventilation flues provided for the depot that are outside the building that is or contains the depot must be of iron plate not less than 1.5 millimetres thick or be of an approved material of approved thickness.
- (8) All shelves, fittings and other equipment of or in the depot must be of metal or other non-combustible material and the equipment must be so arranged as to allow unimpeded egress of persons from the depot.
- (9) The floor of the depot must be covered by an approved material incapable of producing a spark.
- (10) The depot must not be artificially lighted otherwise than by electricity.
- (11) The depot must be vented directly to the open air with a vent having:
 - (a) a minimum effective sectional area of 0.1 square metres for each 500 kilograms of the dangerous goods, and
 - (b) an outlet at least 8 metres from every door, window or other opening and fire escape of every building (including, if the depot is a room in a building, that building) unless separated therefrom by a screen wall.
- (12) If there is more than one depot in a building each depot must be separately vented to the open air by the means prescribed by subclause (11).

- (13) The depot must be equipped with an approved water sprinkler system for fire protection.
- (14) Electrical wiring or equipment that has not been specifically approved for use in the depot must not be used in it.
- (15) All dangerous goods kept in the depot must be kept in approved packages or in approved substantial metal receptacles, fitted with close-fitting metal covers and each containing not more than 100 kilograms of the goods.
- (16) Any door of a depot referred to in this clause must be kept closed at all times except when it is necessarily open to allow goods to be placed in or taken from it or for some other purpose in connection with its management.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (17) It is a term of the licence of premises licensed for the keeping of flammable liquid that, with the approval in writing of the WorkCover Authority, not more than 500 kilograms of dangerous goods of Class 4.1 (being substances that are UN No 2557) may be kept in a depot in or on the premises, but only if the goods are kept in approved packages or in closed metal receptacles each containing not more than 100 kilograms of the goods.

147 Dangerous goods of Class 4.1 Packing Group I and nitrocellulose

- (1) Dangerous goods of Class 4.1 Packing Group I and nitrocellulose (other than goods or nitrocellulose referred to in clause 145 in the quantities prescribed by that clause) must be kept in a depot that, unless it is a depot referred to in subclause (5), conforms to subclauses (2)–(4).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) The depot must have a concrete floor and a roof of non-combustible material.
- (3) If the depot:
 - (a) has walls—the walls and every door must be of non-combustible material, or

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- (b) does not have walls—the roof must be sufficiently large to protect the goods or nitrocellulose in it against the direct rays of the sun.
- (4) Electrical wiring or equipment that has not been specifically approved for use in the depot must not be used in it.
- (5) It is a term of the licence of premises licensed for the keeping of flammable liquid that, with the approval in writing of the WorkCover Authority, not more than 500 kilograms of nitrocellulose may be kept in a depot in or on the premises, but only if the nitrocellulose is kept in closed metal receptacles or closed approved packages each containing not more than 100 kilograms.
- (6) In this clause:
nitrocellulose means nitrocellulose that is dangerous goods of Class 4.1 Packing Group II (not being a substance that is UN No 2557).

148 Dangerous goods of Class 4.1 Packing Group II (other than nitrocellulose)

Dangerous goods of Class 4.1 Packing Group II (other than nitrocellulose) must, if kept in or on the same premises in a quantity exceeding 250 kilograms, be kept in a depot constructed of non-combustible material.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

149 Dangerous goods of Class 4.1 Packing Group III

Dangerous goods of Class 4.1 Packing Group III must, if kept in or on the same premises in a quantity exceeding 1 000 kilograms, be kept in a depot constructed of non-combustible material.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

150 Dangerous goods of Class 4.2 Packing Group I

- (1) Dangerous goods of Class 4.2 Packing Group I (other than goods referred to in clause 145 in the quantities prescribed by that clause) must be kept in a depot conforming to this clause.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

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- (2) The depot must:
- (a) if the goods are in cylinders or other packagings—be a building or a room in a building conforming to subclause (3), or
 - (b) if they are not in cylinders or other packagings—be an area conforming to subclause (4) for tanks containing the goods.
- (3) A building or room referred to in subclause (2) (a) must:
- (a) be of non-combustible material, and
 - (b) if it is inside another building—have walls with a fire-resistance level of at least 240/240/240 and a door or doors with a fire-resistance level of at least 0/120/120, and
 - (c) have a door or doors that slide open or open only outwards from the depot.
- (4) An area referred to in subclause (2) (b) must:
- (a) be separated by at least a distance of 15 metres from every depot for dangerous goods not of Class 4.2 Packing Group I, and
 - (b) be separated from all buildings and structures not referred to in paragraph (a), and
 - (c) be paved with concrete.
- (5) Such fire-fighting equipment, capable of extinguishing fires in the goods, must be provided as the WorkCover Authority may, by notice in writing served on the owner or occupier of the depot, direct.
- (6) The electrical wiring and equipment of a depot must, if installed:
- (a) in a building—be of the standard required by AS 3000 (SAA Wiring Rules) for use in a location of Zone 1, or
 - (b) other than a building—be of the standard required by AS 3000 for use in a location of Zone 2.

151 Dangerous goods of Class 4.2 Packing Group II

- (1) Dangerous goods of Class 4.2 Packing Group II must, if kept in or on the same premises in a quantity exceeding 50 litres if liquid or 50 kilograms if solid, be kept in a depot conforming to this clause.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

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- (2) The depot must:
 - (a) if the goods are liquid, be:
 - (i) an area for tanks or for other containers for the goods, or
 - (ii) a building, or a room in a building, for containers, other than tanks, for the goods, or
 - (b) if the goods are solid, be a building of non-combustible material.
- (3) A tank or container must not be used for the keeping of the goods unless it is approved.
- (4) The depot must be separated by at least a distance of 15 metres, or by a screen wall having a fire-resistance level of at least 0/120/120, from all dangerous goods of Class 8, flammable or combustible substances and foodstuffs.
- (5) If the goods are liquid, the depot must be provided with a bund with a capacity equal to or greater than the volume of goods kept in the depot.

152 Dangerous goods of Class 4.2 Packing Group III

Dangerous goods of Class 4.2 Packing Group III must not be kept in or on premises within 3 metres of the boundary of the premises if any other premises abutting on that boundary are occupied as a dwelling or for the carrying on of an occupation or activity in which persons are engaged, unless a screen wall having a fire-resistance level of at least 0/120/120 is between the goods and the other premises.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

153 Dangerous goods of Class 4.3 Packing Group I (not being substances that are UN No 1411)

- (1) Dangerous goods of Class 4.3 Packing Group I (not being substances that are UN No 1411) must, if kept in or on the same premises in a quantity exceeding 50 kilograms, be kept in accordance with this clause in a depot being a building, a room in a building or an area conforming to this clause.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) The goods in the depot must be in approved tanks or other approved containers kept securely closed.
- (3) The depot must be of non-combustible material.
- (4) If the depot is within a building used also for the keeping of other goods, the dangerous goods of Class 4.3 Packing Group I must be separated from all:
 - (a) dangerous goods of Class 8, and
 - (b) flammable or combustible materials,by at least a distance of 15 metres or by a screen wall having a fire-resistance level of at least 0/120/120.
- (5) Fire-fighting equipment capable of extinguishing fires in the goods must be provided at the depot.
- (6) Sprinklers must not be placed where they would spray water on tanks or other containers containing the goods.
- (7) Electrical wiring or equipment that has not been approved for use in areas containing hydrogen must not be used in the depot.
- (8) The depot must be surrounded by a bund such as will prevent egress of the goods from the depot in case of fire and will prevent water from entering the depot.
- (9) If more than 500 kilograms of the goods are kept in the depot, no other dangerous goods may be kept in it.

154 Dangerous goods of Class 4.3 Packing Group II

- (1) Dangerous goods of Class 4.3 Packing Group II must, if kept in or on the same premises in a quantity exceeding 200 kilograms, be kept:
 - (a) in approved containers in a structure made of non-combustible material that will protect them from the weather, and
 - (b) away from all dangerous goods not of that class and category and from all combustible materials and substances.
- (2) The electrical wiring and equipment within the area where the goods are kept and within 3 metres of that area must:
 - (a) be of the standard required by AS 3000 for use in a location of Zone 2, and

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- (b) be approved for use with any gases that might evolve from the goods.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

155 Dangerous goods of Class 4.3 Packing Group III

Dangerous goods of Class 4.3 Packing Group III must not be kept in or on premises within 3 metres of the boundary of the premises if any other premises abutting on that boundary are occupied as a dwelling or for the carrying on of an occupation or activity in which persons are engaged, unless a masonry screen wall is between the goods and the other premises.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

156 Dangerous goods of Class 4.3 (being substances that are UN No 1411)

Dangerous goods of Class 4.3 (being substances that are UN No 1411), other than goods referred to in clause 145 in the quantities prescribed by that clause:

- (a) must be kept in a depot being a package store as described in section 3 of AS 1940 (The storage and handling of flammable and combustible liquids), and
- (b) must not be kept in a depot in which dangerous goods of Class 3 are kept.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 6 Keeping of dangerous goods of Class 5

157 Goods that may be kept in or on unlicensed premises

- (1) For the purposes of section 9 (1) (c) of the Act, the prescribed quantity of dangerous goods of Class 5 that may be kept in or on the same unlicensed premises is:

- (a) if the goods are of Class 5.1 Packing Group I (other than ammonium chlorate)—25 kilograms or less, or

- (b) except as provided by paragraphs (d) and (e), if the goods are of Class 5.1 Packing Group II (other than pool chlorine kept in or on the premises of a shop for the sale of vehicle fuel by retail)—50 kilograms or less, or
 - (c) except as provided by paragraph (f), if the goods are ammonium nitrate (being dangerous goods of Class 5.1 Packing Group III)—500 kilograms or less, or
 - (d) if the goods are pool chlorine kept exposed for sale by retail in the course of the carrying on of a business of the sale of equipment for, and the supply of services in respect of, swimming pools, and in or on premises, or in an area within premises, solely or principally occupied for the carrying on of that business—1 000 kilograms or less, or
 - (e) if the goods are pool chlorine kept exposed for sale by retail in or on premises, or in an area, not referred to in paragraph (d)—200 kilograms or less, or
 - (f) if the goods are high density fertiliser grade ammonium nitrate prill, being dangerous goods of Class 5.1 kept in or on premises where a rural industry is carried on—25 tonnes or less, or
 - (g) except as provided by paragraphs (d) and (e), if the goods are of Class 5.1 Packing Group III, other than:
 - (i) ammonium nitrate, or
 - (ii) pool chlorine kept in or on the premises of a shop for the sale of vehicle fuel by retail,
 1 000 kilograms or less, or
 - (h) if the goods are of Class 5.2—20 kilograms or less.
- (2) For the purposes of section 9 (1) (c) of the Act, the prescribed manner and conditions of the keeping of:
- (a) the dangerous goods referred to in subclause (1) in the quantities prescribed by that subclause—are that the applicable provisions of:
 - (i) this Division and Part 3, and
 - (ii) AS 4326 (The storage and handling of oxidising agents) or AS 2714 (The storage and handling of hazardous chemical materials—Class 5.2 substances (organic peroxides)),
 are observed in relation to the goods, and

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- (b) the dangerous goods referred to in subclause (1) (d) and (e) in the quantities prescribed—are, in addition, that the goods are contained in packages each containing not more than 20 kilograms, and
 - (c) the dangerous goods referred to in subclause (1) (d) in the quantity prescribed—are, in addition, that the goods must be separated by a distance of at least 5 metres from:
 - (i) combustible or readily oxidisable materials, and
 - (ii) dangerous goods of Classes 3 and 8 and other dangerous goods of Class 5, and
 - (iii) sulfur, and
 - (iv) powdered metal, and
 - (v) any material that could oxidise the goods or catalyse their decomposition, and
 - (d) the dangerous goods referred to in subclause (1) (f) in the quantity prescribed—are, in addition, that the goods are kept at least 50 metres from every building other than a building in which they are kept.
- (3) For the purposes of subclause (2) (a) (ii), AS 4326 is to be read as if it also applies to dangerous goods of Class 5.1, being substances that are UN No 1479 or 3139 and are explosive precursors, emulsions or slurries that are based on ammonium nitrate and fuels, with or without other oxidising agents, cross-linkers, pH buffers and water.

158 Dangerous goods of Class 5.1

- (1) In this clause, *goods* means dangerous goods of Class 5.1.
- (2) Goods must be kept and handled in accordance with the applicable provisions of this Division, Part 3 and AS 4326.
- (3) Goods must be kept away from combustible or readily oxidisable materials, sulfur and powdered metal.
- (4) Without limiting the generality of the expression “combustible materials”, for the purposes of subclause (3) combustible materials include used empty combustible containers for the goods (including paper bags, fibreboard drums, plastics containers and wooden or fibreboard boxes and barrels) and plastics liners used in non-combustible containers.

- (5) Equipment used for heating purposes must be located so that:
- (a) goods cannot come into direct contact with a source of heat, and
 - (b) goods cannot be heated to within 15°Celsius of their decomposition temperature.
- (6) If a depot for goods, not being a tank or a pallet in the depot that may come into contact with goods, is made of a combustible material, the material must have a coating that is compatible with the goods in order to prevent impregnation of the material by the goods.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

159 Additional requirements for dangerous goods of Class 5.1 Packing Group I, not being ammonium chlorate

- (1) In this clause, *goods* means dangerous goods of Class 5.1 Packing Group I, not being ammonium chlorate.
- (2) Goods must not be kept otherwise than in closed containers or bins.
- (3) A depot in which goods are kept must not contain more than one tonne of goods unless it is sprinklered or provided with other appropriate fire protection.
- (4) A depot in which goods are kept (being a building) must be provided with means by which, in an emergency, fumes escaping from the goods will be vented to the open air and, if the depot contains liquid goods in packagings or solid goods, there must be at least one square metre of vent area for each 50 square metres, or part thereof, of the depot's floor area.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

160 Additional requirements for ammonium chlorate

An application for a licence for the keeping of ammonium chlorate (or ammonium chlorate and other goods) in or on premises must set out the reasons why the applicant wishes to keep ammonium chlorate in or on the premises and the safety precautions proposed to be taken in relation to it.

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161 Additional requirements for dangerous goods of Class 5.1 Packing Groups II and III

- (1) In this clause, *goods* means dangerous goods of Class 5.1 Packing Groups II and III.
- (2) Dangerous goods of Class 5.1 Packing Group II must be kept in closed containers.
- (3) If dangerous goods of Class 5.1 Packing Group III are kept in bins or piles they must be separated from all other substances.
- (4) Bins in which dangerous goods of Class 5.1 Packing Group III are kept must be:
 - (a) non-combustible, or
 - (b) of wood protected with a coating that is compatible with the goods and will prevent impregnation of the bins by the goods.
- (5) If goods are packaged or packages of goods are opened within a depot, all the depot's electrical wiring and equipment within 5 metres of the packaging or opening must have a rating not less than IP65 in accordance with AS 1939 (Degrees of protection provided by enclosures for electrical equipment (IP Code)).
- (6) A depot for goods not in sealed weatherproof containers must be a building or tank or a room or an area in a building.
- (7) A depot that is not a building or tank must be paved with concrete or an asphalt or bituminous material and the goods in it must be protected from sunlight and the weather by the use of weatherproof containers or otherwise.
- (8) Wooden pallets or dunnage must not be used for the keeping of chlorites in a depot referred to in subclause (7).
- (9) Chlorates, chlorites and hypochlorites must be separated by a distance of at least 10 metres from any ammonium salt.
- (10) A depot, being a building containing goods in a quantity exceeding 1 000 kilograms in combustible containers, must be provided with means by which fumes will be vented to the open air in case of emergency and there must be at least one square metre of vent area for each 100 square metres of the depot's floor area.

- (11) Goods, being substances that are UN No 1479 or 3139 (being explosive precursors, emulsions or slurries that are based on ammonium nitrate and fuels, with or without other oxidising agents, cross-linkers, pH buffers and water), in a quantity greater than one tonne must be kept and handled in accordance with the provisions of:
- (a) AS 4326, excepting that for liquids:
 - (i) any pumping or other handling must be in accordance with the provisions of any code referred to in paragraph (b), and
 - (ii) spill containment may be achieved by an open drainage system that directs spills away from the depot in which the liquids are kept and any storage areas, buildings or combustible material to an area (on the same premises as the depot) where the liquids can be readily collected, and
 - (b) any code of good practice published by the Australian Explosives Manufacturers Safety Committee (such a Code prevails if there is a conflict).
- (12) If pool chlorine is kept in or on the premises of a shop for the sale of vehicle fuel by retail at a place that is less than 10 metres from a fuel dispensing unit:
- (a) the quantity of pool chlorine kept for display at any such place in or on the premises must not exceed 100 kilograms, and
 - (b) the pool chlorine must not be repacked at any such place in or on the premises, and
 - (c) the pool chlorine must be kept in approved packagings, each of a capacity not exceeding 5 kilograms, that must not be opened at any such place in or on the premises, and
 - (d) the pool chlorine must be kept separated from all combustible material and in a cool dry place, and
 - (e) the pool chlorine must not be displayed in a driveway for vehicles, and
 - (f) the pool chlorine must be displayed under cover.

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- (13) The separation distance prescribed by clause 107 between a magazine and a depot for the keeping of ammonium nitrate is, in relation to that depot, for the purposes of clause 86 a prescribed separation distance from that magazine.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

162 Dangerous goods of Class 5.2

- (1) Dangerous goods of Class 5.2 must be kept and handled in accordance with AS 2714, this clause and the applicable provisions of Part 3.
- (2) Dangerous goods of Class 5.2 must be kept in closed packages or, if the WorkCover Authority so approves (and subject to any conditions it may impose), in a tank or IBC.
- (3) Dangerous goods of Class 5.2 must not be kept in a depot in which dangerous goods not of that class are kept.
- (4) Subclause (3) does not apply to dangerous goods of Class 5.2 that are packaged as components of a polyester resin kit (UN No 3269) in accordance with Special Provision No 236 in Appendix 3 to the *ADG Code* and are kept in a depot for the keeping of dangerous goods of Class 3.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 7 Keeping of dangerous goods of Class 6

163 Goods that may be kept in or on unlicensed premises

- (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:
- (a) if the goods are in Packing Group I:
- (i) 10 kilograms or less in the case of solids, or
 - (ii) 10 litres or less in any other case, or
- (b) if the goods are in Packing Group II:
- (i) 100 kilograms or less in the case of solids, or
 - (ii) 100 litres or less in any other case, or

- (c) if the goods are in Packing Group III:
 - (i) 1 000 kilograms or less in the case of solids, or
 - (ii) 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 dangerous goods of Class 6.1 or 6.2 in or on unlicensed premises must ensure that the applicable provisions of Part 3 and the following standards are complied with:
 - (a) AS 2507 (The storage and handling of agricultural and veterinary chemicals),
 - (b) AS 3833 (The storage and handling of mixed classes of dangerous goods in packages and intermediate bulk containers),
 - (c) AS 4081 (The storage, handling and transport of liquid and liquefied polyfunctional isocyanates),
 - (d) AS 4452 (The storage and handling of toxic substances).

164 Goods required to be kept in or on licensed premises

- (1) This clause applies to dangerous goods of Class 6.1 kept in or on licensed premises in quantities of:
 - (a) if the goods are in Packing Group I:
 - (i) more than 10 kilograms in the case of solids, or
 - (ii) more than 10 litres in any other case, or
 - (b) if the goods are in Packing Group II:
 - (i) more than 100 kilograms in the case of solids, or
 - (ii) more than 100 litres in any other case, or
 - (c) if the goods are in Packing Group III:
 - (i) more than 1 000 kilograms in the case of solids, or
 - (ii) more than 1 000 litres in any other case.
- (2) A licensee who keeps any such goods must ensure that the applicable provisions of this clause, Part 3, AS 2507, AS 3833, AS 4081 and AS 4452 are complied with.

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Clause 164 Dangerous Goods (General) Regulation 1999

Part 5 Keeping of dangerous goods

Division 7 Keeping of dangerous goods of Class 6

- (3) Goods of subsidiary risk 3 must be kept in compliance with:
- (a) the provisions of AS 1940 (The storage and handling of flammable and combustible liquids) relating to the goods, and
 - (b) the provisions of Division 4 as if they were dangerous goods of Class 3.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 8 Keeping of dangerous goods of Class 8

165 Goods that may be kept in or on unlicensed premises

- (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 Packing Group I:
 - (i) 50 kilograms or less in the case of solids, or
 - (ii) 50 litres or less in any other case, or
 - (b) if the goods are in Packing Group II:
 - (i) 500 kilograms or less in the case of solids, or
 - (ii) 500 litres or less in any other case, or
 - (c) if the goods are in Packing Group III:
 - (i) 1 000 kilograms or less in the case of solids, or
 - (ii) 1 000 litres or less in any other case.
- (2) For the purposes of section 9 (1) (c) of the Act, a person keeping dangerous goods of Class 8 in or on unlicensed premises must ensure that the applicable provisions of Part 3, AS 3780 (The storage and handling of corrosive substances) and AS 3833 (The storage and handling of mixed classes of dangerous goods in packages and intermediate bulk containers) are complied with.

