



Australian Capital Territory

# **Dangerous Goods Regulations 1978 (repealed)**

made under the

**Dangerous Goods Act 1975**

**Republication No 7**

**Effective: 5 April 2004**

Republication date: 5 April 2004

As repealed by A2004-7 s 225

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Dangerous Goods Regulations 1978* (repealed), made under the *Dangerous Goods Act 1975*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 5 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# **Dangerous Goods Regulations 1978 (repealed)**

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R7  
05/04/04

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Effective: 05/04/04

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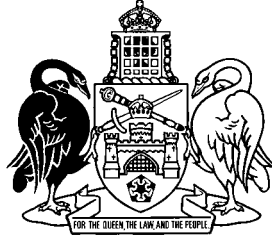
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Australian Capital Territory

# **Dangerous Goods Regulations 1978 (repealed)**

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made under the

**Dangerous Goods Act 1975**

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## Part 1 Preliminary

### 1 Name of regulations

These regulations are the *Dangerous Goods Regulations 1978*.

### 2 Dictionary

The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations.

For example, the signpost definition ‘*AS*—see regulation 6 (Australian Standards).’ means that the expression ‘*AS*’ is defined in that regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

### 3 Notes

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.



**4 Substances mentioned in sch 1**

A reference in schedule 1 to any of the following substances, or groups of substances, is a reference to the substances or groups commonly so described:

ammonium nitrate explosives, blasting explosives, explosive alarm devices, explosive bursters, explosive cable cutters, explosive release devices, explosive rivets, explosive supplementary charges, initiating explosives, potassium chlorate explosive, slurry explosive, sodium chlorate explosive, watergel explosives.

**5 Incorporation of Australian Code for the Transport of Dangerous Goods by Road and Rail**

If a provision of these regulations adopts a provision of the Australian code, any requirement made in the adopted provision is taken to be incorporated into these regulations.

**6 Australian Standards**

A reference in a provision of these regulations to **AS** followed by a number is a reference to the Australian Standard so numbered as published by or on behalf of Standards Australia immediately before the provision commenced.

## **Part 2 Licences, permits and fees (general)**

### **Division 2.1 Licences and permits**

#### **7 Applications**

An application for the issue, variation or renewal of a licence or permit must be made to the chief inspector.

*Note* If a form is approved under the Act, s 45 (Approved forms) for applications, the form must be used.

#### **8 Certain applications to be accompanied by drawings etc**

- (1) An application for a licence under the Act, section 8, 10 or 19 shall be accompanied by drawings of, and specifications and calculations relating to, the premises, vehicle or vessel which the applicant desires that the chief inspector shall specify in the licence in pursuance of the Act, section 8 (2), 10 (2) or 19 (2), as the case may require.
- (2) The drawings, specifications and calculations referred to in subregulation (1) shall—
  - (a) be such as will enable the chief inspector to determine whether or not the premises, vehicle or vessel, as the case may be, conform or conforms to the Act; and
  - (b) in the case of premises in or on which it is proposed that a depot be situated—show the distance from that depot to all—
    - (i) occupied buildings, or buildings to be occupied, in or on those premises; and

- (ii) other depots or proposed depots in or on those premises; and
- (iii) each depot and protected work outside those premises but within twice the separation distance prescribed by regulation 77 in respect of the proposed depot; and
- (iv) sources of ignition, and similar hazards, in premises and places adjacent to the premises for which a licence is sought.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (3) Where the chief inspector requires an applicant to furnish, in relation to the application, drawings, specifications or calculations specified by the chief inspector and additional to those accompanying the application, the applicant shall furnish those drawings, specifications or calculations to the chief inspector.

## **9 Condition on licences for carriage of dangerous goods in vehicles**

For the purposes of the Act, section 27, the following condition is prescribed in respect of all licences authorising the carriage on a vehicle of liquid or gaseous dangerous goods:

where the vehicle to which the licence relates is carrying dangerous goods, only a person registered as a driver of a vehicle used to carry dangerous goods of the class or classes being carried may drive the vehicle.

## **10 Queen's birthday public holiday—conditions on licences for retail sale of shopgoods fireworks**

- (1) In this regulation:

*sale period* means the 14 days ending at the end of the Queen's birthday public holiday in a year.

- (2) This regulation applies to the following licences:
  - (a) a licence under the Act, section 21 for the retail sale of shopgoods fireworks;
  - (b) a licence under the Act, section 8, 17 or 19 in relation to which the retail sale of shopgoods fireworks is authorised by the Act, section 22.
- (3) A licence is subject to the following conditions:
  - (a) that the fireworks mentioned in subregulation (2) are classified under regulation 41A as suitable for retail sale;
  - (b) that the licensee cooperate with an approved person acting under regulation 41A and, in particular, complies with any direction by the person under that regulation;
  - (c) that the fireworks mentioned in subregulation (2) are sold by retail only in the sale period and to the holder of a shopgoods fireworks purchasers permit.

## **11 Change of licence or permit particulars**

- (1) This regulation applies if, after a licence or permit has been issued, particulars set out in the application for the licence or permit, or the licence or permit, are inaccurate or inapplicable because of a change in circumstances.
- (2) The holder of the licence or permit must tell the chief inspector in writing of the change as soon as practicable (but within 14 days) after the change and, if the change relates to the licence or permit, return the licence or permit to the chief inspector for amendment or reissue.

