



Work Health and Safety Amendment (Dangerous Goods at Ports) Regulation 2012

under the

Work Health and Safety Act 2011

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Work Health and Safety Act 2011*.

GREG PEARCE, MLC
Minister for Finance and Services

Explanatory note

The object of this Regulation is to specify the persons who are subject to various requirements in AS 3846—2005 *The handling and transport of dangerous cargoes in port areas* for the purposes of a provision of the former *Dangerous Goods (General) Regulation 1999* (which makes non-compliance with those requirements an offence) that is continued in force by the *Work Health and Safety Regulation 2011*.

This Regulation is made under the *Work Health and Safety Act 2011*, including section 276 (the general regulation-making power) and clause 1 of Schedule 4.

2012 No 663

Work Health and Safety Amendment (Dangerous Goods at Ports)
Clause 1 Regulation 2012

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at Ports) Regulation 2012**

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Work Health and Safety Act 2011

1 Name of Regulation

This Regulation is the *Work Health and Safety Amendment (Dangerous Goods at Ports) Regulation 2012*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Work Health and Safety Regulation 2011

Schedule 18B Savings and transitional provisions

Insert after clause 63 (1):

(1A) For the avoidance of doubt, a reference in clause 261 (3) of the *Dangerous Goods (General) Regulation 1999* (as continued in force by subclause (1)) to a person who is subject to a requirement of AS 3846 is:

(a) in relation to a requirement:

(i) in Section 3.2, 4.3.1 (c), 4.5 (a), 6.4 or 7.2 of AS 3846, to the extent that it relates to dangerous cargo or dangerous goods to be brought into the waters of a port area, or to remain on board, or be taken from, a ship in a port area, or

(ii) in Section 4.3.1 (b), 5.2.1 (b) or 5.2.2 (a) of AS 3846,

a reference to the person in possession of the ship's delivery order for the cargo or goods at the time the requirement arises, and

(b) in relation to a requirement:

(i) in Section 3.2, 4.3.1 (c), 4.5 (a), 6.4 or 7.2 of AS 3846, to the extent that it relates to dangerous cargo or dangerous goods to be brought onto a berth, or taken to a ship, in a port area, or

(ii) in Section 4.3.1 (a), 5.2.1 (a) or 5.2.2 (b) of AS 3846,

a reference to the person specified as the shipper, consignor or sender in the Multimodal Dangerous Goods Form for the cargo or goods.

(1B) In subclause (1A):

AS 3846 means AS 3846—2005 *The handling and transport of dangerous cargoes in port areas*.

Multimodal Dangerous Goods Form means the Form of that title published by the Australian Maritime Safety Authority.

ship's delivery order has the same meaning that it has in the *Sea-Carriage Documents Act 1997*.