166 Goods required to be kept in or on licensed premises

- (1) This clause applies to dangerous goods of Class 8 kept in or on licensed premises in quantities of:
- (a) if the goods are in Packing Group I:
 - (i) more than 50 kilograms in the case of solids, or
 - (ii) more than 50 litres in any other case, or

- (b) if the goods are in Packing Group II:
 - (i) more than 500 kilograms in the case of solids, or
 - (ii) more than 500 litres in any other case, or
 - (c) if the goods are in Packing Group III:
 - (i) more than 1 000 kilograms in the case of solids, or
 - (ii) more than 1 000 litres in any other case.
- (2) A licensee who keeps any such goods must ensure that the applicable provisions of this clause, Part 3, AS 3780 and AS 3833 are complied with.
- (3) Goods of subsidiary risk 3 must be kept in compliance with:
- (a) the provisions of AS 1940 (The storage and handling of flammable and combustible liquids) relating to the goods, and
 - (b) the provisions of Division 4 as if they were dangerous goods of Class 3.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 9 Keeping of dangerous goods of Class 9

167 Goods that may be kept in or on unlicensed premises—prescribed quantity

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

- (a) if the goods are elevated temperature liquid (UN No 3257)—1 000 litres or less, or
- (b) in any other case—an unlimited quantity.

168 Manner of keeping goods

- (1) In this clause, *goods* means dangerous goods of Class 9 kept in or on the same premises in a quantity of more than 1 000 litres in the case of liquids or more than 1 000 kilograms in any other case.
- (2) For the purposes of section 9 (1) (c) of the Act, goods must be kept in accordance with subclauses (3)–(5).

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Clause 168 Dangerous Goods (General) Regulation 1999

Part 5 Keeping of dangerous goods

Division 9 Keeping of dangerous goods of Class 9

- (3) Goods that are environmentally hazardous substances must be kept in accordance with the applicable provisions of AS 4452 (The storage and handling of toxic substances) as if the goods were in minor storage quantities (except that, if the goods are liquids, spillage containment must be provided in accordance with AS 4452 as if the goods were not in minor storage quantities).
- (4) Goods that are elevated temperature goods must:
- (a) be kept away from any protected work, public place, dangerous goods depot or accumulation of flammable or combustible material, and
 - (b) be kept in a manner that will prevent the liberation of flammable, toxic or corrosive vapours in a harmful concentration, and
 - (c) if liquid (other than a liquid referred to in paragraph (d)), be provided with spillage containment to hold not less than:
 - (i) 25 per cent of the storage capacity for the packaged goods kept in or on the premises, or
 - (ii) 100 per cent of the storage capacity of a single tank for the keeping of the goods in or on the premises (or, if there is more than one tank for the keeping of the goods, 100 per cent of the storage capacity of the largest of the tanks), and
 - (d) in the case of liquids that quickly solidify or have a high viscosity at ambient temperature, be provided with bunding or drainage by kerbing or trenches so that, in case of spillage, the goods are prevented from reaching any of the places specified in paragraph (a).
- (5) Any other goods must:
- (a) be kept away from any protected work, public place, dangerous goods depot or accumulation of flammable or combustible material, and
 - (b) be kept in a manner that will prevent the liberation of flammable, toxic or corrosive dusts or vapours in a harmful concentration, and
 - (c) if liquid, be provided with spillage containment to hold not less than:
 - (i) 25 per cent of the storage capacity for the packaged goods kept in or on the premises, or

- (ii) 100 per cent of the storage capacity of a single tank for the keeping of the goods in or on the premises (or, if there is more than one tank for the keeping of the goods, 100 per cent of the storage capacity of the largest of the tanks).

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Clause 169 Dangerous Goods (General) Regulation 1999

Part 6 Conveyance of dangerous goods
Division 1 General

Part 6 Conveyance of dangerous goods

Division 1 General

169 Application of this Part

- (1) Subject to clause 3, this Part applies to and in respect of:
 - (a) the conveyance of dangerous goods in a transport container, and
 - (b) the conveyance of dangerous goods through a piping or pipeline.
- (2) This Part does not apply to or in respect of the conveyance of dangerous goods that are:
 - (a) for the time being in immediate use, or
 - (b) in or on a vessel whose next port of call is not in the State, or
 - (c) in or on a vessel, or in or on a vehicle or other mobile plant, appliance or device, if the goods are necessary for its propulsion or are part of, or necessary for the operation of, its equipment or accessories, or
 - (d) of Class 7.
- (3) This Part is subject to Part 10 (Special requirements for certain goods).

170 General obligation to observe this Part

If a duty to observe any requirements of this Part is not, by this Part, specifically imposed on any person, and the requirements relate to:

- (a) the conveyance of dangerous goods—it is the duty of the person who conveys the goods to observe those requirements, or
- (b) a vehicle, vessel or transport container—it is the duty of any person who carries dangerous goods in or on the vehicle, vessel or container to observe those requirements.

171 Safety precautions (general)

- (1) A person who conveys dangerous goods must, in relation to them while they are being conveyed:
 - (a) take all practicable precautions to prevent the occurrence of accidents through fire, explosion or other causes, and
 - (b) not do any act that may cause fire, explosion, leakage or any other dangerous occurrence and is not reasonably necessary for purposes of, or reasonably incidental to, the conveyance of the goods.
- (2) A person must not light or bring, or cause or permit to be lit or brought, within 3 metres of any gaseous or liquid dangerous goods of a flammable nature in bulk that are being loaded onto or unloaded from a vehicle or vessel, any fire or artificial light capable of igniting vapour from the goods.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

172 Carriage of dangerous goods on public passenger vehicles

- (1) In this clause, *public passenger vehicle* means a tram, omnibus or vessel that transports or may transport persons and is available for use by the public.
- (2) Subject to clause 190, unless otherwise approved, a person must not:
 - (a) carry or cause to be carried in or on a public passenger vehicle, or
 - (b) place, or take with him or her, in or on a public passenger vehicle,

dangerous goods of a description set out in Column 1 of the Table to this clause in a quantity in excess of that set out in Column 2 of the Table opposite that description, or dangerous goods of Class 1.1 that are firework composition.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

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Clause 172 Dangerous Goods (General) Regulation 1999

Part 6 Conveyance of dangerous goods

Division 1 General

Table Maximum quantity of dangerous goods on public passenger vehicles

Column 1	Column 2
Description of dangerous goods	Maximum quantity
Dangerous goods of Class 1.1:	
(a) other than firework composition, gunpowder or fuse type detonators	1 kg
(b) being gunpowder	0.5 kg
(c) being plain or fuse type detonators	10
Dangerous goods of Class 1.2	5 kg
Dangerous goods of Class 1.3 or 1.4	10 kg
Dangerous goods of Class 2.1	15kg
Dangerous goods of Class 2.3	5 kg
Dangerous goods of Class 3 Packing Groups I and II	20 L
Dangerous goods of Class 4	5 kg or L
Dangerous goods of Class 5	10 kg or L
Dangerous goods of Class 6 Packing Group I	20 kg or L
Dangerous goods of Class 6 Packing Group II	50 kg or L
Dangerous goods of Class 6 Packing Group III	100 kg or L
Dangerous goods of Class 8 Packing Groups I and II	50 kg or L
Dangerous goods of Class 8 Packing Group III	100 kg or L
Dangerous goods of Class 8 being batteries, wet, filled with acid or alkali (UN No 2794 or 2795)	180 kg
Dangerous goods of Class 8 being battery acid or alkali (composite pack with dry charged batteries) (UN No 2796 or 2797)	360 kg

173 Transport of dangerous goods by road vehicles otherwise than on roads

(1) In this clause:

dangerous goods has the same meaning as in the road transport legislation.

road transport legislation means the *Road and Rail Transport (Dangerous Goods) Act 1997* and the regulations under that Act.

- (2) The provisions of the road transport legislation that apply to or in respect of the transport of dangerous goods by road are applied to and in respect of the transport of dangerous goods by road vehicles otherwise than on a road to which that legislation applies.
- (3) For the purposes of subclause (2), the provisions of the road transport legislation are to be read as if references to the transport of dangerous goods by road were references to the transport of dangerous goods otherwise than by road.

174 Ullage in tanks

- (1) Except as otherwise prescribed by this Regulation, liquid dangerous goods must not be conveyed in bulk in a tank or a compartment of a tank unless ullage not less than that specified in subclause (2) is left in the tank or compartment.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) The specified ullage is, in the case of a liquid having a coefficient of expansion:
- (a) not more than 90×10^{-5} —3 per cent, or
 - (b) more than 90×10^{-5} but not more than 120×10^{-5} —4 per cent, or
 - (c) more than 120×10^{-5} but not more than 150×10^{-5} —5 per cent, or
 - (d) more than 150×10^{-5} but not more than 180×10^{-5} —6 per cent, or
 - (e) more than 180×10^{-5} —8 per cent.

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Part 6 Conveyance of dangerous goods

Division 1 General

- (3) The percentages referred to are percentages of the capacity of the tank or compartment.
- (4) The coefficients of expansion referred to are based on Celsius degrees.

175 Requirements for tank vehicles

- (1) A person must not carry liquid dangerous goods in bulk in a tank (including a demountable tank) in or on a vehicle or vessel unless the following requirements are complied with:
 - (a) all fittings on the tank are approved fittings,
 - (b) all fittings are arranged or protected so as to minimise the possibility of breakage in the event of the overturning of, or other accident to, the vehicle or vessel,
 - (c) in the case of a vehicle, the height of the centre of gravity of the greatest quantity of liquid that may lawfully be carried in the tank falls within an isosceles triangle the base length of which, at ground level, is the overall distance between the outside walls of the outside tyres (or, if the vehicle is not equipped with tyres, the outside parts of the wheels) of the major load-carrying axle, and the base angles of which do not exceed 62° ,
 - (d) the means of attachment of the tank to the vehicle or vessel:
 - (i) is designed to withstand static loading in any direction equal to twice the mass of the filled tank and attachments using a safety factor of 4, and
 - (ii) anchors the filled tank in such a manner that relative movement between the tank and the vehicle or vessel will not take place if the vehicle or vessel is subjected to a horizontal acceleration of 20 metres per second squared and that undue stresses will not be set up in the tank shell.
- (2) A person must not carry liquid dangerous goods in a demountable tank in or on a vehicle or vessel unless the following requirements are complied with:
 - (a) the tank is so located in or on the vehicle or vessel that it does not project beyond the outer edge of its load carrying part,

- (b) the tank is firmly secured, in the case of:
 - (i) a vehicle—to the chassis or to members welded to the chassis, or
 - (ii) a vessel—to the vessel by bolting, approved brackets (of the kind known as container brackets), steel chain or wire rope,
- (c) the tank has been approved for use with the vehicle or vessel and has on it such means of identification, attached in such a manner, as the WorkCover Authority may require as a condition of the approval.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

176 Compartments to be kept closed

A person who carries dangerous goods in or on a vehicle or vessel must:

- (a) while the vehicle is stationary or the vessel is at a berth, moored or at anchor, and except when the goods are being loaded or unloaded into, onto or from it or otherwise handled, ensure that all doors, hatches and coverings of every compartment or hold containing the goods are closed or in place and secured, and
- (b) take all practicable steps to ensure that no person is in any such compartment or hold except when the goods are being loaded, unloaded or otherwise handled.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

177 Identification of piping or pipelines

Piping or a pipeline used for the conveyance of dangerous goods must be identified in accordance with AS 1345 (Identification of the contents of piping, conduits and ducts).

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Clause 178 Dangerous Goods (General) Regulation 1999

Part 6 Conveyance of dangerous goods

Division 1 General

178 Pumping of dangerous goods

- (1) A person who pumps dangerous goods must:
- (a) take all practicable precautions to ensure that the pump and all pipework associated with it are maintained in good condition and free from leakages, and
 - (b) if a leakage occurs in the pump or pipework, immediately cease pumping and not resume pumping until the cause of the leakage is rectified.
- (2) A person must not pump dangerous goods of Class 2.1 or flammable liquid between:
- (a) a tank vehicle, or a tank in or on a vehicle, used or to be used for conveyance of goods in bulk, and
 - (b) a depot being a tank, other than an underground tank,
- unless the vehicle or the tank, and the pump, are bonded and earthed.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 2 Conveyance of explosives

179 Definition

In this Division:

licence means a licence under section 10 of the Act.

180 Compliance with the Australian Explosives Code

A person who conveys dangerous goods of Class 1 must comply with any applicable provisions of the *Australian Explosives Code* that are not inconsistent with this Part.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

181 Certain explosives not to be carried except in or on licensed vehicles or vessels

The following dangerous goods (other than dangerous goods to which this Part does not apply) are prescribed for the purposes of section 11 of the Act:

- (a) all explosives when carried in bulk, and
- (b) all explosives when carried otherwise than in bulk:
 - (i) by vehicle—in a quantity sufficient to qualify for inclusion in Category 2 or 3 within the meaning of the *Australian Explosives Code* (but not including Division 1.1 or 1.2 types of explosives (not being detonators) within the meaning of that Code in a quantity exceeding 25 kilograms), or
 - (ii) by vessel—in a quantity exceeding 250 kilograms.

182 Inspection of licensed transport containers

- (1) The WorkCover Authority may, by notice in writing, require the holder of a licence issued in relation to a transport container to present the container for inspection by an inspector at a time and place specified in the notice.
- (2) The notice may be served by posting it to the licensee's postal address shown on the licence.
- (3) The licensee must not fail to present the transport container for inspection at the time and place specified in the notice.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

183 Unlicensed containers not to be used for the carriage of explosives

A person must not place or cause to be placed any dangerous goods prescribed for the purposes of section 11 of the Act into a transport container, other than a licensed transport container.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

184 Prohibition on carriage of explosives by vehicles in certain areas

- (1) A person must not carry dangerous goods of Class 1.1 or 1.2 in or on a vehicle in or on any of the following areas, roads or districts in a quantity greater than that specified in respect of the area, road or district:
 - (a) the area of the State west of the eastern boundary of the Newell Highway—25 tonnes,

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Division 2 Conveyance of explosives

- (b) the area of the State east of the eastern boundary of the Newell Highway (except the roads or districts referred to in paragraphs (c) and (d))—10 tonnes,
 - (c) the roads on a more or less direct route from the Newell Highway to Woodward Island via Jackadgery, the Hunter Valley via Merriwa and the Woodlawn Mine via Yass—25 tonnes,
 - (d) the Central Business Districts of Sydney, North Sydney, Newcastle and Wollongong—6 tonnes.
- (2) A person must not carry dangerous goods of Class 1.1, 1.2 or 1.5 in or on a vehicle in the following districts, on the following bridges or in the following road tunnels without the approval of the WorkCover Authority:
- (a) the Central Business Districts of Sydney, North Sydney, Newcastle and Wollongong,
 - (b) the Sydney Harbour Bridge, the Anzac Bridge and the Gladesville Bridge,
 - (c) any road tunnels within 20 kilometres of the Sydney Town Hall.
- (3) A person carrying dangerous goods of Class 1.1, 1.2 or 1.5 in or on a vehicle must bypass the Central Business Districts of Sydney, North Sydney, Newcastle and Wollongong and the main shopping areas of any other city or of any town whenever it is practicable and no less safe to do so.
- (4) In this clause:
- Central Business District**, in relation to Sydney, North Sydney, Newcastle and Wollongong, means the areas defined by the boundaries of Postcodes 2000, 2060, 2300 and 2500, respectively.
- Contravention of this clause is an offence and is punishable in accordance with clause 340.

185 Conveyance of liquid oxygen explosives on public roads prohibited

A person must not convey liquid oxygen explosives on a public road.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

186 Licences for vehicles

- (1) In this clause, *licence* means a licence that specifies explosives or a kind or kinds of explosives, or explosives not of a specified kind or kinds, as the dangerous goods the licensee is authorised to carry.
- (2) The WorkCover Authority must:
 - (a) before issuing a licence for a transport container that is in or on, or forms part of, a vehicle, be satisfied that the vehicle complies with the requirements of the *Australian Explosives Code* for road vehicles used to transport explosives in a quantity sufficient to qualify for inclusion in Category 2 or 3 within the meaning of that Code, and
 - (b) in every such licence insert a condition specifying the maximum quantity of explosives that may be carried in or on the vehicle.

187 Avoidance of fire and other risks

- (1) When explosives are being carried in or on a vehicle they must be kept away from anything, whether in the vehicle or elsewhere, that would be liable to cause them to ignite or explode.
- (2) A person must not smoke in or on, or within 3 metres of, a vehicle in or on which dangerous goods of Class 1 are being carried and on which signs are required by this Division to be exhibited.
- (3) The person in charge of such a vehicle must take all practicable steps to ensure that subclause (2) is not contravened by any other person.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

188 Loading explosives

A person, before loading explosives into or onto a vehicle for carriage, must ensure that the part of the vehicle in or on which the explosives are to be carried has been swept clean.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Clause 189 Dangerous Goods (General) Regulation 1999

Part 6 Conveyance of dangerous goods

Division 2 Conveyance of explosives

189 Pumping or metering units

A vehicle on which signs are required by this Division to be exhibited must not be equipped with a power-driven pumping or metering unit unless:

- (a) the unit is of an approved type, and
- (b) the fitting of the unit to the vehicle has been approved.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

190 Carriage of explosives by rail

- (1) In this clause, *wagon* includes a van, container or other rail vehicle.
- (2) Despite clause 172, a person may carry explosives by rail if he or she does so in conformity with this clause.
- (3) A person must not carry explosives by rail (other than in accordance with a provision of the *Australian Explosives Code*) unless:
 - (a) the explosives are carried in wagons or portable magazines constructed and fitted to the satisfaction of the WorkCover Authority, and
 - (b) the quantity of explosives carried in a portable magazine does not exceed 10 000 detonators or 50 kilograms of other explosives.
- (4) A person must not enter into a contract, agreement or arrangement with another person by which that other person agrees to carry explosives by rail otherwise than in accordance with this clause.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

191 Carriage of explosives by vessels (general)

- (1) The WorkCover Authority must, in every licence for a transport container that is in or on, or forms part of, a vessel in or on which explosives are to be carried, insert a condition specifying the maximum quantity of explosives that may be carried in the container.

- (2) Explosives must not be carried in or on a vessel:
- (a) unless they are stowed in such a manner and in such positions as will, so far as is practicable, prevent them from coming into contact with, or being endangered by, any other articles or substances carried in or on the vessel that are liable to cause fire or explosion, or
 - (b) by sea, unless they are stowed in such holds or places, or such receptacles, or both, as are approved, and in accordance with any conditions attached to the approval.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (3) The approval referred to in subclause (2) (b) is, if the quantity of explosives to be loaded or carried is:
- (a) greater than 5 kilograms—an approval given in the particular case, or
 - (b) not greater than 5 kilograms—an approval given in the particular case or a general approval.

Division 3 Conveyance of other dangerous goods

192 Gas pipelines

- (1) In this clause:

Gas Distribution Code means the code issued by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association under the title AG 603: Gas Distribution Code.

pipeline means a pipeline for the conveyance of dangerous goods of Class 2, being a pipeline that:

- (a) passes over, under or through a public place, or
- (b) passes from premises occupied by one person to premises occupied by another person.

Note. Also see definition of ***pipeline*** in section 4 of the Act. Includes pipes or systems of pipes less than 10 kilometres in length (does not include pipelines constructed under the authority of another Act).