**12 Damaged, stolen, lost or destroyed licences and permits**

- (1) If a licence or permit has been damaged, stolen, lost or destroyed, the person must apply to the chief inspector for the issue of a replacement licence or permit as soon as practicable (but within 14 days) after the licence or permit is damaged, stolen, lost or destroyed.
- (2) The licence or permit holder must, with the application—
  - (a) return the licence or permit to the chief inspector; or
  - (b) if the licence or permit has been stolen, lost or destroyed—give the chief inspector a statutory declaration that the licence or permit has been stolen, lost or destroyed.
- (3) If the chief inspector is satisfied that the licence or permit has been damaged, stolen, lost or destroyed, the chief inspector must issue a replacement licence or permit.
- (4) A licence or permit issued under subregulation (3) must be issued for the remainder of the period of the licence or permit that it replaces.

**Division 2.2 Register of drivers of vehicles used to carry dangerous goods**

**14 Register of drivers of vehicles used to carry dangerous goods**

- (1) In this regulation:  
*register* means the register of drivers of vehicles used to carry dangerous goods kept by the chief inspector pursuant to subregulation (2).
- (2) The chief inspector shall keep a register to be called the register of drivers of vehicles used to carry dangerous goods.

- (3) A person may apply to the chief inspector in the approved manner to be registered as a driver of a vehicle used to carry dangerous goods of a particular class or kind.
- (4) On receipt of an application made by a person as referred to in subregulation (3), the chief inspector shall register the person as a driver of a vehicle used to carry dangerous goods of the class or kind specified in the application if the chief inspector is satisfied that—
  - (a) the person is of or above the age of 25 years; and
  - (b) the person has adequate knowledge of—
    - (i) the nature and properties of dangerous goods of that class or kind; and
    - (ii) the actions to be taken to ensure the prevention of accidents, injury or damage to persons or property and to assist in any emergency that may arise in the course of the carriage of dangerous goods of that class or kind; and
  - (c) the person is experienced in the operation of vehicles used to carry liquid or gaseous dangerous goods.
- (5) The chief inspector—
  - (a) may conduct a course of study in relation to dangerous goods of a particular class or kind which contains such practical and theoretical instruction as the chief inspector thinks necessary to ensure that a person who completes the course, to the satisfaction of the chief inspector, would have adequate knowledge of the matters referred to in subregulation (4) (b) in relation to dangerous goods of that class or kind; and
  - (b) shall, upon application to the chief inspector, approve a course of study in relation to dangerous goods of a particular class or kind which is conducted by a person if

the chief inspector is satisfied that it contains such practical and theoretical instruction as may be necessary to ensure that a person who completes the course, to the satisfaction of the chief inspector, would have adequate knowledge of the matters referred to in subregulation (4) (b) in relation to dangerous goods of that class or kind.

(6) The chief inspector—

- (a) may conduct an examination in relation to dangerous goods of a particular class or kind which examines such matters, in such manner and in such detail as the chief inspector thinks necessary to ensure that a person who passes the examination has adequate knowledge of the matters referred to in subregulation (4) (b) in relation to dangerous goods of that class or kind; and
- (b) shall, upon application to the chief inspector, approve an examination in relation to dangerous goods of a particular class or kind which is conducted by a person if the chief inspector is satisfied that it examines such matters, in such manner and in such detail as may be necessary to ensure that a person who passes the examination has adequate knowledge of the matters referred to in subregulation (4) (b) in relation to dangerous goods of that class or kind.

(7) The chief inspector may, whether or not a person who is registered as a driver of a vehicle used to carry dangerous goods of a particular class or kind has previously completed a course of study, or passed an examination, in relation to dangerous goods of that class or kind, by notice in writing, require the person to attend such a course, or sit such an examination, conducted or approved by the chief inspector in accordance with this regulation and relating to that class or kind of dangerous goods or a class or kind of dangerous goods forming part of that class or kind within a period specified in the notice.

- (8) The chief inspector may remove from the register the name of a person—
- (a) who has not, within the period specified in a notice requiring the person to attend a course of study or sit for an examination as referred to in subregulation (7), completed that course to the satisfaction of the chief inspector or, as the case may be, passed that examination; or
  - (b) who has committed an offence against—
    - (i) the Act; or
    - (ii) the road transport legislation within the meaning of the *Road Transport (General) Act 1999*, section 6 (What is the road transport legislation?); or
  - (c) who requests that his name be so removed; or
  - (d) who has died.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (9) The chief inspector may, by amending the register, alter the class or kind of dangerous goods in respect of which a person is registered—
- (a) by adding a new class or kind of dangerous goods, if the person has applied to the chief inspector in the approved manner for the register to be so amended and the chief inspector is satisfied that the person has adequate knowledge of the matters referred to in subregulation (4)
    - (b) in relation to dangerous goods of the new class or kind; or
  - (b) by excluding a class or kind of dangerous goods forming part of that class or kind, if the person has not, within the period specified in a notice requiring him or her to attend a course of study or sit for an examination as referred to in



subregulation (7) in relation to the class or kind of dangerous goods forming that part, completed that course to the satisfaction of the chief inspector or, as the case may be, passed that examination.

- (10) A person who is aggrieved by a decision of the chief inspector relating to the registration of, or a refusal to register, a person as a driver of vehicles used to carry dangerous goods of a particular class or kind may appeal against the decision to the Minister and any such appeal shall be made and decided and shall have effect as if it were an appeal under the Act, section 29.

## Part 3 Dangerous goods (general)

### 15 Prescription of dangerous goods

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

- (a) the substances and articles set out in schedule 1;
- (b) the substances and articles set out in the list in section 9 of the Australian code, other than the substances and articles designated as of class 7 in that section;
- (c) substances or articles which—
  - (i) contain a substance or article referred to in paragraph (a) or (b); and
  - (ii) exhibit the same dangerous properties as a substance or article so referred to;
- (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% to 97% inclusive, volume to volume, of hydrogen in oxygen;
- (f) any flammable mixture of hydrogen, oxygen and any other gas or gases.

### 16 Transport of dangerous goods by road

- (1) For the purposes of the definition of *dangerous goods* in the Act, section 3 (6), the following are declared to be dangerous goods to which that definition applies:
  - (a) class 1 (Explosives) of the ADG Code;

- (b) class 6.2 (Infectious substances) of the ADG Code;
  - (c) class 7 (Radioactive material) of the ADG Code.
- (2) In this regulation:
- ADG Code*—see the *Road Transport Reform (Dangerous Goods) Regulations 1997* (Cwlth), dictionary.

## **17 Classification of dangerous goods**

- (1) In these regulations—
- (a) a reference to a class, designated by a number or numbers, of dangerous goods is—
    - (i) where the class is class 1, 3.3 or 3.4 or a subclass of class 1—a reference to the class of goods so designated in schedule 1; and
    - (ii) in any other case—a reference to the class of goods so designated in the list in the Australian code, section 9; and
  - (b) a reference to a group, designated by a letter, of dangerous goods is a reference to the group of dangerous goods of class 1 so designated in schedule 1; and
  - (c) a reference to a packaging group, designated by a numeral, of dangerous goods is a reference to the group of dangerous goods so designated in the list in the Australian code, section 9; and
  - (d) a reference to a category, designated by a letter, of dangerous goods is a reference to the category of dangerous goods so designated in table 1A; and
  - (e) a reference in any provision to a substance by means of the designation ‘UN Number’ or ‘UN No’ followed by a group of numerals is a reference to the substance designated by that group of numerals in the document entitled ‘Transport

of Dangerous Goods. Recommendations prepared by the committee of Experts on the Transport of Dangerous Goods.’ and published in 1977 at New York by the United Nations, together with all additions and amendments thereto (if any) so published before the date on and from which that provision took effect.

(2) In these regulations—

- (a) a reference to dangerous goods of class 4.1 includes a reference to silver picrate (UN No 1347); and
- (b) a reference to dangerous goods of class 5.1 includes a reference to—
  - (i) ammonium chlorate; and
  - (ii) ammonium nitrate; and
  - (iii) ammonium permanganate; and
  - (iv) perchloric acid (UN No A268); and
  - (v) zinc ammonium nitrate (UN No 1512); and
- (c) a reference to dangerous goods of class 6.1 includes a reference to chloroacetone, unstabilised.

**Table 1A**      **Categorisation of dangerous goods**

**column 1**      **column 2**  
**category**

A	nitrocellulose (UN No 2557) class 4.2, packaging group 1 class 4.3, packaging group 1, except lithium aluminium hydride, ethereal (UN No 1411) class 5.1, packaging group 1 ammonium chlorate ammonium nitrite ammonium permanganate
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column 1 category	column 2
	perchloric acid (UN No A268) zinc ammonium nitrate (UN No 1512) class 5.2, packaging group 1 class 6.1, packaging group 1 chloroacetone, unstabilised class 8, packaging group 1
B	class 4.1, packaging group 1, except nitrocellulose (UN No 2557) silver picrate (UN No 1347) class 4.2, packaging group 2 class 4.3, packaging group 2 ammonium dichromate ammonium nitrate (UN No 1942) chlorates, inorganic (UN No 1461) chlorites, inorganic (UN No 1462) pool chlorine class 5.2, packaging group 2 class 6.1, packaging group 2 class 8, packaging group 2
C	class 4.1, packaging group 2 class 4.2, packaging group 3 class 4.3, packaging group 3 class 5.1, packaging group 2, except category B class 5.2, packaging group 3 class 6.1, packaging group 3 class 8, packaging group 3 class 9
D	class 4.1, packaging group 3 lithium aluminium hydride, ethereal (UN No 1411) class 5.1, packaging group 3, except category B

**18 Instructions in handling of dangerous goods**

Every—

- (a) holder of a licence issued under the Act, section 8, 10 or 19 in respect of any premises in or on which dangerous goods are kept or vehicle or vessel in or on which they are carried; and
- (b) occupier of premises in or on which dangerous goods are kept; and
- (c) owner of a vehicle or vessel used for the carriage of dangerous goods; and
- (d) employer of persons engaged in the keeping or conveyance of dangerous goods;

shall 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—

- (e) adequately instructed as to the hazards involved in the handling of those goods and precautions to be observed in relation to those goods; and
- (f) competent to operate all safety equipment, including vehicles, pumps, fire protection equipment and breathing apparatus, provided in pursuance of these regulations in connection with the keeping, conveyance or handling of those goods.

**19 Precautions to be observed in relation to premises (general)**

Every—

- (a) holder of a licence issued under the Act, section 8 or 19 in respect of any premises; and

- (b) occupier of premises in or on which dangerous goods are kept or explosives are manufactured; and
  - (c) employer of persons in or on premises referred to in paragraph (a) or (b); and
  - (d) person employed in or on premises so referred to;
- shall—
- (e) take all practicable precautions to prevent the occurrence on the premises of accidents through fire, explosion, leakage of dangerous goods or other causes; and
  - (f) 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
  - (g) not do any act in or on the premises that may cause fire, explosion, or any other dangerous occurrence.

## **20 Consignment and delivery records**

- (1) Subject to subregulation (2), every holder of a licence issued under the Act, section 8 for the keeping of dangerous goods, other than explosives, in or on any premises shall make and keep in or on the premises, 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 consigned or delivered.

- (2) Subregulation (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 the Act, section 9 (1) in relation to goods of that class; or
  - (b) the delivery of any goods into the fuel tank of a vehicle or vessel.
- (3) Where a holder of a licence makes a record in relation to a consignment or delivery pursuant to subregulation (1), the holder shall preserve the record for 2 years after the date on which the holder makes it.