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Part 6 Conveyance of dangerous goods

Division 3 Conveyance of other dangerous goods

- (2) A person must not construct or use a pipeline unless:
- (a) the pipeline is designed, constructed, tested and maintained in accordance with the requirements of AS 1697 (SAA gas pipeline code), AS 2885 (Pipelines—Gas and liquid petroleum), AS 4041 (Pressure piping) or the Gas Distribution Code that are appropriate to a pipeline of its type and intended use or in accordance with approved specifications, and
 - (b) wherever it passes underground beneath a highway, road, street or thoroughfare, the pipeline is protected against damage from traffic:
 - (i) by being enclosed in a casing pipe having a diameter at least twice that of the pipeline at that place (with provision for access at both ends), or
 - (ii) by some equivalent means of protection.
- (3) In addition, a person must not construct a pipeline:
- (a) unless its construction has been approved, or
 - (b) otherwise than in accordance with any conditions attached to an approval for its construction.
- (4) An application for an approval must be accompanied by plans showing the route of the proposed pipeline, details of its proposed construction (including the position of valves) and, in the case of an underground or partly underground pipeline, full data in regard to the corrosive tendencies and other characteristics of the soil through which it is to be laid.
- (5) A person must not use a pipeline unless:
- (a) it has been tested by a competent person in the presence of an inspector, and
 - (b) if it is underground or partly underground:
 - (i) it has, within the previous 5 years, been examined for defects by a competent person at points not more than 150 metres apart along its length underground, or
 - (ii) it is equipped with a cathodic protection system in accordance with AS 2832 (Guide to the cathodic protection of metals), Part 2 (Compact Buried Structures), and that system has been monitored at intervals not exceeding 6 months by a person competent in corrosion protection, or

- (iii) it is constructed of materials that resist the corrosive tendencies of the soils through which it passes, and
 - (c) it is protected on the outside in such manner as the WorkCover Authority may require, and
 - (d) wherever it crosses a river, railway or other place on a bridge or other support it is provided with an excess flow valve on the supply side of the crossing and a non-return valve on the other side.
- (6) Whenever a person tests or examines a pipeline in conformity with subclause (5) the owner must:
- (a) make and retain for at least 5 years a record of the fact and the results of the tests or examination, and
 - (b) whenever required by an inspector at a reasonable time, produce it for examination or copying by the inspector.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

193 Use of plastics or rubber piping or pipelines

- (1) A person must not use wholly or partly within a building piping or a pipeline:
- (a) more than one metre in length, and
 - (b) made of plastics or rubber,
- for the conveyance of dangerous goods of Class 2 at a pressure of or greater than atmospheric pressure.
- (2) Subclause (1) does not apply to the use of plastics piping or a plastics pipeline for the conveyance of dangerous goods of Class 2.1 or 2.2 at a pressure of or greater than atmospheric pressure if:
- (a) the piping or pipeline and its fittings and jointing material are appropriate for the goods and their pressure, and
 - (b) the plastics has properties appropriate for the location of the piping or pipeline.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Clause 194 Dangerous Goods (General) Regulation 1999

Part 6 Conveyance of dangerous goods

Division 3 Conveyance of other dangerous goods

194 Restrictions on taking of tanks and vehicles into buildings

- (1) In this clause, *dangerous goods* means dangerous goods of Class 3 Packing Group I or II or dangerous goods of another class whose properties would otherwise satisfy the classification criteria for dangerous goods of Class 2.1 or Class 3 Packing Group I or II.
- (2) Despite anything to the contrary in a provision of the *ADG Code* or AS 2809:
 - (a) a person must not take into a building that is enclosed on more than 2 sides a tank (including the tank of a tank vehicle) that has been used for the carriage of dangerous goods unless it has been examined by a competent person and found by him or her to be gas-free since flammable liquid was last present in it, and
 - (b) an inspector may direct a person:
 - (i) not to take into a building enclosed on more than 2 sides a vehicle that has, or that the inspector believes on reasonable grounds to have, in or on it more than 2 000 litres of dangerous goods in packages, or
 - (ii) not to allow the vehicle to remain in such a building, and the person must obey or cause or permit any other person to obey the direction.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

195 Pumping from vehicles to above-ground tanks

- (1) In this clause, *dangerous goods* means dangerous goods of Class 3 Packing Group I or II or dangerous goods of another class whose properties would otherwise satisfy the classification criteria for dangerous goods of Class 2.1 or Class 3 Packing Group I or II.
- (2) A person must not pump dangerous goods from a vehicle to an above-ground tank on any premises or place in or on which a rural industry is carried on unless the vehicle is at least 6 metres from the tank.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

196 Filling and emptying of tanks on vehicles

- (1) In this clause, *fill* and *empty* mean, in relation to a tank, to place any quantity of dangerous goods into or to remove any quantity of dangerous goods from the tank, respectively.
- (2) A person must not fill a tank of, in or on a vehicle with dangerous goods of Class 3 or subsidiary risk 3 or empty any such goods from such a tank unless the requirements of this clause, the *ADG Code* and AS 2809 are observed.
- (3) Clamps used to effect earthing or electrical bonding must be applied as far as possible from sources of flammable vapour.
- (4) Except in or on approved premises, the filling must be done:
 - (a) otherwise than through open hatches, and
 - (b) by means of a liquid-tight connection between the fill pipe and the tank.
- (5) Subclause (2), in so far as it requires compliance with subclause (3), the *ADG Code* and AS 2809, applies to and in respect of the filling of a tank with a combustible liquid if the tank has contained a flammable liquid and has not been examined by a competent person and found by him or her to be gas-free since flammable liquid was last present in it.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

197 Open hatch filling stations

- (1) In this clause, *open hatch filling station* means premises approved for the purposes of clause 196 (4).
- (2) Premises are not eligible for approval under clause 196 (4) unless the buildings, structures and equipment to be used for the filling of tanks in or on the premises are such that:
 - (a) every place where the filling is to take place is at least 15 metres from any highway, road, street, thoroughfare or protected work, and
 - (b) every building in which the filling is to take place is open on at least 2 sides and is adequately vented to prevent accumulation of vapour, and

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- (c) there is at every such place a filling platform having a grating of an approved type on which a person can conveniently stand while operating the filling equipment.
- (3) The occupier of an open hatch filling station must:
- (a) at all times maintain it so that it conforms to subclause (2), and
 - (b) take all practicable steps to ensure that a person while operating the filling equipment stands on the grating referred to in subclause (2) (c).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

198 Pipelines for the conveyance of dangerous goods of Class 3

- (1) In this clause:

lay, in relation to a pipeline, means to lay or otherwise install the pipeline.

pipeline means a pipeline for the conveyance of combustible liquids or other dangerous goods (not being dangerous goods of Class 2), being a pipeline that:

- (a) passes over, under or through a public place, or
- (b) passes from premises occupied by one person to premises occupied by another person.

Note. Also see definition of *pipeline* in section 4 of the Act. Includes pipes or systems of pipes less than 10 kilometres in length (does not include pipelines constructed under the authority of another Act).

- (2) A person must not, except with the approval in writing of the WorkCover Authority, lay a pipeline, relay or renew a pipeline in whole or in part or effect repairs to a pipeline (other than minor repairs incidental to its ordinary maintenance).
- (3) An application for an approval must be accompanied by:
- (a) full details of the proposed pipeline or the proposed relaying, renewing or repairs, and
 - (b) if the application is in relation to the laying, relaying or renewing of a pipeline underground or partly underground—data in relation to the corrosive tendencies and other relevant characteristics of the soil through which the pipeline is to pass.

- (4) A person must not use a pipeline that has, after the commencement of this Regulation, been laid, or relaid or renewed in whole or in part, or to which any repairs (other than minor repairs incidental to its ordinary maintenance) have been effected, until approval in writing to the use of the pipeline is given by the WorkCover Authority.
- (5) The WorkCover Authority may by order require the owner of a pipeline to relay or to renew it in whole or in part, in accordance with requirements and within a time specified in the order, and the owner must comply with the order or cease to use the pipeline.
- (6) A person must not use a pipeline if it or any of its equipment does not conform to this clause or if it has not been tested, examined and maintained in accordance with this clause.
- (7) A pipeline must:
 - (a) to such extent as is practicable, be above ground, and
 - (b) if it is above ground, be securely supported to a height of not less than 150 millimetres above the ground, but so that it does not rest directly on wood, and
 - (c) be securely fixed in position.
- (8) A pipeline must be designed, constructed, tested and maintained in accordance with AS 4041 (Pressure piping), AS 2885 (Pipelines—Gas and liquid petroleum) and any other approved standard or code, or
- (9) A pipeline must:
 - (a) be in such a position that it will not be exposed to unnecessary risk of mechanical injury, and
 - (b) at any place where it is laid under a highway, road, street, thoroughfare, railway or tramway, or in any other place where it will or may be subjected to heavy loads through the passage of vehicles or other traffic:
 - (i) be protected in accordance with the Code numbered 1102 and entitled “Steel Pipelines Crossing Railroads and Highways” of the American Petroleum Institute (only in the case of pipelines laid after the commencement of this Regulation) or, in an approved manner, by the provision of sleeves or culverts (or other approved means), and

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- (ii) have above the level of the top of the pipeline (the level of flanges being disregarded) at any such place approved material at least 600 millimetres in depth, and
 - (iii) be provided with access pits, with covers, that will provide convenient access to all its valves, and
 - (iv) have provision for convenient access to all its joints, and
 - (c) if laid underground or under water, be provided with cathodic protection in accordance with AS 1697 (SAA gas pipeline code), AS 2832 (Guide to the cathodic protection of metals), Part 1 (Pipes and cables) or any approved standard or code, and
 - (d) be further protected in such manner as the WorkCover Authority may require.
- (10) Lengths of piping that form a pipeline must:
- (a) if practicable, be joined together by welding, or
 - (b) if joining by welding is not practicable, be joined together by means of flanged ends or by approved means.
- (11) Gate valves of the rising spindle type, of cast steel or other appropriate material and fitted with right-hand threads, or other approved valves must be installed at the control points of a pipeline.
- (12) A pipeline must:
- (a) be bonded and earthed in an approved manner along the whole of its length, and
 - (b) have a resistance to earth not exceeding 10 ohms, and
 - (c) be tested for resistance to earth at intervals of not more than 12 months.
- (13) A pipeline and its control valves must be marked in such manner as the WorkCover Authority may require.
- (14) After the laying, relaying or renewal of a pipeline, the pipeline must not be used until:
- (a) it and its fittings have been tested in sections along its whole length with water to a pressure of 2 000 kilopascals or 1.5 times its maximum anticipated working pressure, whichever is the greater, that pressure being maintained for a period of not less than 30 minutes, and

- (b) the tests referred to in paragraph (a) have shown it to be free of leaks.
- (15) At least once every 2 years a pipeline must be tested in accordance with subclause (14) (a) and it must not be used unless and until the tests show that it is free of leaks.
- (16) At least once every 5 years a pipeline must be examined at points not greater than 150 metres apart along its whole length by a competent person and, if the examination discloses any defects, it must not be used until the defects have been rectified.
- (17) Subclauses (2), (4), (5), (7), (8) and (10)–(16) do not apply to or in respect of a flexible hose that is, or is part of, a pipeline.
- (18) A flexible hose that is, or is part of, a pipeline must:
 - (a) be of approved materials and manufacture, and
 - (b) if the hose is used for the conveyance of combustible liquids or dangerous goods of Class 3 or subsidiary risk 3—comply with BS 1435: Part 2: 1989 (Rubber hose assemblies for oil suction and discharge services) published by the British Standards Institution, and
 - (c) have a safe working pressure of at least 700 kilopascals, and
 - (d) be fitted with “Turk’s heads” of hemp or sisal rope, or other approved means of protection, at intervals of one metre, and
 - (e) have marked on it, by means of an engraved metal plate forming part of the hose or by approved means, an identification number for the hose, its maximum safe working pressure and the name of its owner, and
 - (f) be so supported as to prevent chafing and kinking when liquid is being pumped through it, and
 - (g) be tested at least once every 6 months, in accordance with its normal manner of use, to a pressure at least 25 per cent in excess of the maximum pressure under which it is operated when in use.
- (19) All electrical equipment used in connection with a pipeline must conform to AS 3000 (SAA Wiring Rules).

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- (20) A person must not:
- (a) if the pumping of combustible liquids or dangerous goods of Class 3 or subsidiary risk 3 through a pipeline has commenced, or is resumed after water has been used to clear it in preparation for a change of the kind of goods pumped—for the first 20 minutes, or for a time sufficient to enable a volume of liquid equal to its capacity to pass through it twice, whichever is the longer, or
 - (b) if any dangerous goods are being pumped through a pipeline into an empty tank—until the fill pipe of the tank, if it is a cone roof tank, is covered or until the roof of the tank, if it is a floating roof tank, is afloat,
- pump goods through the pipeline in such a manner that the velocity of the goods at any part of the pipeline exceeds one metre per second.
- (21) A person must not pump goods through a flexible hose that is, or is part of, a pipeline in such a manner that, immediately before the hose is disconnected, the pressure within it exceeds 200 kilopascals absolute.
- (22) The owner of a pipeline must at all times:
- (a) maintain it in good order and condition, and
 - (b) take all practicable precautions to prevent the escape of any liquid or vapour from it.
- (23) A person must not use a pipeline on any occasion unless immediately before its use on that occasion the valves and other appurtenances to be used in the pumping of goods through it have been tested by a competent person and found to be operating in a safe and efficient manner.
- (24) A person must not use or test a pipeline unless the whole of it is kept under such surveillance as will ensure that any leakage of liquid or vapour that may occur during the use or testing will be promptly detected.
- (25) The owner of a pipeline must:
- (a) keep, and retain for at least 5 years, a record of all tests and examinations of the pipeline made under subclauses (14)–(16), and

(b) whenever required by an inspector at a reasonable time, produce it for examination or copying by the inspector.

- (26) If there is a risk of a leak through a flange or any other part of a pipeline and any such leak might cause damage to the environment or property or injury to persons, the point of the potential leakage must be protected so as to minimise any adverse consequences.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

199 Conveyance of ammonium nitrate, ammonium perchlorate or ammonium nitrate fertilisers (dangerous goods of Class 5)

A person who carries ammonium nitrate, ammonium perchlorate or ammonium nitrate fertilisers in or on a transport container that is in or on, or forms part of, a vehicle on which explosives are also carried must observe the provisions of this Regulation that relate to the carriage of explosives as though the ammonium nitrate, ammonium perchlorate or ammonium nitrate fertilisers were an explosive.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Part 7 Marking and placarding of dangerous goods

Part 7 Marking and placarding of dangerous goods

200 Packagings to be marked and placarded as prescribed

- (1) In this clause, *packaging* includes a freight container and a wrapping enclosing a cartridge of blasting explosive or a charge for blasting or any like purpose.
- (2) A person must not in the course of trade, commerce or industry:
 - (a) place dangerous goods into a packaging, or
 - (b) import into the State, convey, keep or sell dangerous goods in a packaging,

if the packaging is not marked or placarded as required by this Part or has on it a mark or writing in contravention of clause 206.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (3) Subclause (2) does not apply to or in respect of the sale of goods or the placing of goods in a packaging in the course of a sale if:
 - (a) the packaging is provided by the purchaser, and
 - (b) the sale is made in the course of a business of the sale by retail of goods of the kind sold and at a place where the business is carried on by the vendor, and
 - (c) the goods are placed in a packaging at that place and in the presence of the purchaser, and
 - (d) in the case of liquid goods, the packaging does not exceed 25 litres in capacity.
- (4) Subclause (2) does not apply to or in respect of the conveying or keeping of goods that are for the time being in immediate use.

201 Marking of packages containing Class 1 goods

A package (whether outer, sole or inner) containing dangerous goods of Class 1 must be marked in accordance with Section 3 of the *Australian Explosives Code*.

202 Marking of packaging and wrappings

- (1) An outer or immediate packaging containing dangerous goods that would by its mass or volume be required by the *ADG Code* to be labelled must be marked with:
 - (a) the class label and subsidiary risk label, if any, for the goods, and
 - (b) the name of the goods or the trade name under which they are sold or used (and, if such a name is not a well-recognised name, the Proper Shipping Name or UN number for the goods).
- (2) An outer or immediate packaging containing explosives must be marked with the class number, including the decimal fraction and compatibility group, assigned to the explosives in Table 9.1 to the *Australian Explosives Code*.
- (3) A wrapping enclosing a cartridge of blasting explosive, or charge for blasting or any like purpose, that does not contain its own means of ignition must be marked with the name of the explosive, or the trade name under which it is sold, and, in upper-case letters, the word "EXPLOSIVE".
- (4) A marking prescribed by subclauses (1)–(3) must be in conspicuous letters as large as is reasonably practicable having regard to the size of the package or of the wrapped goods.

203 Labelling or placarding of freight containers, IBC's and packagings

The provisions of the *ADG Code* relating to the fixing or application of labels or placards to freight containers, IBC's and packagings containing dangerous goods must be observed.

204 Markings on freight containers containing Class 1 goods

A freight container that contains dangerous goods of Class 1 must be marked in accordance with Section 3 of the *Australian Explosives Code*.

205 Requirements to be cumulative

Any requirements of this Part that relate to the marking or placarding of:

- (a) any one packaging or freight container are additional to each other, or

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- (b) an inner packaging, a wrapping or a case must be observed whether or not the packaging, wrapping or case is in a packaging or freight container required by this Part to be marked or placarded, or
- (c) a packaging or freight container must be observed whether or not anything in the packaging or container is required to be marked or placarded.

206 Certain markings and writings prohibited

Except as required or permitted by this Regulation or by or under any Act, a packaging, freight container, tank or container containing dangerous goods or combustible liquids must not have on it any marking or writing:

- (a) indicating, or that could reasonably be taken as indicating, the classification of goods under this Regulation, or
- (b) contradicting any marking required by this Regulation to be on the packaging.

Part 8 Packaging of, and containers for, dangerous goods

207 Packagings and intermediate bulk containers to conform to requirements

(1) A person must not:

- (a) place dangerous goods into a packaging or IBC, or
- (b) import into the State, convey or sell dangerous goods that are in a packaging or IBC, or
- (c) represent by advertisement in any medium, or otherwise, that a container manufactured or proposed to be manufactured by him or her is or will be suitable for use as a packaging or IBC for any dangerous goods,

if any requirements are prescribed by this Part in respect of packagings, IBC's or containers for those goods and the packaging, IBC or container does not conform to those requirements or has not been approved for use as a packaging, IBC or container for those goods.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

(2) Subclause (1) does not apply to or in respect of:

- (a) a sale of less than the prescribed quantity of dangerous goods, or
- (b) the placing of dangerous goods in a packaging in the course of or for the purposes of a sale referred to in paragraph (a), or
- (c) the importation into the State of a consignment of dangerous goods comprising less than the prescribed quantity, or
- (d) the carriage of less than the prescribed quantity of dangerous goods in or on a transport container, or
- (e) any loading, unloading or other conveyance of dangerous goods that is incidental to such sale, importation or carriage,

if the goods are in or (in the case referred to in paragraph (b)) placed into a substantial packaging.

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- (3) For the purposes of subclause (2):
- (a) the prescribed quantity of goods is 25 litres if the goods are liquid or 25 kilograms if they are not liquid, and
 - (b) a packaging is substantial if it appears from a reasonable inspection that it is soundly constructed and, in such circumstances as can reasonably be expected to occur, will not allow the goods in it to escape by leakage or otherwise, and
 - (c) sales of goods are taken to be a single sale if they are made between the same persons at the same time and place or if they constitute or are part of a single dealing.
- (4) Subclause (1) does not apply to or in respect of the placing into packagings or conveying of goods that are for the time being in immediate use.
- (5) A person does not contravene subclause (1) by importing into the State, conveying or selling goods that are in a packaging or IBC if:
- (a) he or she did not place the goods into that packaging or IBC, and
 - (b) the packaging or IBC appears to have been marked in accordance with this Part, and
 - (c) he or she does not know and has no reasonable cause for believing or suspecting that the packaging or IBC does not conform to the requirements of this Part.

208 Packaging and intermediate bulk container requirements

- (1) A packaging or IBC for dangerous goods of Class 1 must conform to the specifications set out in Section 5 of the *Australian Explosives Code*.
- (2) Subclause (1) applies to and in respect of an IBC or an outer or immediate packaging for dangerous goods of Class 1 as if it were a packaging for dangerous goods of Packing Group II.
- (3) A packaging for combustible liquids must be soundly constructed so as to prevent any escape of the liquids by leakage or otherwise.

209 Special packaging requirements

- (1) A packaging for dangerous goods of Class 5.1, being pool chlorine intended for display for sale by retail, must not have a capacity greater than 20 kilograms.
- (2) An inner or immediate packaging, being a packaging for dangerous goods of Class 2, must be:
 - (a) a cylinder of a type listed in AS 2030 (The approval, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases), or
 - (b) an approved welded steel drum, or
 - (c) a refillable container designed and manufactured to withstand without bursting a pressure of at least 7 000 kilopascals and that is equipped with visual or other approved means of indicating to a person filling it when the filling ratio for which it was designed has been reached, or
 - (d) a disposable container designed and manufactured to withstand without bursting a pressure of at least twice the vapour pressure of the contents at 55°Celsius.
- (3) An outer packaging for dangerous goods of Class 1.1 must have a net mass not exceeding 25 kilograms.
- (4) An outer or immediate packaging for dangerous goods of Class 1 must, in addition to any requirement in clause 208, conform to the packagings and packing methods specified in Section 5 of the *Australian Explosives Code*, which must for the purpose of this clause be read as if:
 - (a) a recommendation were a requirement, and
 - (b) a reference to the transport of goods included a reference to the conveyance of goods and the handling of goods in the course of their sale or importation into the State.
- (5) A portable plastics fuel container for dangerous goods of Class 3 of a capacity of 25 litres or less must comply with the *ADG Code* or AS 2906 (Fuel containers—Portable—Plastics and metal), clause 1 excepted.

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Part 8 Packaging of, and containers for, dangerous goods

210 Approvals

- (1) An application for an approval referred to in clause 207 (1) in respect of a packaging or IBC for dangerous goods must be made in writing by or on behalf of the manufacturer or importer or proposed manufacturer or importer of the packaging, IBC or goods and accompanied by:
 - (a) particulars of the Packing Group of the goods the packaging or IBC is to contain, and
 - (b) the results of tests carried out by:
 - (i) if prior agreement has been obtained from the WorkCover Authority—the manufacturer or proposed manufacturer of the packaging or IBC, or
 - (ii) in any other case—a laboratory approved for such testing by the National Association of Testing Authorities, Australia,for the purpose of ascertaining whether the packaging or IBC conforms to this Part.
- (2) The WorkCover Authority must assign an approval number to each approval and notify the applicant of the number.