## 21 Dangerous occurrences

- (1) In this regulation:  
*dangerous occurrence* means—
  - (a) an explosion or fire; or
  - (b) any occurrence resulting in the death of or serious injury to any person or in substantial damage to property; or
  - (c) any other occurrence involving imminent risk of any explosion or fire or of any such death, injury or damage.
- (2) Where 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 fireworks received under the authority of a public display fireworks permit;

the holder of the licence or permit shall send or cause to be sent to the chief inspector a notice in writing giving full particulars of the occurrence including, where the death of or serious injury



to any person or any substantial damage to property has resulted from the occurrence, particulars of that death, injury or damage.

- (3) Where there is a dangerous occurrence—
- (a) in or on licensed premises; or
  - (b) in, on or in connection with a licensed transport container;
- then, except with the permission of the chief inspector—
- (c) the premises or transport container shall not be used for the keeping, manufacture or carriage of dangerous goods; and
  - (d) no building, structure or other installation in or on those premises and no transport container shall, if it has been substantially damaged as a result of the dangerous occurrence, be reconstructed or repaired.
- (4) Where in relation to any licensed premises or licensed transport container, there is a contravention of subregulation (3) the holder of the licence issued in respect of the premises or transport container commits a breach of these regulations.

## **22 General requirements in relation to dangerous goods**

A person shall not—

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

**23 Dangerous goods to be kept dry**

- (1) Subject to subregulation (2), every person referred to in regulation 19 shall take all practicable precautions to prevent water from coming into contact with any dangerous goods in or on the premises referred to in that regulation.
- (2) Subregulation (1) does not prohibit—
  - (a) the installation or use of water sprinkler systems in any 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 dangerous goods and does not itself materially react with the dangerous goods; or
  - (c) the use of water for the purpose of extinguishing fires in any building or place.

**24 Equipment for use with dangerous goods**

A person shall not sell or supply any equipment for use with any dangerous goods unless—

- (a) it is suitable and safe for use with those goods; and
- (b) where these regulations prescribe requirements in relation to such equipment when so used—the equipment conforms to those requirements.

**25 Supply of liquid and gaseous dangerous goods**

- (1) A licensee under the Act, section 8 of premises in or on which there is a fuel dispensing unit for the delivery of dangerous goods of class 2.1, 3.1 or 3.2 shall—
  - (a) not deliver, or permit any 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 3m 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 50mm high conforming to Type B of AS 1744, entitled '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.
- (2) A person shall not introduce dangerous goods of class 2.1, 3.1 or 3.2 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 3m of the vehicle or vessel.
- (3) No person shall light a match, use any other form of ignition or smoke within 3m of a vehicle or vessel into which dangerous goods of class 2.1, 3.1 or 3.2 are being introduced from a fuel dispensing unit.
- (4) In this regulation:

***fuel dispensing unit*** means mechanical equipment (with or without a pump) for delivering dangerous goods directly into the fuel tanks of vessels or vehicles, and includes a unit operated by the purchaser of the dangerous goods.

**27 Interference with signs and labels**

A person shall not wilfully pull down, erase, mutilate or otherwise interfere with any sign, label or marking erected, affixed or made in pursuance of these regulations.

**28 Breach of regulations caused by emergency etc**

A person does not commit a breach of these regulations by reason of the doing of any act where by reason of stress of weather, accident resulting from causes not under the person's control, or other emergency the doing of the act was in the circumstances a matter of imperative necessity.

**29 Approvals**

- (1) The chief inspector shall, in deciding whether to give, rescind or vary an approval or to give a direction or make a requirement under these regulations, being a decision in respect of which no criteria are specified in these regulations, have regard to the safety of the public.
- (2) An approval may—
  - (a) except where these regulations otherwise provide, be given—
    - (i) in writing or verbally; and
    - (ii) generally or in relation to a particular case; and
    - (iii) on the application of a person or without an application for the approval having been made; and
  - (b) be given unconditionally or subject to conditions.

- (3) An approval given under these regulations may at any time be rescinded or varied by the chief inspector by notice in writing given by post or otherwise to the person (if any) on whose application the approval was given, or by notice notified as a notifiable instrument under the *Legislation Act 2001*.
- (4) The chief inspector shall keep a register of approvals and shall cause to be entered in it particulars of all approvals given under these regulations and of all rescissions and variations of such approvals.
- (5) The register of approvals—
  - (a) shall be in such form as the chief inspector thinks proper and may consist of or include separate books, cards or other records; and
  - (b) shall be kept available at the office of the chief inspector for perusal, without fee, by all persons at all reasonable times.

### **30 Maintenance of buildings etc**

Where these regulations impose an obligation to provide any building or thing or to ensure that any building or thing conforms to prescribed requirements, the person for the time being subject to the obligation shall maintain, or cause to be maintained, that building or thing in good order and condition and, in the case of any mechanical equipment or device, in good and efficient working order.

### **31 Penalty**

A person who commits a breach of these regulations or of a term or condition of a licence or permit is liable to a penalty not exceeding 10 penalty units.

**32 Requirements for fire-extinguishers**

A provision of these regulations 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 the Standards Australia; and
- (b) carries the Standards Australia mark; and
- (c) is installed and maintained in accordance with AS 1851, part 1, entitled ‘Maintenance of Fire Protection Equipment’; and
- (d) is not a dry chemical extinguisher of the gas container type.

**33 Requirements for self-contained breathing apparatus**

A provision of these regulations 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 entitled ‘Code of Practice for Respiratory Protection’ and of AS 1716 entitled ‘Specification for Respiratory Protective Devices’; and
- (c) the face mask of which has a speech diaphragm.

**34 Apparatus for determining flashpoint**

- (1) Except as provided in this regulation, the prescribed manner of determining the flashpoint of a liquid is by the appropriate method designated in AS 2106 entitled 'Determination of the Flash Point of Flammable Liquids (Closed Cup)' and the prescribed type of apparatus to be used in making any such determination is the appropriate apparatus referred to in AS 2106.
- (2) When determining the flashpoint of a liquid which has a viscosity greater than 200 centipoise but not greater than 3 000 centipoise at a temperature of 20°C, the stirrer referred to in AS 2106 shall be driven by a motor.
- (3) The prescribed manner of determining the flashpoint of a liquid which has a viscosity of or greater than 3 000 centipoise at a temperature of 20°C, is the method designated by IP 113 entitled 'Flash Point (Closed) of Cutback Bitumen' published by the Institute of Petroleum and the prescribed type of apparatus to be used in making any such determination is the apparatus referred to in IP 113.
- (4) If a flash is obtained at a temperature of 10°C when the flashpoint of a liquid is being determined in accordance with AS 2106, the liquid shall be deemed to be dangerous goods of class 3.1.

## **Part 4 Explosives (general)**

### **Division 4.1 Prescribed, excluded and authorised explosives**

#### **35 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 regulation 15 (d), (e) and (f).

#### **36 Application of Act, pt 4—certain explosives**

For the purposes of the Act, section 15—

- (a) the following explosives are prescribed as explosives in respect of which the Act, divisions 4.2, 4.4 and 4.5 do not apply:
  - (i) marine distress fireworks and starting pistol caps;
  - (ii) the explosives classified as dangerous goods of class 1.4, group S, other than safety cartridges; and
- (b) safety cartridges are prescribed as explosives in respect of which the Act, divisions 4.2 and 4.5 do not apply.

#### **37 Regulations not to apply to certain explosives**

Nothing in these regulations applies to or in respect of any 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.



**38 Authorised explosives**

- (1) In this regulation:

*application* means an application for the declaration, under the Act, section 16, of an explosive as an authorised explosive.

- (2) An application is not duly made if, in relation to the application, any requirement of subregulations (3) to (5) is not complied with.
- (3) An application shall be made in writing to the chief inspector and shall contain particulars of—
- (a) the nature and composition of the explosive to which it relates, including the percentage by mass or volume which each ingredient bears to the whole; and
  - (b) any substance or substances which it is desired shall be approved as a substitute or as substitutes for a specified ingredient; and
  - (c) the method of use of the explosive.
- (4) An applicant shall furnish to the chief inspector such information, additional to that contained in the application, in relation to the explosive sought to be authorised as the chief inspector may require.
- (5) An applicant shall supply to the chief inspector, without charge, such sample or samples of the explosives sought to be authorised as the chief inspector may require for the purpose of testing.

**Division 4.2 Safety provisions (general)**

**39 Prohibited explosives (ammunition)**

- (1) A person shall not manufacture, import into the Territory, keep, convey or sell any explosive being 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 which 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.
- (2) Subject to subregulation (3), a person shall not manufacture, import into the Territory, keep, convey or sell any explosive, being a safety cartridge or other cartridge, having a bullet or other projectile which—
  - (a) explodes; or
  - (b) contains an incendiary or tracer composition; or
  - (c) contains a lachrymatory, nauseating or toxic substance.
- (3) Subregulation (2) does not apply to or in respect of—
  - (a) a marine distress firework; or
  - (b) the manufacture, importing, keeping, conveyance or sale, with the authority of the commissioner of police, of any cartridge for the use of the police force of the Commonwealth or a State or Territory; or
  - (c) the importing, with the approval in writing of the chief inspector, of a cartridge having a bullet or other projectile which contains an incendiary or tracer composition; or
  - (d) a cartridge, having a bullet or other projectile approved in writing.
- (4) The chief inspector shall not approve, under subregulation (3) (c), of the importing of any cartridges unless the chief inspector is satisfied that they are 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 subregulation (2).

#### **40 Electric detonators**

A person shall not—

- (a) manufacture electrical detonators of more than 1 type or series; or
- (b) import into the Territory electric detonators manufactured by 1 manufacturer and that are of more than 1 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 be readily distinguished from each other.

#### **41 Sale etc of fireworks—general restrictions**

- (1) Subject to this regulation, a person shall not import into the Territory, manufacture or sell—
  - (a) fireworks (other than shopgoods fireworks, amorces, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bonbon crackers, sparklers, starting pistol caps and streamer cones); or
  - (b) fireworks (other than amorces, confetti bombs, starting pistol caps and streamer cones) containing an explosive substance that contains a chlorate admixed with sulphur, a sulphide or phosphorus; or
  - (c) fireworks containing an explosive substance that contains arsenic or a compound of arsenic; or
  - (d) fireworks (other than amorces, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bonbon crackers, sparklers, starting pistol caps and

streamer cones) which are designed to be ignited or discharged by means other than the lighting of a wick or touchpaper; or

- (e) fireworks (other than amorces, confetti bombs, marine distress fireworks, snaps for bonbon crackers, starting pistol caps and streamer cones) which are designed to explode, wholly or in part; or
- (f) fireworks which, on ignition, are liable to project themselves through the air in an erratic or unpredictable flight; or
- (g) any firework that is so constructed that any explosive substance contained in the firework may escape from the firework before it is ignited or discharged; or
- (h) any firework that discharges less than 3 seconds, or more than 15 seconds, after the firework is ignited in accordance with the instructions contained in the statement referred to in subregulation (3); or
- (i) any firework that has printed on or attached to it a statement referred to in subregulation (3), being a statement that is false or misleading in any material particular.