211 Marking of packagings or intermediate bulk containers

- (1) A packaging or IBC that has been approved under clause 207 (1) must be marked in accordance with Section 5 of the *Australian Explosives Code* together with the approval number assigned by the WorkCover Authority under clause 210 (2) in respect of it.
- (2) The marking prescribed by subclause (1) is additional to any other marking and any labelling prescribed by this Regulation.

Part 9 Manufacture of explosives

212 Definitions

In this Part:

licence means a licence under section 19 of the Act.

magazine means an external magazine.

213 Application of this Part

This Part (other than clause 232) does not apply to or in respect of the manufacture of safety cartridges, whether or not the cartridges are intended for sale.

214 Obligation to observe this Part

If a duty to observe any requirements of this Part that relate to licensed premises is not, by this Part, specifically imposed on any person, the licensee of the premises must observe those requirements or to cause them to be observed.

215 Buildings and installations to comply with this Part

- (1) Premises must not be licensed under section 19 of the Act unless all buildings and installations in or on the premises conform to this Part.
- (2) If a building or installation in or on licensed premises does not conform to this Part the licensee of the premises is guilty of a breach of this Regulation.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

216 Matters to be included in licence

The WorkCover Authority must specify in a licence for premises, as terms or conditions of the licence:

- (a) the buildings in or on the premises that may be used as process buildings or magazines, and
- (b) the boundaries of the factory area,

and must assign a distinguishing number to each of those buildings and show the numbers on the licence.

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Part 9 Manufacture of explosives

217 Matters to be exhibited on process buildings and magazines

There must at all times be kept prominently exhibited:

- (a) in clearly legible figures in or on every process building and magazine in or on licensed premises the distinguishing number assigned to the building or magazine under clause 216, and
- (b) inside every process building in or on licensed premises a clearly legible notice:
 - (i) if the licence for the premises specifies the maximum quantity of explosives or ingredients for explosives that may be in the building at any one time—to the effect that not more than that quantity of those explosives or ingredients must be in the building at any one time, and
 - (ii) if the licence for the premises specifies the maximum number of persons who may be in the building at any one time—to the effect that not more than that number of persons must be in the building at any one time, and
- (c) inside every process building in or on licensed premises a clearly legible copy of so much of this Regulation and of any other Regulations, and of any Act, and of the conditions of the licence, as the WorkCover Authority may by notice in writing to the licensee require.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

218 Location of process buildings

- (1) Clause 86 applies to and in respect of a process building in or on licensed premises as if the building were a magazine with a licensed capacity equal to the maximum amount of explosives permitted in the process building.
- (2) For the purposes of clause 86, the use of a building as a process building is taken to be the use of the building as a magazine.

219 Repairs to buildings

- (1) Repairs must not be effected to any part of a process building or magazine in or on licensed premises unless:
 - (a) all explosives and ingredients for explosives have been removed from that part, and
 - (b) that part has been thoroughly cleaned under the supervision of a competent person.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) A building, a part of which has been so cleaned, is not for the purposes of this Regulation a process building or magazine.
- (3) A part of a building that has been so cleaned and is at a distance of at least 5 metres from all parts of the building that have not been so cleaned is not, for the purposes of this Regulation, a part of a process building or magazine, unless and until explosives or (in the case of a process building or part) ingredients for explosives are again placed in it.

220 Lightning conductors

If the WorkCover Authority by notice in writing to a licensee of premises so requires in relation to a process building or a part of a process building in or on the premises, the building or part must be equipped with suitable and efficient lightning conductors complying with AS 1768 (Lightning protection).

Contravention of this clause is an offence and is punishable in accordance with clause 340.

221 Thunderstorms

Whenever a thunderstorm appears to be imminent in the vicinity of a process building, every person engaged in or about the building must be withdrawn to a safe distance and the building must be kept closed and locked until the thunderstorm has ceased or the threat of it has passed.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Clause 222 Dangerous Goods (General) Regulation 1999

Part 9 Manufacture of explosives

222 Heating of process buildings

A process building must not be heated artificially otherwise than by means of steam, hot air or hot water and the heat employed must be generated at a safe distance from the building and every other process building and every magazine.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

223 Removal of explosives and materials from process buildings

- (1) Explosives that have been manufactured in or on licensed premises and are not in immediate use must immediately be despatched from the premises or placed in a magazine.
- (2) If a process in the manufacture of explosives in a process building has been completed, all substances that have been brought into the building for use in the process but not used, and that are not immediately required for use in another process in the building, must immediately be removed from the building.
- (3) Everything done under this clause must be done with due care.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

224 Removal of foreign matter from ingredients

A substance must not be made or mixed into an explosive in or on licensed premises unless it has been thoroughly treated by sifting or other effective means for the detection and removal of all foreign objects or matter that might cause danger if not removed.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

225 Tools and implements

Tools or other implements must not be used, or allowed to be present, in a process building:

- (a) unless they are of wood, copper, brass or a soft metal or material, or are covered with a safe and suitable material, or

-
- (b) if they are not of a kind necessarily required or are in excess of the number necessarily required for use in the building.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

226 Vehicles and other transport

A section of a vehicle and a barrow or receptacle in which explosives manufactured in a factory area (or partly mixed ingredients for explosives to be manufactured) are transported within the factory area must:

- (a) unless otherwise approved, have no exposed iron or steel in its interior, and
- (b) be closed or covered while the explosives or ingredients are being transported.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

227 Fire hazards (general)

- (1) In this clause, *dangerous article* means, in relation to a process building:

- (a) any fire, flame, matches, charcoal, oiled rags, oiled cotton, oiled waste or grit, or
- (b) any substance or article liable to spontaneous ignition or liable to cause fire or explosion,

not being a substance or article used or intended for use in the manufacture of explosives in the building.

- (2) A person must not:
 - (a) smoke in a process building except in a part in which, under the terms and conditions of the licence for the premises, smoking is permitted, or
 - (b) subject to paragraph (a), take any dangerous article into a process building.
- (3) A person must, on entering a factory area and before entering any process building in that area, carefully search his or her clothing for dangerous articles.

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- (4) A licensee of premises must, in order to prevent persons employed or engaged in or about a process building in or on the premises from taking dangerous articles into the building in contravention of subclause (2):
- (a) provide those persons with, and require them to wear whenever they are in the building, approved working clothes without pockets and suitable shoes, or
 - (b) maintain an effective system of search, or
 - (c) take other effective measures.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

228 Young persons

A person under the age of 16 years must not be:

- (a) employed in a process building, or
- (b) allowed to enter a process building except in the presence and under the supervision of a person of or over the age of 18 years.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

229 Manufacture of explosives from ammonium nitrate and fuel oil

- (1) A person must not manufacture an explosive by blending together ammonium nitrate and fuel oil, or those and other substances, except in accordance with this clause and AS 2187 (Explosives—Storage, transport and use), Part 2 (Use of explosives).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) The ingredients must be so blended to produce a homogeneous mixture.
- (3) All appliances and tools used for the blending must be made of materials that are compatible with ammonium nitrate.

- (4) The blending must be done:
- (a) by means of a mixer operated by manual power or operated by an approved motor, or
 - (b) by other approved means.
- (5) If the blending is done by means of a machine operated by manual power or by a motor:
- (a) all bearings and gears of the machine must be protected against entry or accumulation of ammonium nitrate dust, and
 - (b) the containers and utensils of, or that are used in connection with, the machine must be cleaned at the end of the work of each day or shift in which the machine has been used.
- (6) Any container or packaging used for the conveyance of the explosive from the place of manufacture to the place of use or to a magazine must be securely closed during the conveyance.
- Contravention of this subclause is an offence and is punishable in accordance with clause 340.
- (7) If the explosive is manufactured at or near the place of use, so far as is practicable only so much of the explosive must be manufactured as is needed for use on the day of manufacture and any surplus must be kept, destroyed or disposed of as prescribed by this Regulation.
- Contravention of this subclause is an offence and is punishable in accordance with clause 340.
- (8) For the purposes of section 20 (2) (d) of the Act, subclauses (2)–(7) prescribe the manner of blending, at or near the place of use, of the inexplosive components of an explosive if those components are:
- (a) ammonium nitrate of an approved type, and
 - (b) clean, unused fuel oil having a flash point exceeding 60.5°Celsius,
- either alone or together with a dye.

230 Manufacture of liquid oxygen explosives

- (1) A person must not manufacture a liquid oxygen explosive except in accordance with this clause.
- Contravention of this subclause is an offence and is punishable in accordance with clause 340.
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Clause 230 Dangerous Goods (General) Regulation 1999

Part 9 Manufacture of explosives

- (2) The manufacture must not be carried out in or on licensed premises except in the presence of, and under the direct supervision of, the licensee or a person authorised in writing by the licensee to supervise the manufacture.
- (3) The manufacture must consist of soaking cartridges of carbonaceous material of an approved type in liquid oxygen or liquid air that is in approved containers.
- (4) The manufacture must be carried out in a container (in this clause referred to as *the container*) lined with, and having a lid made of, stainless steel or aluminium.
- (5) The container must be:
 - (a) prominently marked with the word “EXPLOSIVES”, and
 - (b) securely fixed to a vehicle that complies with the requirements of the *Australian Explosives Code* for road vehicles used to transport explosives in a quantity sufficient to qualify for inclusion in Category 3 within the meaning of that Code.
- (6) The manufacture must be carried out in a place that is at a safe distance from any place likely to be frequented by persons (other than those who are to be engaged in the manufacture) and any buildings.
- (7) Subclause (6) is not contravened by reason only that the manufacture takes place in a fire-resistant shelter or that such a shelter adjoins a store for the keeping of unsoaked cartridges.
- (8) During the manufacture:
 - (a) the person manufacturing the explosive must ensure that no naked light or other source of ignition, or any other source of possible danger to persons engaged in the manufacture, is present and that no engine of a vehicle is started or allowed to run, and
 - (b) no person may smoke or have on his or her person any materials for smoking within 30 metres of the container.
- (9) During the manufacture the person carrying out the manufacture must exhibit or cause to be exhibited in prominent positions at a distance of 30 metres from the container, and on opposite sides of it, 2 clearly legible notices each bearing the words “NO SMOKING” and “KEEP FIRE AWAY”.

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- (10) Before the manufacture commences on any occasion, the person who is to manufacture the explosive must:
- (a) make, or cause to be made, such an inspection of the area surrounding the container as is necessary to ensure that when the manufacture commences the requirements of subclause (8) (a) will be complied with, and
 - (b) carefully examine, or cause to be examined, the container and any apparatus to be used with it for grease and other contaminants and must not commence the manufacture until any grease or other contaminants found to be present are removed.
- (11) For the purposes of subclauses (8)–(10), the manufacture is taken to commence when any liquid oxygen or liquid air is placed in the container for the purposes of the manufacture and to continue until the explosive has been removed from the container and its lid placed in position.
- (12) If the liquid oxygen explosive is being manufactured at or near the place of use, the person manufacturing it must ensure that all detonators and detonating fuse that are at the place of use are kept at a safe distance from the manufactured explosive and in secure receptacles until they are actually required for use with it.
- (13) For the purposes of section 20 (2) (d) of the Act, subclauses (2)–(12) prescribe the manner of blending, at or near the place of use, of the inexplusive components of a liquid oxygen explosive.

231 Blending of explosives on site

For the purposes of section 20 (2) (d) of the Act, the prescribed manner of blending, at or near the place of use, of the inexplusive components of an explosive not referred to in clause 229 or 230 is that, if the manufacture takes place in or on a vehicle otherwise than by manual power:

- (a) the vehicle complies with Part 2 of AS 2187 and is approved, and
- (b) no detonators are in or on it when the manufacture is being carried out.

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Clause 232 Dangerous Goods (General) Regulation 1999

Part 9 Manufacture of explosives

232 Filling of safety cartridges

- (1) A person must not fill safety cartridges with gunpowder or other propellant powder:
- (a) if there is in the place in which the filling is being done more than 2.5 kilograms of propellant powder, except such as is made up into safety cartridges or is in closed packages, or
 - (b) if any work unconnected with the making of the cartridges is being carried on in the place, not being in or on licensed premises, where the filling is being done, or
 - (c) if there is in the place where the filling is being done any fire or artificial light, except a light of such construction, position and character as not to cause any danger of fire or explosion, or
 - (d) if the place in which the filling is done is in or on licensed premises, unless the place is separated from any magazine by such distance as may be specified in the licence for the premises.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) For the purposes of section 20 (2) (b) of the Act, subclause (1) (paragraph (d) excepted) prescribes the manner of the filling of safety cartridges.

Part 10 Special requirements for certain goods

Division 1 Dangerous goods of Class 2

233 Filling of cylinders (general)

- (1) A person must not fill a cylinder with dangerous goods of Class 2 unless it:
 - (a) is designed for the pressure to which it is filled, and
 - (b) is stamped in accordance with AS 2030 (The approval, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases) so as to indicate:
 - (i) that it has been inspected at a test station approved under the terms of AS 2337 (Gas cylinder test stations), and
 - (ii) in the case of a cylinder that has previously been filled, that it has been inspected within the time specified in AS 2030 as the maximum period that may elapse between inspections, and
 - (c) if it is of a kind required by AS 2030 to be fitted with a valve and a safety device—is fitted with a valve and a safety device that conform to, and are protected as required by, that Standard.
- (2) A person who fills a cylinder with dangerous goods of Class 2 must comply with the procedures for filling cylinders and make and retain a record of the filling as required by AS 2030.
- (3) A person must not fill a container or cylinder with dangerous goods of Class 2 unless he or she is its owner or is authorised to do so by a person who is or appears to be its owner.
- (4) This clause is subject to clauses 235, 237, 240, 243, 244 and 245.
Contravention of this clause is an offence and is punishable in accordance with clause 340.

1999 No 453

Clause 234 Dangerous Goods (General) Regulation 1999

Part 10 Special requirements for certain goods

Division 1 Dangerous goods of Class 2

234 Compressed natural gas refuelling stations

A person must not operate a station for the refuelling of compressed natural gas operated vehicles except in accordance with AG 901 (Code of Practice for NGV Refuelling Stations) issued by the Australian Gas Association.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

235 Acetylene

- (1) A person must not fill a cylinder with acetylene, or compress acetylene, except in accordance with subclauses (2)–(6).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Acetylene must not be compressed for filling into cylinders unless the compression is carried out by means of plant that has been approved in writing.
- (3) The filling of the cylinder must be carried out in accordance with Part 2 (Cylinders for dissolved acetylene) of AS 2030.
- (4) The acetylene in the cylinder must be contained in an approved porous substance and dissolved in acetone or another approved solvent.
- (5) The porous substance must fill, as completely as possible, the cylinder that is to contain the acetylene.
- (6) A person applying for approval of a porous substance under subclause (4) must lodge a sample of the substance with the WorkCover Authority.

236 Reticulation systems for oxygen or acetylene

- (1) A person must not install or use a reticulation system for oxygen unless it complies with AS 2896 (Medical gas systems—Installation and testing of non-flammable medical gas pipeline systems) or AS 4289 (Oxygen and acetylene gas reticulation systems).
- (2) A person must not install or use a reticulation system for acetylene unless it complies with AS 4289.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

237 Keeping and handling of gas cylinders

- (1) A person who keeps cylinders of gas to which AS 4332 (The storage and handling of gases in cylinders) applies must keep and handle them in accordance with that Standard.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) For the purposes of subclause (1), AS 4332 is taken to apply to the keeping of a cylinder or cylinders of gas in cylinder installations or banks whether or not the installations or banks are connected to a system intended for the consumption of gas.
- (3) Subclause (1) does not apply to the keeping of cylinders of:
- (a) anhydrous ammonia if they are kept in accordance with AS 2022 (SAA anhydrous ammonia code), or
 - (b) cryogenic fluids if they are kept in accordance with AS 1894 (The storage and handling of non-flammable cryogenic and refrigerated liquids), or
 - (c) liquefied chlorine gas if they are kept in accordance with AS 2927 (The storage and handling of liquefied chlorine gas), or
 - (d) liquefied natural gas if they are kept in accordance with AS 3961 (Liquefied natural gas—Storage and handling), or
 - (e) liquefied petroleum gas if they are kept in accordance with AS 1596 (Storage and handling of LP gas).

238 Positioning of liquefied gas cylinders

A person must not keep, convey or use a cylinder containing dangerous goods of Class 2.1, being liquefied flammable gas, unless the cylinder is so positioned that the safety relief device communicates directly with the vapour space in the cylinder.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

1999 No 453

Clause 239 Dangerous Goods (General) Regulation 1999

Part 10 Special requirements for certain goods

Division 1 Dangerous goods of Class 2

239 Gas equipment in vehicles

- (1) A person must not attach a container or other equipment used in connection with dangerous goods of Class 2 to the outside of a vehicle otherwise than in accordance with an approval given by the WorkCover Authority.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not apply in relation to a licensed transport container.

240 Filling containers with gas

- (1) A person must not fill a container with gas unless it is in good condition and within its test date (where relevant).
- (2) A person must not keep, handle or convey a cylinder or tank containing liquefied petroleum gas or fill a cylinder or tank with liquefied petroleum gas except in accordance with AS 1596.
- (3) A person who has filled a disposable or refillable container with gas must:
 - (a) immediately test the container for leakage by immersing it in water that is at a temperature of 55° Celsius or by another suitable method, and
 - (b) immediately after the testing safely dispose of the container if it is found to be leaking.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

241 Gas operated portable and mobile appliances

- (1) Portable and mobile appliances (other than appliances to which the *Dangerous Goods (Gas Installations) Regulation 1998* applies) designed to use liquefied petroleum gas must conform to AS 2658 (Liquefied petroleum (LP) gas portable and mobile appliances).
- (2) A person must not use a portable or mobile appliance designed to use liquefied flammable gas (otherwise than by combustion or chemical reaction) unless its design and construction are approved.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

242 Use of liquefied flammable gas in motor vehicle air-conditioning systems

- (1) A person must not put liquefied flammable gas in the air-conditioning system of a motor vehicle (within the meaning of the *Traffic Act 1909*).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not prohibit a person from flushing out and cleaning a motor vehicle's air-conditioning system with liquefied flammable gas if the person ensures that, so far as is reasonably practicable, the gas is removed from the system after completion of the flushing and cleaning.

243 Anhydrous ammonia

- (1) A person must not:

- (a) keep, handle or convey anhydrous ammonia, or
- (b) fill a cylinder or tank with anhydrous ammonia,

except in accordance with AS 2022.

- (2) Subclause (1) does not apply to the storage of minor quantities (within the meaning of AS 4332) of anhydrous ammonia if they are stored in accordance with AS 4332.
- (3) For the purposes of subclause (2), AS 4332 is taken to apply to the storage of minor quantities (within the meaning of AS 4332) of anhydrous ammonia despite clause 1.2 of that Standard.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

244 Chlorine

- (1) A person must not:

- (a) keep, handle or convey chlorine, or
- (b) fill a cylinder or tank with chlorine,

except in accordance with AS 2927.

- (2) Subclause (1) does not apply to the storage of minor quantities (within the meaning of AS 4332) of chlorine if they are stored in accordance with AS 4332.

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Clause 244 Dangerous Goods (General) Regulation 1999

Part 10 Special requirements for certain goods

Division 1 Dangerous goods of Class 2

- (3) For the purposes of subclause (2), AS 4332 is taken to apply to the storage of minor quantities (within the meaning of AS 4332) of chlorine despite clause 1.2 of that Standard.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

245 Liquefied natural gas

A person must not:

- (a) keep, handle or convey liquefied natural gas, or
- (b) fill a cylinder or tank with liquefied natural gas,

except in accordance with AS 3961.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

246 Unodorized liquefied petroleum gas

A person must not keep, handle or convey unodorized liquefied petroleum gas except in accordance with an approval in writing given by the WorkCover Authority.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

247 Work on LP Gas transport containers

- (1) This clause applies to transport containers used for the carriage of liquefied petroleum gas.
- (2) An individual must not carry out work on any pipes, fittings or appliances attached to or forming part of a transport container to which this clause applies, except:
 - (a) under the authority of an appropriate supervisor certificate, or
 - (b) under the authority of an appropriate registration certificate and under the general supervision of the holder of an appropriate supervisor certificate, or
 - (c) under the immediate supervision of the holder of an appropriate supervisor certificate.

Maximum penalty: 100 penalty units.

- (3) In this clause:

registration certificate, in relation to a particular kind of work, means a certificate of registration in force under the *Home Building Act 1989* authorising the holder to carry out that kind of work under general supervision.

supervisor certificate, in relation to a particular kind of work, means a supervisor certificate in force under the *Home Building Act 1989* authorising the holder to carry out, and to supervise, that kind of work, and includes a licence endorsed under that Act to show that it is the equivalent of such a certificate.

248 Cylinders and tanks (general)

- (1) A person who keeps a cylinder containing dangerous goods of Class 2 that is provided with a cap to protect the valve must ensure that the cap is kept in place on the cylinder at all times when it is not being filled and is not connected for use.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) For the purposes of Parts 5 and 6 and this Part, a cylinder or tank into which dangerous goods of Class 2 have been placed is taken to contain those goods unless it has since been carefully examined by a competent person and certified by him or her to be gas-free since dangerous goods were last present in it.