(2) However, subregulation (1) does not apply in relation to—

- (a) the importation of fireworks in accordance with a licence or permit under the Act, section 17 (Import licences and permits); or
- (b) the manufacture of fireworks in accordance with a licence under the Act, section 19 (Manufacturing licence); or
- (c) the sale of fireworks in accordance with the Act, section 22 (Authority to sell) to a person who is, subject to regulation 59 (Production of evidence of authority to receive explosives), authorised under division 4.3 (Authority to

receive explosives) to receive the kinds (including size) and (if applicable) the quantity of fireworks being sold.

*Note 1* **Sell** includes offer for sale, expose for sale and supply (see the Act, dict, def of **sell**).

*Note 2* For the conditions on the retail sale of shopgoods fireworks for the Queen's birthday holiday, see reg 10.

*Note 3* For the records that must be made by a person who sells explosives (including fireworks), see reg 66 and reg 68.

- (3) A person who manufactures fireworks (other than for the purposes of a public display) shall cause to be printed on or attached to each firework a statement containing instructions on the manner in which the firework is to be ignited and a description of the manner in which the firework is designed to behave after it is so ignited.
- (4) A person shall not import any firework into the Territory (other than for the purposes of a public display) or sell any firework by retail to any person (other than the holder of a public display fireworks permit) unless the firework has printed on or attached to it a statement referred to in subregulation (3).
- (5) A person shall not sell any shopgoods fireworks (other than amorces, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bonbon crackers, sparklers and streamer cones) by retail to any person (other than the holder of a public display fireworks permit) in a packet or container unless the packet or container has printed on or attached to it a statement containing instructions on the manner in which the fireworks contained in it are to be ignited and a description of the manner in which those fireworks are designed to behave after they are so ignited.
- (6) Subregulations (3) and (4) do not apply in relation to a firework that is of such a kind that it is not reasonably practicable to print on or attach to the firework a statement referred to in subregulation (3).

- (7) It is a defence to a prosecution for importing into the Territory a firework in contravention of subregulation (1) or (4) if—
- (a) the defendant establishes either—
    - (i) that the defendant acted in reasonable reliance on information supplied to the defendant by someone else; or
    - (ii) that the contravention was caused by the act or default of someone else or was otherwise beyond the control of the defendant; and
  - (b) the defendant took reasonable care to avoid the contravention.

**41A Classification of shopgoods fireworks for sale**

- (1) The chief inspector may, in writing, classify a shopgoods firework of a particular kind as suitable for retail sale if the firework is part of, or from, a batch of fireworks of that kind from which samples have been—
  - (a) taken in accordance with the relevant sampling standard; and
  - (b) tested in accordance with the relevant testing standard by a person approved in writing by the chief inspector; and
  - (c) found to comply with the relevant performance standard.
- (2) For this regulation, the chief inspector may, in writing, adopt—
  - (a) standards for sampling and testing shopgoods fireworks; and
  - (b) performance standards, particularly in relation to—
    - (i) the stability of shopgoods fireworks, before and during the ignition process; and
    - (ii) the projection of debris by shopgoods fireworks.

- (3) The chief inspector must, on request in writing by a licensee, give the licensee particulars of the standards adopted by the chief inspector in relation to shopgoods fireworks held by or for the licensee.
- (4) For this regulation, an approved person may—
  - (a) inspect, examine, take samples and test shopgoods fireworks held by or for a licensee; and
  - (b) give ancillary written directions to the licensee.
- (5) The chief inspector must give a licensee written notice of each decision under subregulation (1) concerning fireworks held by or for the licensee.

**42        Certain explosives not to be manufactured except for immediate use**

A person shall not manufacture except for immediate use, import or sell any—

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

**43        Responsibility of persons possessing explosives**

- (1) In this regulation:  
*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 shall not abandon or discard any explosives except in accordance with regulation 44.

- (3) A person who has received any explosives under the authority of a permit shall—
  - (a) keep those explosives 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.
- (4) A person who removes for use any explosives from a magazine, or from a secure place referred to in subregulation (3) (a), shall—
  - (a) until those explosives 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 of those explosives that are not used.
- (5) If—
  - (a) a person has set or caused to be set an explosive to explode at any place; and
  - (b) the explosive has not been fired, or has misfired;that person shall not leave the explosive unsupervised at that place until it has been exploded, destroyed or rendered harmless.
- (6) If—
  - (a) a person has set or caused to be set an explosive to explode at any place; and



- (b) the explosive has not been fired, or has misfired;  
an inspector may, if that explosive remains in place—
- (c) direct that person to explode the explosive; or
- (d) direct that person to render the explosive harmless, or to destroy it or otherwise to dispose of it in accordance with these regulations;

and the person so directed shall not, without reasonable cause, fail to comply with the direction.

- (7) A person who has possession of any explosive shall, if that explosive is lost or stolen, give or cause to be given notice in writing to the chief inspector of the loss or theft not later than 24 hours after the loss or theft comes to the knowledge of the person.
- (8) A person who, without reasonable excuse, fails to comply with subregulation (7) commits an offence.

Maximum penalty: 10 penalty units.