249 Valves

- (1) A person who keeps a cylinder or other container containing dangerous goods of Class 2 must, unless it is connected by permanent piping to a consuming device, ensure that its valve is kept securely closed at all times except when the container is being filled or goods are being taken from it.

- (2) If, under this Regulation, piping or a pipeline is equipped with one or more excess flow valves, a person must not convey dangerous goods of Class 2 by means of the piping or pipeline unless each valve is set for the minimum diameter of that part of the piping or pipeline that the goods would enter through the valve without first passing through another such valve.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Clause 250 Dangerous Goods (General) Regulation 1999

Part 10 Special requirements for certain goods

Division 1 Dangerous goods of Class 2

250 Filling of balloons and other containers

A person must not, except with an approval in writing given by the WorkCover Authority:

- (a) fill a balloon or other collapsible container with flammable, toxic or anaesthetic gas, or
- (b) keep, convey, sell or use a balloon or other collapsible container that contains any such gas.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 2 Dangerous goods of Class 3

251 Compliance with Code

- (1) This clause applies to dangerous goods of Class 3 Packing Group II, being potable liquid contained in:
 - (a) tanks, or
 - (b) packagings having a capacity exceeding 20 litres each and an aggregate capacity exceeding 100 litres.
- (2) If, by a provision of this Regulation, a person is required to observe any requirements of AS 1940 (The storage and handling of flammable and combustible liquids) in relation to dangerous goods of Class 3, he or she must do so as though any exception in respect of goods to which this clause applies were omitted from the Standard.

252 Pump equipment

- (1) A person must not use for the pumping of flammable liquid a mobile pump powered by an electric motor unless the motor is one that, under AS 3000 (SAA Wiring Rules), is suitable for use in a Zone 2 area as defined in that Standard.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subject to subclause (4), a person must not use within a building or a depot, being a compound for flammable liquids, or on a platform for drums of flammable liquids a mobile pump powered by an internal combustion engine unless:

- (a) the engine is a compression ignition engine conforming to the prescribed requirements, and
- (b) the engine is maintained in good order and condition, its air filter is kept clean and its flame trap is removed and cleaned with a suitable chemical detergent after each 4 hours of running on any day or shift and at the end of each day or shift.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (3) For the purposes of subclause (2), the following are the prescribed requirements for a compression ignition engine:
 - (a) a quick-acting strangler must be fitted in its air inlet,
 - (b) its exhaust must:
 - (i) be fitted with a water wash box capable of quenching any sparks from the exhaust, and
 - (ii) be fitted with a flame trap consisting of a stack of stainless steel plates spaced not more than 0.4 millimetre apart and having a depth of at least 50 millimetres in the direction of the gas stream, and
 - (iii) terminate at least 3 metres above the pump or at least 8 metres, measured horizontally, from the pump,
 - (c) the flame trap must be held by a locking device that will prevent it from unscrewing, through vibration, from the exhaust,
 - (d) if the engine has been modified for the purpose of compliance with this clause, the air filter must have a capacity equivalent to the air filter fitted before the modification,
 - (e) all its flanges must have faces at least 12 millimetres wide.
- (4) A person may use for the pumping of flammable liquids of Packing Group III a mobile pump powered by a spark ignition engine that conforms to the requirements of subclauses (2) and (3) for compression ignition engines and to the following requirements:
 - (a) the fuel tank must be below the level of the carburettor or the carburettor must be fed by a pump that operates in such a manner that fuel cannot flow by gravity from the pump to the carburettor,

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Clause 252 Dangerous Goods (General) Regulation 1999

Part 10 Special requirements for certain goods

Division 2 Dangerous goods of Class 3

- (b) the spark plugs must be shrouded,
- (c) the exhaust must face away from the pump,
- (d) the fuel lines must be of copper and be constructed with properly made connections.

253 Colouring of lighting or home kerosene

A person must not sell lighting or home kerosene unless it is coloured blue.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

254 Use of certain goods in hairdressing

- (1) In this clause, *hairdressing* has the same meaning as in Division 1 of Part 6 of the *Factories, Shops and Industries Act 1962*.
- (2) A person engaged in the business of hairdressing must not, in the course of that business, apply or cause to be applied dangerous goods of Class 3 Packing Group I or II to the hair or person of a customer unless the goods are miscible with water in all proportions.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

255 Oil fueled heating systems in high rise buildings

- (1) In this clause:

heating system means an oil fueled heating system comprised of a fixed and flued oil-burning appliance together with its associated oil fuel supply system.

high rise building means a building the floor of the topmost storey of which is more than 21 metres above the lowest floor from which there is direct access to a road or other public place.

oil fuel means hydrocarbon liquid fuel, being combustible liquids of Class C1 or C2.

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- (2) A person must not install a heating system in a high rise building unless the design and construction of the system complies:
- (a) in the case of a system having a thermal input rate of less than 60 kW—with the requirements of AS 1375 (SAA industrial fuel-fired appliances code) or AS 1690 (SAA domestic oil-fired appliances safe design code), or
 - (b) in any other case—with the requirements of AS 1375.
- (3) A person must not install a heating system in a high rise building unless the installation of the system complies:
- (a) in the case of a system having a thermal input rate of less than 60 kW—with the requirements of AS 1375 or AS 1691 (Domestic oil-fired appliances—Installation), or
 - (b) in any other case—with the requirements of AS 1375.
- (4) As soon as practicable after completion of the installation of a heating system in a high rise building, the builder (or, if some other person is responsible for the installation of the system, that other person) must:
- (a) obtain from an engineer (being a person qualified for corporate membership of the Institution of Engineers, Australia) a certificate containing the particulars required by subclause (5), and
 - (b) submit the certificate to the owner of the building.
- (5) The certificate must:
- (a) specify the full name, address and qualifications of the person who gives it, and
 - (b) specify the type of appliance forming part of the heating system, and
 - (c) certify that the design, construction and installation of the heating system meets the requirements of subclauses (2) and (3), and
 - (d) specify the name of the owner of the building in which the system was installed, and
 - (e) specify the address of the premises at which the system was installed, and
 - (f) specify the date on which the system was commissioned, and
 - (g) be signed and dated by the person who gives it.

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Clause 255 Dangerous Goods (General) Regulation 1999

Part 10 Special requirements for certain goods

Division 2 Dangerous goods of Class 3

- (6) The owner of a high rise building in which a heating system having a thermal input rate of 60 kW or more has been installed must display and keep displayed in a conspicuous place in the vicinity of the oil-burning appliance the certificate required to be obtained under this clause.
- (7) Except for the purpose of commissioning the heating system, the owner of a high rise building must not operate, or permit to be operated, a heating system in the building unless a certificate complying with this clause has been obtained in relation to the system.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 3 Dangerous goods of Class 4

256 Manufacture, repair or use of nitrocellulose products

- (1) In this clause, *nitrocellulose product* means dangerous goods of Class 4.1 (being substances that are UN No 2557).
- (2) A person must not manufacture, repair, manipulate or use a nitrocellulose product in a quantity exceeding 25 kilograms unless he or she:
 - (a) does so in a workroom conforming to prescribed requirements, and
 - (b) observes subclauses (5), (6), (8) and (9).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (3) A person must not, without approval in writing, manufacture a nitrocellulose product or use any such product for, or in the course of, the manufacture of any other product or goods.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (4) For the purposes of subclause (2), the following are prescribed requirements for a workroom:
 - (a) it must be constructed throughout of non-combustible materials,

- (b) it must be provided with at least 2 doorways having outward opening doors,
 - (c) all furniture and apparatus in it must be so arranged as to allow unimpeded egress,
 - (d) all the electrical wiring and equipment, including switches, of or in it must conform to the requirements of AS 3000 (SAA Wiring Rules) that relate to electrical wiring and equipment in hazardous locations,
 - (e) electrical resistances, including the heating elements of heaters and radiators, must be so guarded or enclosed that they will not cause ignition or decomposition of any nitrocellulose products,
 - (f) the electrical resistances referred to in paragraph (e) and all guards and enclosures provided under that paragraph must be such, and positioned so, that:
 - (i) no external part of a guard or enclosure will at any time be heated to a temperature exceeding 100°Celsius, and
 - (ii) the top of every guard or enclosure is sloped at an angle of at least 45° to the horizontal,
 - (g) an approved system of automatic sprinklers must be installed in it,
 - (h) signs bearing the words “NO SMOKING” in letters at least 50 millimetres high must be displayed in prominent positions in and immediately outside it.
- (5) Any fire, light, gas or oil stove, smoking materials, matches or other thing likely to ignite nitrocellulose products or to decompose the products must not be present in a workroom when nitrocellulose products are being manufactured, repaired, manipulated or used in it.
- (6) Subject to subclause (7), nitrocellulose products in a quantity exceeding that immediately required for work being done in a workroom must not be brought into it or, if brought into it, be allowed to remain in it.

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Clause 256 Dangerous Goods (General) Regulation 1999

Part 10 Special requirements for certain goods

Division 3 Dangerous goods of Class 4

- (7) Subclauses (1) and (6) do not prohibit the bringing into, or the presence in, a workroom of up to 600 metres of cinematographic film to be repaired, manipulated or used in it, multiplied by the number of persons who will be engaged in the workroom in any such work.
- (8) All nitrocellulose products that have been manufactured, repaired or manipulated in a workroom must be removed from it immediately after all work to be done in relation to the products has been completed.
- (9) Waste nitrocellulose products must not be allowed to accumulate in a workroom but must be collected at frequent intervals and placed in a strong metal receptacle that is fitted with a self-closing lid and marked conspicuously with the words “HIGHLY FLAMMABLE WASTE”.

257 Prohibited goods (safety matches and containers)

- (1) A person must not manufacture, import into the State for sale or sell safety matches or their containers unless they comply with the performance requirements in AS 3667 (Safety matches and containers—Safety requirements).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not apply to or in respect of the manufacture, import or sale of safety matches or their containers for the purpose only of use outside the State if they are exported as soon as practicable after their manufacture or import into the State.

Part 11 Special requirements relating to ports

Division 1 Preliminary

258 Definitions

(1) In this Part:

back loading means the loading of liquids through a pipeline into a vessel as soon as practicable after liquids have been unloaded from the vessel through any part of the same pipeline.

batten down means securely closing a hatchway to make the hatchway gas-tight as far as practicable.

berth has the same meaning as in AS 3846.

bulk has the same meaning as in AS 3846.

certificate of test means a certificate issued under this Part by a chemist.

chemist means a person who is an Associate of the Royal Australian Chemical Institute or who holds the educational qualifications that it would be necessary for him or her to hold if he or she were to be eligible to become an Associate of that Institute.

competent person has the same meaning as in AS 3846.

container depot means an area, separate from a container terminal, in which freight containers are packed, unpacked or assembled before delivery to, or after receipt from, a container terminal.

container terminal means a wharf at which freight containers are shipped onto or unshipped from a vessel constructed or converted principally for the carriage of freight containers.

dry container means a box having a capacity in excess of 1.1 cubic metres used for the transport of packagings of cargo.

fire includes a means of ignition.

fixed tank means a tank that is permanently fixed to or forms part of a vessel.

flammable has the same meaning as in AS 3846.

flammable gases has the same meaning as in AS 3846.

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Clause 258 Dangerous Goods (General) Regulation 1999

Part 11 Special requirements relating to ports

Division 1 Preliminary

flammable goods means flammable gas, flammable liquid and dangerous goods of Class 4.1, 4.2 or 4.3.

flammable liquids has the same meaning as in AS 3846.

flexible hose has the same meaning as in AS 3846.

freight container has the same meaning as in AS 3846.

gangway has the same meaning as in AS 3846.

gas receptacle means a receptacle:

- (a) specially constructed or converted for the carriage of gas under pressure, and
- (b) having an internal volume greater than 0.68 cubic metres.

gas tanker means a gas carrier (tanker) within the meaning of AS 3846.

handling has the same meaning as in AS 3846.

harbour master has the same meaning it has in the *Ports Corporatisation and Waterways Management Act 1995*.

hatchway means an opening into a hold of a vessel, being an opening that is not protected to prevent the communication of fire.

hold means a space or compartment contained between 2 permanent athwartship bulkheads.

hot work has the same meaning as in AS 3846.

isolated berth means a berth designated as such for the time being by order of the Minister.

liquified gas has the same meaning as in AS 3846.

major repairs, in relation to a pipeline, includes any repairs or alterations to the pipeline that involve hot work (including welding).

master has the same meaning as in AS 3846.

Minister means the Minister administering the *Ports Corporatisation and Waterways Management Act 1995*.

officer of the Minister means any delegate of the Minister or any officer of such a delegate.

operational area means:

- (a) a port, or
- (b) a vessel in a port, or
- (c) a wharf, or

- (d) a storage tank connected to a wharf, or
- (e) any property:
 - (i) vested in or controlled by the Minister, and
 - (ii) used for the handling of dangerous goods on to or from a vessel.

ordinary berth has the same meaning as in AS 3846.

owner includes any person exercising or discharging, or claiming the right or accepting the obligation to exercise or discharge, any of the powers or duties of an owner, whether on his or her own behalf or on behalf of another and:

- (a) in relation to dangerous goods, includes:
 - (i) a person who is their owner jointly with any other person or persons, and
 - (ii) a consignor, consignee, shipper or agent for the sale, custody, shipment or unshipment of the goods, and
 - (iii) a person who holds a bill of lading relating to the goods, and
- (b) in relation to a vessel, includes a person who is its owner jointly with any other person or persons, and
- (c) in relation to a pipeline or hose, includes a person who is its owner jointly with any other person or persons.

package and **packing** has the same meaning as in AS 3846.

person responsible means:

- (a) the owner of a vessel, in relation to:
 - (i) all dangerous goods on board the vessel, and
 - (ii) all dangerous goods received at a wharf by the owner of the vessel for shipment, and
 - (iii) all dangerous goods unshipped from the vessel onto a wharf until such time as their owner takes delivery of them, and
 - (iv) all dangerous goods in a pipeline or hose on the vessel side of the flange on board the vessel to which the shore pipeline or hose is connected, if the goods are being shipped or unshipped from the vessel by the pipeline or hose, and

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- (b) the owner of the dangerous goods, in relation to:
 - (i) all dangerous goods delivered to a wharf until such time as they have been received for shipment by the owner of a vessel, and
 - (ii) all dangerous goods unshipped from a vessel on to a wharf from the time they are received at the wharf by their owner, and
 - (iii) all dangerous goods in a pipeline or hose on the shore side of the flange on board the vessel to which the shore pipeline or hose is connected, if the goods are being shipped or unshipped from a vessel by a pipeline or hose, but only when the vessel's owner or the owner of the pipeline or hose is not the person responsible for the goods, and
- (c) the owner of the pipeline or hose, if a pipeline or hose is being used for the handling of the dangerous goods, but only when the owner of a vessel is not the person responsible for the goods.

pipeline has the same meaning as in AS 3846.

port includes:

- (a) any harbour or land on its margins that is covered at mean high water, whether natural or artificial, or any estuary, channel, river, creek or roadstead that is, in each case, navigable, and
- (b) any navigable water in which vessels may lie for shelter or for the purpose of shipping or unshipping goods or passengers.

portable tank has the same meaning as in AS 3846.

practicable has the same meaning as in AS 3846.

product separation device means a device capable of moving through a pipeline used to:

- (a) clear the pipeline of any liquid, or
- (b) separate one type of liquid from another type of liquid in the pipeline.

responsible person has the same meaning as in AS 3846.

special berth has the same meaning as in AS 3846.

tanker has the same meaning as in AS 3846.

wharf means a wharf, dock, jetty, pier, platform, landing stage or other fixed or floating structure or apparatus that is:

- (a) structurally attached to, or made fast to, the shore of a port or a structure on the shore of a port, or
- (b) used or capable of use in connection with the shipment or unshipment of passengers or goods on or from a vessel from or to the shore of a port without the use of another vessel,

and that is or is intended to be used for securing a vessel and includes any depot, shed, building or structure erected on, forming part of or used in connection with it and any land adjoining or adjacent to and used in connection with it.

wire gauze has the same meaning as in AS 3846.

- (2) A reference in subclause (1) to AS 3846 is a reference to AS 3846 (The handling and transport of dangerous cargoes in port areas).
- (3) For the purposes of this Part, a tank, hold or space that:
 - (a) is in, on or part of a vessel, and
 - (b) has contained dangerous goods,

is taken to continue to contain those goods until a chemist has, after dangerous goods were last present in the tank, hold or space, issued a certificate of test certifying that the tank, hold or space is gas-free.

259 Handling categories

For the purposes of this Part, dangerous goods are divided into handling categories in accordance with Schedule 2.

260 Application of Part

- (1) This Part only applies to and in respect of the handling and transport of dangerous goods in an operational area.
- (2) Despite subclause (1), this Part does not apply to or in respect of the handling or transport of dangerous goods, other than bunkering fuel, required for the navigation, safety or maintenance of a vessel and forming part of the equipment or stores of the vessel.
- (3) To the extent of any inconsistency between a provision of this Part and any other provision of this Regulation, the provision of this Part prevails.

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- (4) If a provision of this Part imposes a duty on a master of a vessel, the vessel's owner:
- (a) must not authorise or direct the master to contravene the provision, and
 - (b) must ensure, as far as is reasonably practicable, that the master does not contravene the provision.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (5) The Minister may, in writing, exempt any person or class of persons, either absolutely or subject to conditions, from any provision of this Part and may, in writing, vary or revoke any such exemption.

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261 Application of Australian Standard to the handling and transport of dangerous goods in port areas

- (1) Subject to clause 260 (1) and (2), AS 3846 (The handling and transport of dangerous cargoes in port areas) applies to and in respect of the handling and transport of dangerous goods in port areas (within the meaning of that Standard). For the purposes of that application, dangerous cargoes (as defined in AS 3846) are taken to include only such of the cargoes referred to in that definition as are dangerous goods within the meaning of the Act.
- (2) To the extent of any inconsistency between a provision of this Regulation and a provision of AS 3846, the provision of the Standard prevails.
- (3) A person who is subject to a requirement of AS 3846 must comply with that requirement.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

262 Stowing of dangerous goods

- (1) The master of a vessel breaches this Regulation if dangerous goods are conveyed into or in an operational area by the vessel and the goods are not stowed in or on the vessel in a manner approved by the Minister.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) For the purposes of subclause (1), the Minister is taken to have approved of the manner of stowage of dangerous goods set out in respect of those goods in the “International Maritime Dangerous Goods Code” published by the International Maritime Organisation.
- (3) Subclause (2) does not prevent the Minister from approving, in respect of a particular vessel and by notice in writing served on the master of the vessel, a manner of stowage of dangerous goods on a vessel that is different from the manner referred to in that subclause.

263 Entry of vessels into ports

- (1) The master of a vessel conveying dangerous goods must ensure that it does not enter a port without the written approval of the Minister or otherwise than in accordance with the conditions, if any, imposed by the Minister in granting his or her approval or subsequently to that grant.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) An application for the approval of the Minister to enter a port must be:
 - (a) in a form approved by the Minister, and
 - (b) accompanied by a Dangerous Goods List (in a form approved by the Minister) and, if required, by a notification (in a form approved by the Minister) of empty tanks or spaces previously having contained dangerous goods in fluid form in bulk and not certified as gas-free, and
 - (c) accompanied by such further particulars as the Minister may require, and
 - (d) lodged with the Minister not less than 48 hours before the proposed time of entry of the vessel into the port and, when lodged on a Friday or a day preceding a public holiday, be lodged before noon on that day.
- (3) The approval of the Minister may be subject to such conditions as the Minister considers appropriate and are set out in the approval and the Minister may at any time:
 - (a) revoke his or her approval, or

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- (b) vary or revoke any conditions attached to the approval, by notice in writing served on the master for the time being of the vessel in respect of which it was granted.

264 Handling of goods

- (1) A master of a vessel must not, nor may he or she permit, authorise or direct any other person to, handle:
 - (a) dangerous goods on, onto or from the vessel in an operational area, or
 - (b) goods, other than dangerous goods, between the hours of sunset and sunrise on the vessel if the vessel has on board dangerous goods,

without the written approval of the Minister or otherwise than in accordance with the conditions, if any, imposed by the Minister in granting his or her approval or subsequently to that grant.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) An application for the approval of the Minister to handle goods must be:
 - (a) in a form approved by the Minister, and
 - (b) accompanied by such further particulars as the Minister may require, and
 - (c) lodged with the Minister not less than 48 hours before the proposed time of handling of the goods.
- (3) The approval of the Minister may be subject to such conditions as the Minister considers appropriate and are set out in the approval and the Minister may at any time:
 - (a) revoke the approval, or
 - (b) vary or revoke any conditions attached to the approval,by notice in writing served on the master for the time being of the vessel in respect of which it was granted.

265 Spillage or damaged containers

A person responsible for dangerous goods must:

- (a) notify the Minister, as soon as practicable, of:
 - (i) any spillage of the goods, or

- (ii) any damage to or deterioration of a freight container, tank or packaging containing the goods, in an operational area, and
- (b) cause:
 - (i) the spilled goods to be removed as an officer of the Minister may direct, or
 - (ii) the freight container, tank or packaging to be moved to such position in the operational area as an officer of the Minister may direct, or, if the officer directs that it be removed from the operational area on to any land, to such position as an officer of the New South Wales Fire Brigades (in consultation with the WorkCover Authority if necessary) may direct.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

266 Provision of fire-fighting equipment

When dangerous goods are being conveyed on or handled on, on to or from a vessel, the master of the vessel must:

- (a) provide or cause to be provided on the vessel fire extinguishers or other fire-fighting appliances, adequate in number and of a nature suitable to enable any reasonably foreseeable hazard that may arise as a consequence of the conveyance or handling of the dangerous goods to be neutralised by their use, and
- (b) ensure that any fire extinguisher or other appliance provided is kept in a serviceable condition and so accessible as to be ready for immediate use.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

267 Warning flags or lights

- (1) The master of a vessel that has on board dangerous goods must, when it is within 3 nautical miles of any port it is due to enter and at all times while it is in a port:

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- (a) between sunrise and sunset, display (or cause to be displayed) from a conspicuous position on it the International Code of Signals flag 'B', of a size not less than 900 millimetres square, and
- (b) between sunset and sunrise, display (or cause to be displayed) an all round red light not less than 6 metres above its uppermost deck.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) If a vessel operates solely within a port the flag may be made of sheet metal of a size not less than 500 millimetres square.
- (3) A flag or light may be lowered in order to permit the vessel to pass beneath an obstruction if it is lowered at a distance not greater than 30 metres from the obstruction and raised again immediately after the vessel has passed, and is clear of, the obstruction.

268 Warning notices

- (1) The master of a vessel that has on board explosives or flammable goods must at all times when it is lying at anchor, on a mooring or at a berth cause a warning notice to be displayed at the foot of the gangway.
- (2) The warning notice must be of a size not less than 2 metres by 1 metre and must have printed on it the words "DANGER—NO SMOKING—NO NAKED LIGHTS" on a white background in red letters not less than 150 millimetres high conforming to type B of AS 1744 (Forms of letters and numerals for road signs).
- (3) The warning notice must be illuminated between the hours of sunset and sunrise by a white light of a type approved by the Minister.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

269 Inspection of vessels

- (1) If a vessel is within 3 nautical miles of a port it is due to enter or is in a port and has on board dangerous goods, a harbour master or an officer of the Minister authorised by a harbour master may board it and:
 - (a) examine any part of it and its cargo, and

- (b) inspect, and take extracts from, any books or documents relating to the cargo.
- (2) A person must not, without reasonable excuse, delay or obstruct a harbour master or an officer of the Minister acting under any of the powers granted him or her by or under subclause (1).

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

270 Person in charge of handling dangerous goods

- (1) The master of a vessel on which dangerous goods are being, are to be or have been conveyed must ensure that a competent and responsible person is present:
 - (a) at any time when the goods are handled on, onto or from the vessel in an operational area, and
 - (b) in the vicinity of the place where the goods are being handled.
- (2) Despite subclause (1), the master of a vessel on which dangerous goods are being, are to be or have been conveyed must ensure that the goods are not handled on, onto or from the vessel in contravention of this Regulation.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

271 Provision of staff

- (1) The master of a vessel that has on board dangerous goods must, when it is within 3 nautical miles of any port it is due to enter and at all times while it is in a port, provide:
 - (a) an officer of the vessel who is charged with the responsibility of ensuring that this Regulation is complied with on board it, and
 - (b) a sufficient number of competent persons to operate the fire extinguishers and other fire-fighting appliances on board it, and
 - (c) if the vessel is conveying dangerous goods in bulk, a number of persons sufficient to operate it and its equipment and capable of removing it from the operational area, and

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- (d) if the vessel is conveying dangerous goods not in bulk, and a harbour master so directs its master, a number of persons sufficient to operate it and its equipment and capable of removing it from the operational area.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) An officer of a vessel provided by its master under subclause (1) (a) must, at all times that he or she is required to be so provided, ensure that this Regulation is complied with on board the vessel.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (3) Subclause (2) does not affect the operation of clause 270 (2).

272 Burning of materials

A person must not, on or within 30 metres of a vessel conveying dangerous goods, heat, boil or burn any dangerous goods, pitch, resin, refuse, rubbish or other combustible material unless the heating, boiling or burning is:

- (a) required for the vessel's normal operation, or
(b) approved in writing by the Minister.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

273 Cleaning of certain tanks, holds or spaces

- (1) This clause applies to the cleaning of a tank, hold or space that is in, on or part of a vessel and contains dangerous goods.
- (2) The master of the vessel must appoint a person who is to be in charge of the cleaning of the tank, hold or space.
- (3) The person appointed must:
- (a) ensure that subclauses (4)–(9) are complied with in relation to the cleaning of the tank, hold or space, and
- (b) ensure that no person who is employed in the cleaning of the tank, hold or space:
- (i) smokes in it, and
- (ii) if it has contained flammable goods, carries or takes into it any matches or other articles that are capable of producing fire.

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- (4) The cleaning of the tank, hold or space must not be carried out without the written approval of the Minister.
 - (5) All tools used in the cleaning of the tank, hold or space must be made of wood or of such other material as may be approved by the Minister.
 - (6) All residual dangerous goods and any sludge or deposit in the tank, hold or space must be removed by the cleaning operation.
 - (7) A person entering the tank, hold or space must be provided with breathing apparatus complying with AS 1716 (Respiratory protective devices).
 - (8) The tank, hold or space must be:
 - (a) thoroughly steamed by means of steam-jets for such period as will ensure the vaporisation of all volatile dangerous goods, or
 - (b) cleaned by such other method as may be approved by the Minister.
 - (9) After the tank, hold or space has been steamed:
 - (a) the cover of each manhole and of any other opening in it must be removed and it must be thoroughly ventilated so as to ensure the removal of all vapour, and
 - (b) if any dangerous goods remain on its interior surfaces, those surfaces must be washed or scraped down in order to remove them.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

274 Certificate of tests for tanks, holds and spaces

- (1) When a chemist has personally:
 - (a) collected and tested samples of fumes, gases, vapours or substances from a vessel's tank, hold or space, and
 - (b) found the tank, hold or space to be gas-free,he or she may issue to a person a certificate of test in a form approved by the Minister certifying that the tank, hold or space was gas-free at the time specified in the certificate.

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- (2) A chemist who issues a certificate of test may, if he or she thinks fit so to do, specify in the certificate:
- (a) that work described in the certificate may be carried out in the tank, hold or space to which the certificate relates without danger to any person or property:
 - (i) without any conditions being observed, or
 - (ii) if conditions specified in the certificate are complied with, or
 - (b) that the certificate is not effective after a specified time.
- (3) A certificate of test is current from the time specified in it under subclause (1) until:
- (a) dangerous goods have, after that time, been introduced into the tank, hold or space to which it relates, or
 - (b) if the time (if any) specified in the certificate under subclause (2) (b) occurs before dangerous goods are so introduced—that time.
- (4) A person to whom a certificate of test has been issued must:
- (a) exhibit (or cause to be exhibited) the certificate or a copy in a conspicuous position adjacent to the tank, hold or space to which it relates for so long as it is current, and
 - (b) remove the certificate or copy (or cause it to be removed) from that position as soon as it ceases to be current.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

275 Precautions against injurious fumes and explosions

Until a tank, hold or space that is in, on or part of a vessel and that has contained dangerous goods has been cleaned and unless there is a current certificate of test certifying that it is gas-free, no person may:

- (a) enter it, other than for the purpose of testing for fumes, gases, vapours or substances or of cleaning it, or
- (b) if it has contained flammable goods, bring near or take into it any matches or other articles that are capable of producing fire.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

276 Repair work on tanks, holds or spaces that have contained dangerous goods

- (1) In this clause, *work* does not include any activity to which clause 273 applies.
- (2) Work must not be commenced on, in or adjacent to a tank, hold or space that is in, on or part of a vessel in a port and that has contained dangerous goods:
 - (a) unless an application for the approval of the Minister to carry out the work in a form approved by the Minister was lodged with the harbour master for the port at least 48 hours before the time of commencement of the work, and
 - (b) until a current certificate of test certifying that the tank, hold or space is gas-free and stating that if the conditions, if any, specified in the certificate are complied with, the proposed work may be carried out without danger to a person or to property, has been obtained and is exhibited in accordance with clause 274 (4), and
 - (c) until the written approval of the Minister to carry out the work has been obtained by the master of the vessel.
- (3) The master of a vessel must ensure that work for which an approval has been given is carried out in accordance with:
 - (a) the conditions, if any, imposed in the approval, and
 - (b) any requirements notified to him or her in writing by the Minister.
- (4) If, during the course of any work for which an approval has been given, there is a risk that dangerous goods or vapours from dangerous goods may enter the tank, hold or space, the master of the vessel must cause the work in it to be stopped until such time as he or she has obtained a further certificate of test certifying that it is gas-free.
- (5) A certificate of test certifying that a tank, hold or space in respect of which an approval has been given is gas-free must be obtained before any work is commenced in or on it on any day.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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277 Application of Division

This Division does not apply to the handling of dangerous goods in bulk.

278 Storage of dangerous goods on a wharf

- (1) A person must not store dangerous goods of Handling Category A on a wharf.
- (2) A person must not store dangerous goods of Handling Category B or C on a wharf without the written approval of the Minister.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

279 Removal of dangerous goods from a wharf

- (1) Subject to clause 280, dangerous goods of Handling Category A, B or C that have been placed on a wharf must be removed from the wharf by their owner before:
 - (a) the expiration of 2 hours from the time when they were placed on the wharf, or
 - (b) sunset on the day on which they were placed on the wharf, or
 - (c) the closing of the wharf on that day,whichever is the earliest.
- (2) Until the goods have been removed from a wharf, their owner must employ a person to watch over them who must ensure that this Regulation is complied with in relation to the goods.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

280 Direction to remove dangerous goods from a wharf

- (1) The harbour master for a port or an officer of the Minister authorised by him or her, may direct a person responsible for dangerous goods on a wharf in the port to remove immediately the goods from the wharf.

- (2) If the person responsible for goods in respect of which a direction has been given fails to comply with the direction, the Minister may cause the goods to be removed from the wharf.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

281 Precautions against fire

A person must not:

- (a) smoke, or
- (b) produce fire or use any other form of ignition, or
- (c) use tools or equipment in either case capable of creating sparks or flames,

in the vicinity of dangerous goods in an operational area.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

282 Access to vessels conveying flammable goods

The master of a vessel on, onto or from which flammable goods are being handled must cause a person to be stationed at each gangway of the vessel and that person must:

- (a) prevent any person who is smoking from boarding the vessel, and
- (b) prevent access to it by any person in contravention of clause 304 (1), and
- (c) warn any person boarding it that flammable goods are being handled on or about it.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

283 Ventilation of holds containing flammable goods

The master of a vessel must ensure that:

- (a) any of its holds containing flammable goods are thoroughly ventilated prior to and during the handling of the goods, and

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- (b) any of its holds in which flammable goods have been handled are thoroughly ventilated immediately after the handling.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

284 Stowage of flammable goods

The master of a vessel must ensure that:

- (a) flammable goods loaded onto it are properly and securely stowed, and
- (b) proper and efficient ventilation is provided in places on it where flammable goods are stowed, and
- (c) while flammable goods are stowed in a hold of the vessel, the hold is battened down.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

285 Spillage of flammable liquid in hold

If flammable liquid is spilled in a hold of a vessel, its master must ensure that, as soon as practicable after the spillage, its bilges are:

- (a) carefully cleaned by removing all liquids by hand pumps or suitable wooden bailers and by swabbing, and
- (b) ventilated as thoroughly as practicable.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

286 Flammable goods on wooden vessels

- (1) The master of a wooden vessel must ensure that no flammable goods are conveyed on it except in such quantities and in such positions as are approved by the Minister.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Subclause (1) does not apply in respect of flammable liquids used solely for the propulsion of the vessel.

287 Oxidising substances and explosives

- (1) In this clause, *goods* means explosives or dangerous goods of Class 5.1 or 5.2.
- (2) Except with the approval of the Minister, a person must not have on a wharf at any time a greater quantity of goods than can be removed from the wharf in a period of one hour by the personnel, machinery and means of transport available at that time on the wharf.
- (3) Except as provided by subclause (4), the master of a vessel breaches this Regulation if the total quantity of goods conveyed in the vessel while it is berthed at an ordinary berth in a port or handled at an ordinary berth in a port at any one time, without the approval of the harbour master for the port, exceeds the quantity specified opposite the goods in Schedule 3.
- (4) A quantity of dangerous goods not exceeding 150 tonnes in the form of ammonium nitrate together with not more than 0.2 per cent combustible matter (calculated as carbon) or in the form of ammonium nitrate fertilisers of types A1, A2, A3 or A4, packed in bags (but not in freight containers), may be conveyed in a vessel berthed at an ordinary berth if:
 - (a) the goods are not handled at the berth, and
 - (b) the holds containing the goods remain closed.
- (5) The master of a vessel breaches this Regulation if the vessel is berthed at an ordinary wharf and it has on board a quantity of dangerous goods in the form of ammonium nitrate together with more than 0.2 per cent of combustible matter (calculated as carbon), other than a quantity of dangerous goods that are in the form of an authorised explosive.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

288 Ammonium nitrate and ammonium nitrate fertilisers

- (1) In this clause, *goods* means dangerous goods of Class 5.1 being ammonium nitrate or ammonium nitrate fertiliser of types A1, A2, A3 or A4.
- (2) Not more than 2 000 tonnes of goods may be:
 - (a) handled in a port in, onto or from a vessel unless the vessel is berthed at an isolated berth, or

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(b) conveyed in a vessel at any time in a port.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

289 Toxic materials

- (1) A person must not handle dangerous goods of Class 6 or any other dangerous goods of a toxic nature at a distance of less than 12 metres from any foodstuffs or empty containers intended for the conveyance of foodstuffs.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) If a screen wall is positioned between:
- (a) dangerous goods of Class 6 or any other dangerous goods of a toxic nature, and
 - (b) foodstuffs or empty containers intended for the conveyance of foodstuffs,

the distance referred to in subclause (1) must be measured around the screen wall.

290 Separation distances

- (1) Dangerous goods of a class specified in the Table to this clause must, when stored on a wharf in an operational area, be so stored that they are separated from dangerous goods of any other class so specified that are so stored by not less than the separation distances prescribed by the Table.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) If a screen wall is positioned between dangerous goods of a class specified in the Table and any other dangerous goods of a class so specified, the prescribed separation distances must be measured around the screen wall.

Table Separation distances for dangerous goods stored on a wharf

Class of dangerous goods	Class 1	Class 2.1	Class 2.2, 2.3	Class 3	Class 4.1	Class 4.2	Class 4.3	Class 5.1	Class 5.2	Class 6.1	Class 6.2	Class 7	Class 8
Class 1	X	30m	12m	30m	30m	30m	30m	30m	30m	X	X	12m	12m
Class 2.1	30m	X	X	12m	4m	12m	4m	12m	30m	X	X	12m	4m
Class 2.2, 2.3	12m	X	X	12m	X	4m	X	X	12m	X	X	4m	X
Class 3	30m	12m	12m	X	4m	12m	12m	4m	12m	X	X	12m	4m
Class 4.1	30m	4m	X	4m	X	4m	4m	4m	12m	X	X	12m	4m
Class 4.2	30m	12m	4m	12m	4m	X	4m	12m	12m	X	X	12m	4m
Class 4.3	30m	4m	X	12m	4m	4m	X	12m	12m	X	X	12m	4m
Class 5.1	30m	12m	X	4m	4m	12m	12m	X	12m	X	X	4m	12m
Class 5.2	30m	30m	12m	12m	12m	12m	12m	12m	X	X	X	12m	12m
Class 6.1	X	X	X	X	X	X	X	X	X	X	X	X	X
Class 6.2	X	X	X	X	X	X	X	X	X	X	X	X	X
Class 7	12m	12m	4m	12m	12m	12m	12m	4m	12m	X	X	X	12m
Class 8	12m	4m	X	4m	4m	4m	4m	12m	12m	X	X	12m	X

“X” means no separation distance prescribed.

Division 4 Dangerous goods in freight containers

291 Application of Division

This Division applies only to and in respect of the handling of dangerous goods that are in freight containers.

292 Gas receptacles and portable tanks

- (1) A person responsible for dangerous goods must ensure that the goods, if in gas receptacles or portable tanks, are not handled in an operational area without the approval of the Minister given under clause 264 in respect of the handling.

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- (2) A person responsible for dangerous goods must ensure that the goods, if in gas receptacles or portable tanks, are not within an operational area if the gas receptacles or portable tanks are of a type the use of which has been prohibited by an order of the Minister served on the person.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

293 Limit on quantities in operational areas

- (1) The Minister may, by order in writing served on a person responsible for dangerous goods, specify a maximum quantity of those goods that the person may deposit or keep in a freight container or freight containers:

- (a) on a vessel in an operational area, or
- (b) otherwise in an operational area,

at any time or during any period specified in the order.

- (2) A person responsible for dangerous goods must not deposit or keep the goods in a freight container or freight containers in contravention of an order served on him or her.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

294 Freight containers at ordinary berths

When explosives or flammable goods in freight containers are being handled at an ordinary berth, no other dangerous goods or other goods may be handled within 15 metres of the explosives or flammable goods without the approval of the Minister.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

295 Fire protection at container terminals and container depots

The lessee of a container terminal and the occupier of a container depot at which dangerous goods are being handled must:

- (a) provide sufficient fire-fighting equipment in a serviceable condition and such other equipment as may be necessary to cope with any reasonably foreseeable emergency that may arise during the handling or storage of the goods at the terminal or depot, and
- (b) arrange for the training of personnel employed at the terminal or depot in fire-fighting techniques.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

296 Dangerous goods of Handling Category A

- (1) The Minister may at any time, and from time to time, by order in writing served on the owner of dangerous goods, prohibit the handling of dangerous goods of Handling Category A at a container terminal.
- (2) An owner of dangerous goods must not handle the goods or cause them to be handled in contravention of an order served on him or her.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

297 Certain freight containers in container terminals

The owner of dangerous goods being:

- (a) ammonium nitrate of Class 5.1, or
- (b) ammonium nitrate fertilisers, type A1, A2, A3 or A4, or
- (c) chlorates, or
- (d) dangerous goods of Class 5.2, or

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- (e) such other dangerous goods as the Minister may specify by order in writing served on the owner,

must not allow a freight container containing those goods to remain in a container terminal for more than 2 hours unless the written approval of the Minister has been obtained.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

298 Keeping of certain dangerous goods at container depots

Dangerous goods of a type referred to in clause 297 must not be kept at a container depot for more than 2 hours unless the goods are completely enclosed in freight containers.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Division 5 Dangerous goods in bulk

299 Application of Division

This Division applies only to or in respect of the handling in bulk of dangerous goods in fluid form.

300 Handling of dangerous goods in fluid form in bulk

- (1) Except as provided by subclause (2), dangerous goods must not be handled at an ordinary berth.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Dangerous goods being dangerous goods of:

- (a) Class 3.3 or 3.4, or
- (b) Class 6, other than those giving off toxic gases or vapours, or
- (c) Class 8,

may be handled at an ordinary berth by means of a pipeline.

301 Fixed tanks

- (1) The master of a vessel conveying dangerous goods in a fixed tank must ensure that the vessel is not berthed at a wharf unless it has been issued with:
- (a) a notation, or
 - (b) a certificate of survey,
- issued by a person or authority approved by the Minister and stating that it is suitable for the conveyance of those goods in the fixed tank.
- (2) An owner of a vessel must ensure that dangerous goods are not handled in a fixed tank on the vessel unless an application referred to in clause 264 (2) to handle the goods has been made with respect to the vessel and, when made, the application was endorsed by the owner with a certificate stating:
- (a) the position on the vessel of the tank, and
 - (b) the particulars, including the date of issue, of the notation or certificate of survey issued in respect of the tank.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

302 Leakage from tanks

- (1) The owner of a vessel conveying dangerous goods in bulk in tanks must, not more than 48 hours and not less than 24 hours before the vessel enters port, deliver (or cause to be delivered) to the Minister a statement signed by him or her stating that to the best of his or her knowledge and belief the tanks are free from leakage or giving particulars of any leakage from them.
- (2) An owner of a vessel must not deliver, or cause to be delivered, to the Minister a statement that is false or misleading in a material particular.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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303 Person entering a wharf

- (1) Except as provided by subclause (2), a person must not enter a wharf at which a vessel conveying flammable liquid or flammable gas is berthed unless he or she has obtained the written consent of the owner or the occupier of the wharf.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) A person may enter a wharf at which a vessel conveying flammable liquid or flammable gas is berthed if he or she:
- (a) is authorised to enter the wharf by the Minister, or
 - (b) is the master or owner or a member of the crew of a vessel berthed at the wharf, or
 - (c) is engaged in handling operations on the wharf or a vessel berthed at the wharf, or
 - (d) has the written consent of the master or owner of the vessel to board the vessel.