#### **44 Destruction etc of explosives**

- (1) A person shall not render harmless, destroy or otherwise dispose of an explosive—
  - (a) except by a method permitted by subregulations (2) to (7);  
and
  - (b) unless in so doing the person takes adequate precautions against causing injury to any person or damage to any property.
- (2) Gunpowder, blasting powder and nitrocellulose propellant powder may be destroyed by burning under the supervision of—
  - (a) an inspector; or

- (c) a representative of the manufacturer of the explosives or of an agent for the distribution, on behalf of the manufacturer, of the explosives, where the manufacturer or the agent, as the case may require, has authorised that representative to supervise the burning of such explosives and has certified in writing that the representative is a fit and proper person to do so; or
  - (d) a person authorised in writing by the chief inspector for the purposes of this subregulation.
- (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; and
  - (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 which provides the greatest degree of safety shall be used;
  - (b) the detonation shall be initiated by whichever of the following methods is the most appropriate having regard to the condition of the explosives to be destroyed;
    - (i) by detonator;
    - (ii) by detonating fuse;
    - (iii) by detonator and priming cartridge;
  - (c) where detonators are to be destroyed—the following procedure shall be adopted:

- (i) not more than 1 000 detonators shall be destroyed in any 1 detonation;
  - (ii) the detonators shall be in a small box or bag;
  - (iii) electric detonators shall have the wires cut off about 10mm from the top of the shell;
  - (iv) a hole at least 300mm deep shall be dug in the ground, preferably in dry sand, and in a safe place;
  - (v) the box or bag containing the detonators shall be placed in the hole together with a priming cartridge of about 200g of explosive and a properly positioned and serviceable detonator;
  - (vi) the detonators and priming cartridge shall be carefully covered with paper and then by dry sand or fine earth and fired from a safe distance which, unless a bunker, a mound or other adequate means of protection is available and used for protection, shall be at least 200m from the box or bag containing the detonators;
  - (vii) after firing, a search for unexploded detonators shall be made of the surrounding area for a distance of at least 30m in all directions (except underground) from the hole.
- (5) Explosives of any category may be disposed of by—
- (a) dumping them at sea in accordance with any requirements or conditions imposed by or under any law of the Commonwealth or of a State or another Territory; or
  - (b) any other method approved by the chief inspector.
- (6) Small quantities, not exceeding 25kg on any 1 occasion, of blasting powder or other nitrate mixtures (including a mixture of ammonium nitrate and fuel oil)—

- (a) may be rendered harmless by immersing the explosive in water; but
  - (b) shall not be dumped at sea except in accordance with subregulation (5).
- (7) Notwithstanding any other provisions of this regulation, a person shall not dispose of any explosives by discarding them—
  - (a) in any river, creek, lake, lagoon or dam;
  - (b) on any garbage dump;
  - (c) on any building site; or
  - (d) in or under newly poured concrete which has not set.

#### **45 Entry to licensed premises**

- (1) A person shall not enter, or remain in or on, any 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 the person is authorised to do so by the licensee of the premises or by or under a law of the Territory or the Commonwealth.
- (2) Where a person enters, or remains in or on, any premises, part thereof, building, structure or installation contrary to subregulation (1)—
  - (a) he or she commits a breach of these regulations; 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; or
    - (v) a police officer;

may request the person to leave the premises, part thereof, building, structure or installation, as the case may require, and, if the person fails to do so after being so requested, remove the person by the exercise of such reasonable force as is necessary for the purpose.

#### **47      Consignment of explosives**

A person shall not forward or cause to be forwarded to any other person (the *consignee*) a consignment of explosives unless—

- (a) the person has given to the consignee a notice of his or her intention to do so and has set out in the notice the description and quantity of the explosives proposed to be forwarded; and
- (b) the person 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 forwarded 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.

### **Division 4.3      Authority to receive explosives**

#### **51      Certain persons authorised to receive explosives**

- (1) Subject to regulation 59 (Production of evidence of authority to receive explosives), the holder of a licence or permit under the *Firearms Act 1996* is authorised to receive, on any single occasion, not more than 10kg of propellant powder or 2 000 safety cartridges.
- (2) Subject to regulation 59, where premises are licensed under the Act, section 8 for the keeping of explosives—

- (a) the holder of the licence; and
- (b) any person acting in the course of his employment by the holder of the licence; and
- (c) any person authorised in writing by the holder of the licence to receive explosives for keeping in or on those premises; and
- (d) if the holder of the licence 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 regulation 59, a person authorised by the Act, section 10 to carry any explosives in or on a vehicle or vessel is authorised to receive explosives for carriage in or on the vehicle or vessel.

#### **51A Holders of interstate licences and permits**

- (1) This regulation applies to the holder of a licence or permit issued under the law of a State or another Territory that, in that place, authorises the person to receive explosives, other than safety cartridges.

*Note* An interstate firearms licence or permit does not authorise the holder to purchase ammunition in the ACT, see the *Firearms Act 1996*, s 98.

- (2) Subject to regulation 59 (Production of evidence of authority to receive explosives), the person is authorised to receive the kinds and (if applicable) the quantity of explosives that the person is authorised to receive under the licence or permit (including any conditions in the licence or permit).
- (3) The authority under subregulation (2) to receive explosives authorises the person to receive the explosives only for export

as soon as practicable from the Territory (but within 6 hours) of their receipt.

*Note* The explosives must be stored, handled and conveyed in accordance with these regulations and, if applicable, the Australian code.

- (4) A person who sells explosives to the holder of a licence or permit mentioned in subregulation (1) must give the person a written notice to the effect that the explosives—
- (a) must be exported as soon as practicable from the Territory (but within 6 hours) of their receipt; and
  - (b) cannot be used in the ACT except in accordance with a permit issued under the *Occupational Health and Safety Regulations 1991*, part 4 (Use of explosives).

## **52 Shotfirers' permits**

- (1) Subject to subregulation (2), the chief inspector may issue a shotfirer's permit to a person who applies for the permit and either—
- (a) satisfies the chief inspector that the person has satisfactorily completed a course in the use of explosives, conducted by a college of technical and further education or other similar educational institution; or
  - (b) to the satisfaction of the chief inspector, demonstrates that the person is fully competent in the use of explosives.