304 Person boarding a vessel

- (1) Except as provided by subclause (2), a person must not board a vessel conveying flammable liquid or flammable gas unless he or she has obtained the written consent of the master or owner of the vessel to board the vessel.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) A person may board a vessel conveying flammable liquid or flammable gas if he or she is:
- (a) authorised by the Minister to board the vessel, or
 - (b) the master or owner or a member of the crew of the vessel, or
 - (c) engaged in handling operations on the vessel.

305 Barricades to be erected

A person responsible for dangerous goods must ensure that, if and when the goods are being handled on a tanker or at a wharf at which a tanker is berthed:

- (a) a barricade is erected on the tanker or wharf preventing the entry, by persons who are not permitted to enter the tanker or wharf by or under clause 304 (2) or 303 (2), as the case may be:
 - (i) to the area where the goods are being handled, and
 - (ii) to the connections of any pipelines and hoses conveying the goods, and
- (b) a person is stationed at each opening of the barricade for the purpose of:
 - (i) controlling the entry of persons on to the vessel or wharf or the entry of vehicles on to the wharf, and
 - (ii) warning any person entering the area in which the goods are being handled that the goods are being handled in that area.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

306 Use of pipelines at night

Unless exempted by the Minister from the operation of this clause, a person must not:

- (a) couple up pipelines, hoses, valves or other appliances or commence pumping dangerous goods less than one hour before sunset on any day, or
- (b) couple up, uncouple or otherwise interfere with pipelines, hoses, valves or other appliances used for the pumping of dangerous goods except during the hours of daylight on any day.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

307 Pumping of dangerous goods

- (1) A person responsible for dangerous goods that are being pumped must ensure that:
 - (a) the pipelines conveying the goods are patrolled along their full length so that:
 - (i) any leakage of the goods can be detected, and
 - (ii) if the pipelines are conveying heated or cooled dangerous goods, any devices associated with the pipelines that are designed to warn against too high or

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too low a temperature being reached in them or to warn against excessive thermal expansion or contraction are frequently inspected or observed, and

- (b) the terminal valves on the wharf and the control valves on the vessel are tended by competent persons (who must close the valves in the event of any occurrence which would adversely affect the normal operation of the pipelines), and
 - (c) any occurrence which adversely affects the normal operation of the pipelines is reported to the Minister, and
 - (d) if the goods are heated above or cooled below ambient temperature, they are pumped through pipelines or flexible hoses designed and constructed for use at the temperature of the goods, and
 - (e) no leakage occurs from the flange connection at the manifold on board the vessel to which the shore pipeline or hose is connected.
- (2) When pumping operations cease, the person responsible for the dangerous goods while they were being pumped must ensure that the valves of the pipeline on the vessel conveying the goods (or that has conveyed the goods immediately before the pumping operations) and on the shore are closed.
- (3) The Minister may, at any time and from time to time, direct that the pumping of dangerous goods in an operational area be discontinued and may revoke any such direction.
- (4) A person breaches this Regulation if he or she continues a pumping operation in contravention of a direction that has been communicated to him or her and is in force.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

308 Berthing of certain tankers

The master of a tanker conveying dangerous goods of Class 2.1 or 3 in bulk must ensure that:

- (a) wire mooring ropes are not used in the mooring of the vessel unless the ropes:
 - (i) are attached to automatic tensioning winches, and
 - (ii) are led overboard through leads fitted with suitable sheaves or rollers, and

(iii) are fitted at the outboard end with rope tails of vegetable or synthetic fibre,

and the approval of the harbour master has been obtained to the use of wire mooring ropes in the mooring of the vessel, and

(b) while the tanker is berthed, an axe suitable for cutting mooring lines of the tanker in case of emergency is provided and kept readily available on the wharf.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

309 Berthing of vessels conveying flammable liquid or flammable gas

The master of a vessel conveying flammable liquid or flammable gas in bulk and that berths at a wharf must ensure that:

(a) immediately after the vessel is berthed, steel wire hawsers (sufficiently strong to enable the vessel to be hauled away from the wharf) are placed over its fore and aft ends, secured inboard and their unsecured ends lowered to a height of not more than one metre above the surface of the water, and

(b) the hawsers remain in place while the vessel is alongside the wharf and are tended and adjusted from time to time as may be required to meet changes in the draught of the vessel so that their unsecured ends remain at a height of not more than one metre above the surface of the water.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

310 Matches and other articles to be collected

When dangerous goods of Class 2.1 or 3 are being handled on a tanker or at a wharf at which a tanker is berthed, the person referred to in clause 305 (b) must collect all matches and other articles capable of producing fire and in the possession of persons entering the area enclosed by the barricade.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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311 Smoking near pipeline containing flammable liquid or flammable gas

A person must not smoke within 30 metres of a pipeline or tank containing flammable liquid or flammable gas.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

312 Use of certain equipment near tanks, pipeline connections and hoses containing flammable liquid or flammable gas

(1) A person must not, except with the written approval of the Minister:

- (a) use electrical equipment, including lights, telephones, heaters or stoves, within 30 metres of a tank, pipeline connection or hose containing flammable liquid or flammable gas, or
- (b) bring a motor vehicle, steam locomotive, internal combustion engine or electrically powered engine within 30 metres of a tank, pipeline connection or hose containing flammable liquid or flammable gas, or
- (c) bring, cause or use fire or bring or use any article capable of producing fire, including oxy-acetylene or electric cutting or welding apparatus, within 30 metres of a tank, pipeline connection or hose containing flammable liquid or flammable gas.

(2) The master of a vessel must ensure that chipping, scraping or hammering of iron or steel does not take place on it while:

- (a) a tank on it that contains or has contained flammable liquid or flammable gas is open, unless the tank has been certified as gas-free since flammable liquid or flammable gas was last present in it, or
- (b) there is any flammable liquid or flammable gas on open deck space of it, or
- (c) flammable liquid or flammable gas is being handled on it, without the written approval of the Minister.

- (3) The master of a vessel must ensure that iron or steel hammers or other articles capable of producing a spark are not used on it for the purpose of opening or closing a hatch of a hold or the lid of a tank containing flammable liquid or flammable gas or for the purpose of coupling or uncoupling a pipeline containing flammable liquid or flammable gas.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

313 Boiler fires

If a vessel is conveying dangerous goods of Class 2.1 or 3 in bulk, its master must ensure that boiler fires are not used for the purpose of supplying power for handling cargo or for heating galley appliances, unless the use of boiler fires for that purpose is approved in writing by the Minister.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

314 Controlling of tankers

The master of a tanker, other than a self-propelled tanker, conveying dangerous goods of Class 2.1 or 3 in bulk must ensure that:

- (a) it is not navigated unless it is properly controlled by a tug, and
- (b) not more than 2 tankers are pushed or towed, or pushed and towed, by one tug at the same time, whether or not either or both of them are being pushed or towed by another or other tugs.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

315 Mooring of vessels

The master of a vessel must ensure that it is not anchored or moored within 30 metres of:

- (a) a vessel conveying dangerous goods of Class 2.1 or 3 in bulk, or

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- (b) a connection or valve of a pipeline when dangerous goods of Class 2.1 or 3 are being pumped in the pipeline,

without the approval of the Minister.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

316 Flammable liquids in tanks

The master of a vessel conveying flammable liquid in a tank must ensure that:

- (a) the tank is effectively screened from any engine on the vessel by a non-combustible shield placed at least 150 millimetres from the tank and that the engine and its exhaust are wholly on the same side of the shield, and
- (b) all pressure and vacuum relief valves of the tank are protected by wire gauze, and
- (c) earthing is provided to prevent accumulation of static electricity in the tank, and
- (d) the bottom end of each fill pipe is sufficiently near the bottom of the tank to form a liquid seal, and
- (e) all fill pipes, dip pipes or other openings of the tank are fitted with screw caps, bolted covers or other means of closing them gas tight at all times when they are not in use, and
- (f) there are no openings in the walls of a fill pipe into vapour space in the tank, and
- (g) if there are openings in the walls of a dip pipe into vapour space in the tank, the openings are covered with wire gauze, and
- (h) unless otherwise approved in writing by the Minister, the outlet of a vent pipe on the tank is protected by wire gauze and is not less than 3.5 metres above open deck space and made weather-proof, and
- (i) sufficient ullage is provided in the tank so that an increase in temperature does not cause the tank to become liquid full.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

317 Scuppers to be plugged

The master of a vessel conveying dangerous goods of Class 3 in bulk must ensure that its scuppers and overside deck openings are plugged before the goods are handled.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

318 Pumping of dangerous goods of Class 3

Unless otherwise approved in writing by the Minister, a person responsible for dangerous goods of Class 3 being conveyed in a pipeline must ensure that the velocity of the goods in the pipeline is not greater than one metre per second:

- (a) at the commencement of pumping and after each occasion that water clearance is used, in the pipeline, until the pipeline has been cleared twice, and
- (b) when pumping into an empty tank, until the fill pipe is covered and in the case of the tank of a vessel, until the bottom longitudinal structural members are covered, and
- (c) when pumping into a floating tank, until the roof is afloat.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

319 Flexible hoses

A person responsible for dangerous goods of Class 3 that are being conveyed by a flexible hose must ensure that the hose is:

- (a) handled and operated in accordance with BS 1435 (Specification for rubber hose, wire reinforced for oil suction and discharge services) published by the British Standards Institution, and
- (b) worked at a pressure not exceeding 80 per cent of the marked factory test pressure referred to in BS 1435, and
- (c) supported and protected against kinking and chafing.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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320 Electrical bonding of pipelines

A person responsible for dangerous goods of Class 3 must ensure that, if the goods are to be conveyed in a pipeline, the pipeline connections are electrically bonded before flexible hoses are connected and the bonding is not broken before the hoses are disconnected.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

321 Cleaning of pipelines

Unless otherwise approved by the Minister, on completion of pumping of dangerous goods of Class 3, the person responsible for the goods must ensure that:

- (a) the pipelines that have been used are thoroughly cleaned with water and, after cleaning, are kept full of water, and
- (b) all hoses are disconnected from the pipelines.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

322 Loading of flammable liquid

If road or rail tankers are to be loaded with flammable liquid in an operational area, the person responsible for the liquid must ensure that a closed filling system of a type approved by the Minister is used.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

323 Conveyance of flammable gases

The master of a vessel (other than a gas tanker) must ensure that it does not convey flammable gas in bulk unless it has been approved in writing by the Minister for the purpose of conveying flammable gas in bulk.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

324 Supervision of flammable gas pipelines

When pipelines or hoses are being used for the conveyance of flammable gas in an operational area, the person responsible for the gas must ensure that the pipelines or hoses are kept under constant supervision.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

325 Operation of flammable gas pipelines

A person responsible for flammable gas must ensure that:

- (a) a positive pressure is maintained in any tank of a vessel and in any pipeline containing the gas, and
- (b) air does not enter any tank of a vessel or any pipeline containing the gas, and
- (c) when any pumping of the gas is completed, all tank valves are immediately closed and each transfer pipeline used in the pumping is disconnected from the vessel and blanked off, and
- (d) if a fault occurs in a pipeline or a connection of a pipeline conveying the gas, or if the continuous conveyance of the gas by the pipeline is interrupted in any way:
 - (i) pumping of the gas is stopped, and
 - (ii) adequate safety measures are taken, and
 - (iii) all necessary repairs are effected before pumping of the gas recommences.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

326 Pumping of liquefied flammable gas

A person responsible for liquefied flammable gas must ensure that:

- (a) any drain holes and pipes on a wharf, and
- (b) any scuppers, pipes and other vents on a vessel,

that may permit the gas to escape into the waters of a port are opened before any pumping of the gas commences and are kept open for the whole period of the pumping.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Clause 327 Dangerous Goods (General) Regulation 1999

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327 Vessel conveying flammable gas to leave port without undue delay

- (1) The master and the owner of a vessel conveying flammable gas must ensure that the vessel leaves port without undue delay after the handling of the gas at the port has been completed.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (2) Nothing in subclause (1) prevents a vessel conveying flammable gas from remaining in a port (after the handling of the gas in the port has been completed) for the purpose of taking on board bunkers, stores or ballast or for such other purposes as may be approved by the Minister.

328 Handling of toxic or corrosive dangerous goods in bulk

- (1) When dangerous goods of Class 2.3, 6 or 8 are being handled in bulk in a port, the person responsible for the goods must ensure that:
- (a) while a vessel conveying the goods is lying at anchor, on a mooring or at a berth, a warning notice complying with subclause (2) is placed at the foot of each gangway to the vessel, and
 - (b) the warning notice is illuminated between the hours of sunset and sunrise by a white light of a type approved by the Minister, and
 - (c) if any spillage of the goods occurs:
 - (i) the harbour master of the port is immediately informed, and
 - (ii) all persons in the area affected by the spillage are warned of the spillage, and
 - (iii) the spilled goods are removed or treated so as to obviate danger to any person or property, and
 - (d) 3 sets of suitable protective clothing are kept remote from any area in which the goods are being pumped, but readily accessible from that area in case of an emergency, and
 - (e) a safety shower or tub is kept readily accessible in case of an emergency, and
 - (f) unless otherwise approved by the Minister, when any handling of the goods by pipeline is stopped, the section of the pipeline from the shore to the seaward end of the wharf is cleared of the goods.

- (2) A warning notice must be of a size not less than 2 metres by 1 metre and have printed on it the words “KEEP AWAY—POISONS BEING HANDLED” or the words “KEEP AWAY—CORROSIVES BEING HANDLED”, as the case may require, on a white background in red letters not less than 150 millimetres high conforming to type B of AS 1744 (Forms of letters and numerals for road signs).

Contravention of this clause is an offence and is punishable in accordance with clause 340.

329 Handling of anhydrous ammonia in bulk

When anhydrous ammonia is being handled by means of a pipeline, the person responsible for the anhydrous ammonia must ensure that:

- (a) the pipeline is operated in accordance with AS 2022 (SAA anhydrous ammonia code), and
- (b) at least 3 sets of self-contained breathing apparatus of compressed air or oxygen type and at least 3 sets of suitable protective clothing are kept remote from the pumping area, but readily accessible in case of an emergency, and
- (c) all personnel engaged in the handling carry canister respirators of a type approved by the Minister, and
- (d) if any anhydrous ammonia is released from the pipeline other than into a tank, it is released into water, and
- (e) if the concentration of anhydrous ammonia in the air is greater than 100 parts per million at a distance of 3 metres or more from a vessel or from a connection of the pipeline, the handling is stopped until the concentration is not greater than 100 parts per million.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

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Clause 330 Dangerous Goods (General) Regulation 1999

Part 11 Special requirements relating to ports

Division 6 Pipelines and flexible hoses used for the handling of dangerous goods

Division 6 Pipelines and flexible hoses used for the handling of dangerous goods

330 Application of Division

This Division applies only in respect of the construction, installation or maintenance of a pipeline, hose or fitting used in connection with the handling of dangerous goods in an operational area.

331 Compliance with Division

The owner of a pipeline or hose breaches this Regulation if the construction, installation or maintenance of the pipeline or hose does not comply with, or is not carried out in accordance with, the requirements of this Division.

332 Installation of new pipelines

- (1) In this clause, *new pipeline* includes an existing pipeline that is to be relaid or renewed or that has major repairs carried out on it.
- (2) A new pipeline must not be installed except with the written approval of the Minister.

Contravention of this subclause is an offence and is punishable in accordance with clause 340.

- (3) An application for approval to install a new pipeline must be accompanied by such plans, specifications and other details as the Minister may require.
- (4) The Minister may impose such conditions on an approval as the Minister considers appropriate and may from time to time vary or revoke any of those conditions by notice in writing served on the owner of the pipeline.

333 Anhydrous ammonia pipelines

A person must not use pipelines and fittings for the handling of anhydrous ammonia unless they are constructed, maintained and tested in accordance with AS 2022 (SAA anhydrous ammonia code).

Contravention of this clause is an offence and is punishable in accordance with clause 340.

334 Liquefied flammable gas pipelines

- (1) A person must not use pipelines, hoses and fittings for the handling of liquefied flammable gas unless they:
 - (a) are constructed and maintained in accordance with AS 1596 (Storage and handling of LP gas), and
 - (b) have been tested in accordance with AS 1596 before being used for the first time and thereafter at intervals of not more than 3 months, and
 - (c) are electrically bonded and earthed as required by the Minister.
- (2) A person must not use a pump used to handle liquefied flammable gas in a pipeline or hose unless it is fitted with a means of closing it down well removed from the pipeline or hose.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

335 Pipelines used to handle dangerous goods of Class 3

- (1) A person must not use a pipeline for the handling of dangerous goods of Class 3 unless it is fitted with:
 - (a) a non-return valve and a stop valve of a type approved by the Minister at the outer or seaward end of the pipeline, and
 - (b) if required in writing by the Minister, a non-return valve of a type approved by the Minister at the shore end of the wharf or the submarine pipeline.
- (2) If back loading is to be carried out or if a product separation device is to be used, the Minister may approve in writing of a non-return valve being by-passed by a branch line controlled by a rising spindle gate valve.
- (3) A non-return valve need not be fitted to a pipeline used exclusively for bunkering if a stop valve of a type approved by the Minister is fitted at the shore end of the pipeline.
- (4) A person must not use a flexible hose for the handling of dangerous goods of Class 3 unless it:
 - (a) has a factory test pressure of at least 1.0 megapascals, and

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Clause 335 Dangerous Goods (General) Regulation 1999

Part 11 Special requirements relating to ports

Division 6 Pipelines and flexible hoses used for the handling of dangerous goods

- (b) has the number of the hose, the factory test pressure and the owner's name legibly and permanently marked on a metal plate incorporated in and forming part of the hose or marked in such other manner as may be approved by the Minister, and
 - (c) is fitted with copper wire mechanically connected to the metal fitting at each end of the hose, or with such other fitting as the Minister may approve, so as to ensure complete electrical continuity over the entire length of the hose, and
 - (d) has been tested:
 - (i) at intervals of time not greater than the period specified opposite its type in the Table to this clause, and
 - (ii) in accordance with the procedure specified in BS 1435 (Specification for rubber hose, wire reinforced for oil suction and discharge services) published by the British Standards Institution, and
 - (iii) for electrical continuity after a test referred to in subparagraph (ii).
- (5) A person must not use a flexible hose for the handling of dangerous goods of Class 3 if a test referred to in subclause (4) (d) (ii) shows that the elongation of the hose exceeds the figure specified in Clause A3.7 (1) and (2) of Appendix A of BS 1435 or if the hose does not have electrical continuity.
- (6) A pipeline used for the handling of dangerous goods of Class 3 must be tested at least once every 12 months to ensure that it is suitably bonded and earthed and if it is not suitably bonded and earthed it must not be used.
- (7) The results of the tests referred to in subclause (4) (d) or (6) must be kept available by the owner of the flexible hose or pipeline for the period of time that it is in an operational area and must be produced for inspection to the Minister by the owner on demand made at any reasonable time.
- (8) If dangerous goods of Class 3 are being pumped through a pipeline to or from a vessel, effective drip trays or drums must be placed under the seaward end of the pipeline on the wharf.

(9) If a non-return valve is by-passed in accordance with subclause (2), the person responsible for any dangerous goods in the pipeline to which the valve is attached must ensure that the rising spindle valve is kept closed and locked unless:

- (a) the pipeline is to be cleared of its contents, or
- (b) backloading is taking place, or
- (c) a product separation device is to be used in the pipeline.

Contravention of this clause is an offence and is punishable in accordance with clause 340.

Table Intervals of time between tests of flexible hoses

Type of flexible hose	Period of time between tests
Hose used on a wharf for the conveyance of flammable liquid	1 year
Hose used on a wharf for the conveyance of combustible liquid	2 years
Submarine hose not used in connection with a single buoy mooring	1 year
Hose floating on water when used in connection with a single buoy mooring	1 year
Hose connected immediately to a vessel's manifold and used in connection with a single buoy mooring	6 months
Hose connected immediately to the top of a single buoy mooring	6 months
Hose connected immediately to the underside of a single buoy mooring and any hose connected to that hose	3 years

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Clause 336 Dangerous Goods (General) Regulation 1999

Part 12 Miscellaneous

Part 12 Miscellaneous

336 Inspector's receipt

The prescribed form for the purposes of section 31 (3) of the Act is Form 3.

337 Application to court by Minister

For the purposes of sections 31 (4), 37 (1) and 38 (2) of the Act, an application is made in the prescribed manner if:

- (a) it is made in writing, and
- (b) lodged at the court to which the application is made.

338 Notice of Minister's intention

For the purposes of section 37 (3) (b) of the Act, a notice is advertised in the prescribed manner if it is published in the Gazette.

339 Certificate: prescribed officer

For the purposes of section 40 (2) (a) of the Act the General Manager, WorkCover Authority is a prescribed officer.

340 Penalty

- (1) A person who contravenes a provision of this Regulation (contravention of which is stated to be an offence) or of a term or condition of a licence or permit is guilty of an offence and is liable to a penalty (if a penalty is not otherwise provided) not exceeding:
 - (a) 100 penalty units in the case of a corporation, or
 - (b) 50 penalty units in the case of an individual who contravenes the provision, term or condition otherwise than in his or her capacity as an employee, or
 - (c) 25 penalty units in the case of an individual who contravenes the provision, term or condition in his or her capacity as an employee.
- (2) In this clause:
employee means an employee within the meaning of the *Occupational Health and Safety Act 1983*.

341 Repeal

- (1) The *Dangerous Goods Regulation 1978* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Dangerous Goods Regulation 1978*, had effect under that Regulation continues to have effect under this Regulation.

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Schedule 1 Forms

Schedule 1 Forms

Form 1

(Clause 60)

DANGEROUS GOODS ACT 1975

Application to police officer for permit to receive explosives

I apply for a permit to receive explosives under the *Dangerous Goods Act 1975* and the *Dangerous Goods (General) Regulation 1999*.

1. Name of applicant	Surname	Given names
2. Residential address of applicant		Postcode
3. Occupation of applicant		
4. Type and quantity of explosives required	Type	Quantity
5. Purpose for which explosives are required		
6. Previous experience of applicant with explosives		

I certify that the above particulars are true and correct.

Signature of applicant:

Date of application:

To The Officer-in-Charge,
Police Station,

Form 2

(Clause 61 (4))

DANGEROUS GOODS ACT 1975

Permit to receive explosives

In accordance with the *Dangerous Goods Act 1975* and the *Dangerous Goods (General) Regulation 1999*,

_____, whose specimen signature appears below, is authorised by this permit, subject to the Act, the Regulation and to any conditions set out below, to receive from time to time the following explosives in a quantity not exceeding on any one occasion the following quantity:

Quantity of explosives	Description of explosives

This permit is subject to the conditions that:

This permit remains in force until

Specimen signature of holder of permit

Police Station (Officer-in-Charge)

Date

PARTICULARS OF SALE OR SUPPLY

Quantity	Explosives	Date of sale	Vendor's name and address

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Schedule 1 Forms

Form 3

(Clause 336)

DANGEROUS GOODS ACT 1975

Receipt for goods

I, _____, being an inspector under the
Dangerous Goods Act 1975, on
*took under section 31 (1) (b) of the Act,
*seized/removed/detained under section 31 (1) (c) of the Act,
the substance or article described in the Schedule from:

Schedule

Description of substance or article	Quantity of substance or article

Signature of Inspector:

Date:

* Delete whichever is not applicable.

Schedule 2 Handling categories of dangerous goods

(Clause 259)

The handling categories of dangerous goods are:

1. Handling Category A, comprised of:
 - (a) explosives other than:
 - (i) Fireworks being dangerous goods of Class 1.4G or 1.4S,
 - (ii) dangerous goods of Class 1.4,
 - (b) dangerous goods of Class 7.
2. Handling Category B, comprised of:
 - (a) Fireworks being dangerous goods of Class 1.4G or 1.4S,
 - (b) dangerous goods of:
 - (i) Class 1.4 other than dangerous goods of Class 1.4S,
 - (ii) Class 2.1,
 - (iii) Class 2.2 being cryogenic liquid, carbon dioxide and oxygen mixtures or compressed oxygen,
 - (iv) Class 2.3,
 - (v) Class 3 Packing Group I, II or III,
 - (vi) Class 4.1 Packing Group I,
 - (vii) Class 4.2 Packing Group I or II,
 - (viii) Class 4.3,
 - (ix) Class 5.1 Packing Group I or II,
 - (x) Class 5.2,
 - (xi) Class 6.1 Packing Group I,
 - (xii) Class 6.2,
 - (xiii) Class 8 Packing Group I.
3. Handling Category C, comprised of dangerous goods of:
 - (a) Class 1.4S,
 - (b) Class 4.1 Packing Group II or III,
 - (c) Class 4.2 Packing Group III,
 - (d) Class 5.1 Packing Group III,
 - (e) Class 6.1 Packing Group II or III,

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Schedule 2 Handling categories of dangerous goods

- (f) Class 8 Packing Group II or III,
- (g) Class 9,
- (h) Class C1,
- (i) Class C2.

Schedule 3 Maximum quantities of dangerous goods permitted on board a vessel berthed at an ordinary wharf

(Clause 287 (3))

<i>Dangerous goods</i>	<i>Maximum quantity</i>
1. Ammonia perchlorate	10 tonnes
2. Ammonium nitrate containing not more than 0.2 per cent combustible matter (calculated as carbon) or ammonium nitrate fertilisers, type A1, A2, A3 or A4 in:	
(a) steel drums	150 tonnes
(b) freight containers	150 tonnes
(c) containers other than steel drums or freight containers	10 tonnes
3. Total quantity of all dangerous goods of Class 5.1 other than nitrates of barium, lead potassium, sodium or strontium	200 tonnes
4. Except as provided by clause 287 (5), all explosives other than dangerous goods of Class 1.4	25 kilograms

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Dictionary

Dictionary

(Clause 4)

ADG Code means the sixth edition of the *Australian Code for the Transport of Dangerous Goods by Road and Rail* approved by the Ministerial Council for Road Transport and published by the Australian Government.

aerosol has the same meaning as in the *ADG Code*.

amorces means dots of an explosive substance mainly consisting of any one or more of the following substances, namely potassium chlorate, amorphous phosphorus, antimony sulfide and sulfur, the explosive substance being enclosed between 2 pieces of paper or other suitable material and present in a proportion not exceeding 7.5 grams to every thousand dots.

approved means approved by the WorkCover Authority.

Australian Explosives Code means the *Australian Code for the Transport of Explosives by Road and Rail*, as published by the Australian Government.

blasting explosives means dangerous goods of Classes 1.1D and 1.5D, other than gunpowder.

carrying section, in relation to a vehicle or vessel, means the section of the vehicle or vessel in or on which dangerous goods are carried.

city has the same meaning as in the *Local Government Act 1993*.

collector's permit means a collector's permit under this Regulation.

combustible liquid means goods (other than dangerous goods of Classes 1–9, inclusive) referred to as combustible liquids in AS 1940 (The storage and handling of flammable and combustible liquids).

compressed gas means dangerous goods of Class 2 contained in the gaseous state under pressure.

confetti bomb means a pyrotechnic device designed to project confetti and to emit a report when an igniting string is pulled and containing an explosive substance with a mass not exceeding 30 milligrams, mainly consisting of any one or more of the substances potassium chlorate, amorphous phosphorus, antimony sulfide and sulfur.

consignor has the same meaning as in the *ADG Code*.

contravene includes fail to observe.

council has the same meaning as in the *Local Government Act 1993*.

cryogenic liquid means a gas that at a pressure of 101.325 kilopascals absolute can be liquefied only by cooling below 125K, and that is kept as a liquid at or near atmospheric pressure, and includes liquid carbon dioxide (UN No 2187) and liquid nitrous oxide, refrigerated liquid (UN No 2201).

cylinder means a gas cylinder as defined in Appendix E to AS 1200 (Pressure equipment), being a gas cylinder that:

- (a) has a capacity exceeding 0.1 litre, and
- (b) is not a disposable container.

depot means a building, structure, room, compartment, tank, store, area or receptacle in or on which dangerous goods are kept, but does not include a process building.

detonating fuse means a fuse or cord containing a core of pentaerythritol tetranitrate or cyclotrimethylenetrinitramine or both these substances, with or without trinitrotoluene or tetryl, contained in a sheath of paper, textile yarn or plastics or any combination thereof, with or without a reinforcing of metal strands, waterproofing by impregnation by or coating with a thermoplastic composition, or colouring with varnish.

detonator means a small tube of metal or plastics:

- (a) one end of which is closed and the other:
 - (i) left open for the insertion of safety fuse for the purpose of initiating an explosion within the tube, or
 - (ii) fitted with wires or other devices for that purpose, and sealed, and
- (b) that is loaded with a charge of chemicals (such as lead azide, pentaerythrite tetranitrate (pentaerythritol tetranitrate; PETN) or lead styphnate), or of chemicals and other goods, the charge being designed to produce an explosion of the tube that may be communicated to other tubes similarly constructed and charged.

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display firework means a firework (other than a distress signal or a toy firework) consisting of a case or contrivance forming a squib, gerbe, cracker, serpent, rocket, mortar shell, lance, wheel, coloured fire, Roman candle or other article specially adapted for the production of a pyrotechnic effect or a sound effect.

display fireworks permit means a display fireworks permit under this Regulation.

disposable container means a packaging for dangerous goods of Class 2 that is not designed to be refilled and has a capacity not exceeding one litre and includes any receptacle that is UN No 2037 and has a capacity not exceeding one litre.

distress signal means a pyrotechnic device intended for signalling, warning, rescue or like purposes and includes a marine flare, landing flare, highway flare, highway fusee, line-carrying rocket, anti-hail rocket, cloud seeding rocket, avalanche rocket, smoke generator or bird scarer.

drum has the same meaning as in the *ADG Code*.

employee has the same meaning as in the *Occupational Health and Safety Act 1983*.

environmentally hazardous substances has the same meaning as in the *ADG Code*.

explosive substance means dangerous goods that are explosives and any other dangerous goods that are capable of exploding.

exposure has the meaning ascribed to it by clause 86, and includes an exposure that is outside the State.

external magazine means a magazine other than an internal magazine.

factory area means the area, within premises licensed under section 19 of the Act, in which process buildings, installations in connection with the manufacture of explosives and magazines are situated and the boundary of which is set out in the licence for the premises.

financial year means a period of 12 months ending on 30 June.

firearms licence means a Category A, B, C, D or H licence under the *Firearms Act 1996*.

fire-resistance level means a fire-resistance level determined in accordance with AS 1530 (Methods for fire tests on building materials, components and structures), Part 4 (Fire resistance tests of elements of building construction).

firework means an article designed to produce a sound or a pyrotechnic signal or a pyrotechnic effect by the explosion or ignition of an explosive substance, including a distress signal, gerbe, lance, mine, mortar shell, Roman candle, rocket, wheel, salute, torch or fountain.

firework wholesaler's permit means a firework wholesaler's permit under this Regulation.

flammable gas means dangerous goods of Class 2.1.

flammable liquid means dangerous goods of Class 3.

Form means a form in Schedule 1.

freight container, in relation to:

- (a) dangerous goods to which the *ADG Code* applies, has the same meaning as in that Code, and
- (b) dangerous goods to which the *Australian Explosives Code* applies, has the same meaning as in that Code.

fuel dispensing unit means mechanical equipment for the delivery of dangerous goods of Class 2.1 or 3 directly into the fuel tanks of vehicles or vessels, whether a pump is included in the equipment or not.

gas-free, in relation to a tank, hold or space, means that the concentration in the tank, hold or space:

- (a) of any flammable gas or any vapour from a flammable liquid does not exceed 5 per cent of the lower explosive limit of the gas or vapour, and
- (b) of any toxic vapour does not exceed the airborne concentration specified in the publication entitled "Exposure Standards for Atmospheric Contaminants in the Occupational Environment" published by Worksafe Australia.

gunpowder means an explosive substance mainly consisting of sulfur, charcoal or other carbon, and either potassium nitrate or sodium nitrate.

holder, in relation to:

- (a) a licence that has not been transferred, or a permit—means the person to whom it was issued, or
- (b) a licence that has been transferred—means the person to whom it was last transferred.

IBC (intermediate bulk container) means a rigid or flexible portable packaging for the transport of dangerous goods that:

- (a) has the capacity of not more than:
 - (i) for solids of Packing Group I packed in a composite, fibreboard, flexible, wooden or rigid plastics container—1 500 litres, or
 - (ii) for solids of Packing Group I packed in a metal container—3 000 litres, or
 - (iii) for solids or liquids of Packing Group II and III—3 000 litres, and
- (b) is designed for mechanical handling, and
- (c) is resistant to the stresses produced in usual handling and transport.

immediate packaging means an inner packaging designed to be used without an outer packaging.

in bulk, in relation to dangerous goods, means dangerous goods that are not packaged dangerous goods within the meaning of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations*.

indoor table bomb means a pyrotechnic device designed to project streamers or confetti (or both) and to emit a report when an igniting string is pulled and containing an explosive substance with a mass not exceeding 60 milligrams, mainly consisting of any one or more of the substances potassium chlorate, amorphous phosphorus, antimony sulfide and sulfur.

inner packaging has the same meaning as in the *ADG Code*.

internal magazine means a receptacle or cabinet for the keeping of explosives within a building.

licensed capacity, in relation to a licensed depot, means the maximum quantity of dangerous goods that the depot is licensed to contain.

licensed depot means a depot in or on licensed premises and specified as a depot or magazine in the licence for the premises.

licensed magazine means a licensed depot that is a magazine.

licensed premises means premises in relation to which a licence under section 8 or 19 of the Act is for the time being in force.

licensed transport container means a container in relation to which a licence under section 10 of the Act is for the time being in force.

liquefied gas means dangerous goods of Class 2 having a critical temperature greater than 10°Celsius, kept as a liquid.

liquid oxygen explosive means an explosive manufactured by impregnating an absorbent carbonaceous material with liquid oxygen or liquid air.

magazine means a depot in which explosives are kept.

magazine keeper, in relation to a magazine, means a person responsible for the operation or maintenance of the magazine.

main electrical substation means a substation forming part of a community electricity reticulation system and not installed for the distribution of electricity to or within particular premises.

manufactured product has the same meaning as in the *ADG Code*.

model rocket propellant device means an article that:

- (a) consists of a case in which there is a substance or substances that burn rapidly when ignited, and
- (b) with or without other articles, is intended to be part of the propulsion system of a model rocket.

MSC means metric standard conditions of pressure and temperature, that is, a pressure of 101.325 kilopascals and a temperature of 15°Celsius.

NEQ means the net explosive quantity (expressed as a mass) of an explosive, exclusive of any non-explosive components.

non-combustible, in relation to:

- (a) a material that is part of a building—means the material is not combustible within the meaning of AS 1530 (Methods for fire tests on building materials, components and structures), or

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- (b) a building or a part of a building—means the building or part is constructed wholly of materials that are not combustible as referred to in paragraph (a).

outer packaging has the same meaning as in the *ADG Code*.

package has the same meaning as in the *ADG Code*.

packaging has the same meaning as in the *ADG Code*.

percussion cap means a device being a capsule or a case of metal that:

- (a) contains a charge of chemicals (such as lead azide or lead styphnate), or of chemicals and other goods, covered and protected by a coating of tinfoil or other approved material and with or without an anvil, and
- (b) if packed with other similar devices, is so constructed and packed that an explosion of the device does not cause an en masse explosion.

pool chlorine means dangerous goods of Class 5.1, being calcium hypochlorite, sodium dichloroisocyanurate, sodium trichloroisocyanurate, potassium dichloroisocyanurate, dichloroisocyanuric acid, trichloroisocyanuric acid and other oxidising agents, in solid form, used for chlorinating water.

prime contractor has the same meaning as in the *ADG Code*.

process building means a building (other than a depot) in or on premises licensed for the manufacture of explosives otherwise than for immediate use in which:

- (a) any explosive, or
- (b) any ingredient for explosives that either is an explosive substance or when mixed or brought into contact with another substance or article, including another ingredient for explosives, that is in that building, is capable of forming a mixture or compound that is an explosive substance,

is manufactured (or is used in any process of manufacture) or is assembled, disassembled, modified, tested, pressed or packed (or is used as a part of a similar process), but does not include a building that under the terms of the licence or of an order in writing by the WorkCover Authority is not to be regarded as a process building.

propellant powder means gunpowder not contained in a safety cartridge, or the substance commonly described as nitrocellulose propellant powder, not so contained.

Proper Shipping Name has the same meaning as in the *ADG Code*.

protected place means any:

- (a) public place, or
- (b) railway, tramway or aerodrome, or
- (c) waterway used for navigation, or
- (d) dock, wharf, pier, jetty, reservoir (other than a reservoir used for the supply to the public of reticulated water), river wall, sea wall or bridge, or
- (e) furnace, kiln, forge or fire for manufacturing purposes or for the use of any boiler, engine or machine, or
- (f) water main or water supply channel (other than an underground main or channel), or
- (g) main electrical substation, or
- (h) electrical power transmission line having a line voltage of one kilovolt or more, or
- (i) main gas transmission line (other than an underground line), or
- (j) radio or television transmitter used in community broadcasting or television services.

protected work means any:

- (a) dwelling-house, or
- (b) government or public building, church, chapel, college, school, hospital, theatre or public hall, or
- (c) shop, factory, warehouse, store or other building, or any timber yard, in which any person is employed or engaged in a trade, business or profession, or
- (d) building or structure in or about which persons are usually present or from time to time assemble, or
- (e) depot or process building situated on premises that are licensed, or required to be licensed, under section 8 or 19 of the Act or that, if the premises were in the State, would be required to be so licensed, or

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- (f) reservoir used for the supply to the public of reticulated water.

public hall has the same meaning as in the *Theatres and Public Halls Act 1908*.

public place means a place to which the public has its own right to resort, and includes a public road.

public road has the same meaning as in the *Local Government Act 1993*.

pump includes all apparatus or appliances provided for use in connection with a pump.

refillable container means a packaging for dangerous goods of Class 2 that is designed to be refilled and that has a capacity not exceeding 0.1 litre.

Road Transport Reform (Dangerous Goods) (New South Wales) Regulations means the *Road Transport Reform (Dangerous Goods) Regulations* of the Commonwealth as applied by the *Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998* as regulations in force for the purposes of the *Road and Rail Transport (Dangerous Goods) Act 1997*.

rural industry has the same meaning as in Part 3 of the *Factories, Shops and Industries Act 1962*.

safety fuse means a fuse for blasting that:

- (a) burns and does not explode, and
- (b) does not contain its own means of ignition, and
- (c) is of such strength and construction and contains an explosive substance in such quantity that the burning of the fuse will not be communicated, except through an end of the fuse, to other similar fuses, and
- (d) burns at a rate of one metre in not less than 90 seconds or more than 120 seconds.

screen wall means a wall not less than 2 metres high of such material and so constructed and placed as to preclude the penetration of vapour through it.

self-service fuel dispensing unit means a fuel dispensing unit designed to be operated by purchasers of the fuel delivered by the unit.

shotfirer's permit means a shotfirer's permit under this Regulation.

snap for bon-bon crackers means a firework designed to produce a sound by explosion when the ends of strips to both or either of which an explosive is applied are pulled away from each other, the explosives being dangerous goods of Class 1.1A in a quantity not exceeding 2 grams per 1 000 articles.

sparkler means a firework consisting of a wire or stick coated with a metallic powder in admixture with an oxidising composition.

sprinklered means provided with an automatic water sprinkling system for fire fighting.

starting pistol caps means dots of an explosive substance mainly consisting of any one or more of the substances potassium chlorate, amorphous phosphorus and antimony sulfide, the explosive substance being applied to sheets of paper or other suitable material and present in a quantity not exceeding 0.5 gram per dot.

streamer cone means a pyrotechnic device designed to project streamers and to emit a report when an igniting string is pulled, and containing an explosive substance with a mass not exceeding 30 milligrams and mainly consisting of any one or more of the substances potassium chlorate, amorphous phosphorus, antimony sulfide and sulfur.

subsidiary risk, in relation to dangerous goods, means the subsidiary risk assigned to the goods under the *ADG Code*.

tank has the same meaning as in the *ADG Code* and includes:

- (a) a container of or for liquid dangerous goods (other than dangerous goods of Class 2 or flammable or combustible liquids) having a capacity exceeding 450 litres, or
- (b) a container (other than a cylinder, a refillable container or a disposable container) of or for dangerous goods of Class 2 designed to contain gas under pressure, or
- (c) a container (including any fill-point, dip-point or vent outlet of the container) of or for flammable or combustible liquids having a capacity exceeding 450 litres.

the Act means the *Dangerous Goods Act 1975*.

theatre has the same meaning as in the *Theatres and Public Halls Act 1908*.

toxic gas means dangerous goods of Class 2.3.

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toy firework means amorces, confetti bomb, snaps for bon-bon crackers, sparkler, streamer cone, toy pistol cap, starting pistol cap and indoor table bomb.

toy pistol cap has the same meaning as amorces.

trade name, in relation to goods, means a word or expression:

- (a) descriptive of those goods, or
- (b) in respect of which, either alone or in combination with any pictorial or other matter, the manufacturer of the goods or a person engaged in their processing, sale or distribution has any proprietary rights.

transport container means a container that is in or on, or forms part of, a vehicle or vessel and is manufactured, adapted or used for the carriage of dangerous goods.

UN Recommendations means the tenth revised edition of the "Recommendations on the Transport of Dangerous Goods. Model Regulations." published by the United Nations.

vapour path, in relation to the measuring of a distance from an exposure to a depot where there is a screen wall between them, means the distance, measured around the wall, between that part of the exposure and that part of the depot that are closest to the end of the wall or, if the distances so measured around the ends of the wall are not the same, the shorter or shortest of those distances.

WorkCover Authority means the WorkCover Authority of New South Wales constituted under the *Workplace Injury Management and Workers Compensation Act 1998*.

BY AUTHORITY