*Note 1* A fee may be determined under the Act, s 46 (Determination of fees) for this regulation.

*Note 2* If a form is approved under the Act, s 45 (Approved forms) for this regulation, the form must be used.

- (2) The chief inspector may refuse to issue a shotfirer's permit if he or she is satisfied that a ground on which a permit may be revoked under the *Occupational Health and Safety Regulations 1991*, regulation 21 (1) (a) or (b) applies to the applicant.

- (3) The chief inspector shall not issue a shotfirer's permit unless it specifies—
  - (a) the person to whom it is issued; and
  - (b) the quantities and kinds of explosives which may be received under the authority of the permit on any 1 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 shall be specified in the permit) that the holder of the permit shall 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 2.5kg of blasting explosives, not more than 110 detonators and not more than 250m of detonating fuse; and
  - (b) any other conditions that the chief inspector thinks fit to impose and that are specified in the permit.
- (5) The holder of a shotfirer's permit is authorised, subject to regulation 59 (Production of evidence of authority to receive explosives) and to the condition or conditions specified in the permit, to receive explosives not exceeding, on any 1 occasion, the amount of explosives specified in the permit in pursuance of subregulation (3) (b).

### **53 Collectors' permits**

- (1) Subject to subregulation (2), the chief inspector may issue a collector's permit to a person who applies for the permit and satisfies the chief inspector that the person is a member of a club or society—
  - (a) the aims of which are or include the study and collection of ammunition of historical interest; and



- (b) the name of which has been registered with the chief inspector on the application of the committee of management or other governing body of the club or society.

*Note 1* A fee may be determined under the Act, s 46 (Determination of fees) for this regulation.

*Note 2* If a form is approved under the Act, s 45 (Approved forms) for this regulation, the form must be used.

- (2) The chief inspector may refuse to issue a collector's permit if he or she is satisfied that a ground on which a permit may be revoked under the *Occupational Health and Safety Regulations 1991*, regulation 21 (1) (a) or (b) applies to the applicant.
- (3) The chief inspector shall not issue a collector's permit unless it specifies—
  - (a) the person to whom it is issued; and
  - (b) the quantities and kinds of explosives which may be received under the authority of the permit on any 1 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 chief inspector thinks fit to impose and that are specified in the permit.
- (5) Subject to regulation 59 (Production of evidence of authority to receive explosives), the holder of a collector's permit is authorised to receive explosives of historical interest of the type or types specified in the permit, but only if the holder 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 ammunition of historical interest in his or her possession.

## **54 Issue of public display fireworks permits**

- (1) A person may apply to the chief inspector for a general public display fireworks permit or a special public display fireworks permit.

*Note 1* A fee may be determined under the Act, s 46 (Determination of fees) for this regulation.

*Note 2* If a form is approved under the Act, s 45 (Approved forms) for this regulation, the form must be used.

- (2) The chief inspector may issue a public display fireworks permit to a person if satisfied that the person is at least 18 years old and suitable to conduct a public fireworks display.
- (3) In considering whether a person is suitable to conduct a public fireworks display, the chief inspector may have regard to—
  - (a) the kind of display or displays that the person proposes to conduct; and
  - (b) the person's qualifications, knowledge and experience in the use of the kinds (including size) of fireworks to which the application relates; and
  - (c) the risk of injury or damage to people, animals or property from fireworks used for the display.
- (4) A public display fireworks permit must state—
  - (a) the person to whom it is issued; and
  - (b) for a general public display fireworks permit—
    - (i) the kinds (including size) of fireworks that may be received under the permit; and

- (ii) the period for which it is in force; and
- (c) for a special public display fireworks permit—
  - (i) the kinds (including size) of fireworks that may be received under the permit; and
  - (ii) when and where the public fireworks display may be held; and
- (d) the conditions (if any) to which the permit is subject.

**55 Conditions of public display fireworks permits**

- (1) A general public display fireworks permit is subject to the condition that the permit holder must, at least 5 business days before the holding of a public fireworks display under the permit, give written notice to the chief inspector of—
    - (a) when and where the display is to be held; and
    - (b) the kinds (including size) and quantities of fireworks to be used in the display; and
    - (c) the name and address of every person from whom fireworks for use in the display have been or will be obtained; and
    - (d) the name and address, and the qualifications, knowledge and experience in the use of the kinds (including size) of fireworks to which the permit relates of each person who will be assisting the permit holder, or be supervised by the permit holder, in the conduct of the display.
- Note* A **business day** is a day other than a Saturday, Sunday or public holiday, see *Legislation Act 2001*, dict pt 1.
- (2) A public display fireworks permit is subject to any conditions stated in the permit that the chief inspector considers necessary or desirable for—
    - (a) the appropriate use of fireworks under the permit; or

- (b) the safety of persons, animals or property.

**56 Authority given by public display fireworks permits**

- (1) Subject to regulation 59 (Production of evidence of authority to receive explosives), a general public fireworks display permit authorises—
  - (a) the permit holder, and any person assisting the permit holder, to receive fireworks of the kinds stated in the permit for use in a public fireworks display notified in accordance with regulation 55 (1); and
  - (b) the permit holder to conduct, or supervise the conduct of, the public fireworks display in accordance with the permit.
- (2) Subject to regulation 59, a special public display fireworks permit authorises—
  - (a) the permit holder, and any person assisting the permit holder, to receive fireworks of the kinds and quantities stated in the permit for use in the public fireworks display stated in the permit; and
  - (b) the permit holder to conduct, or supervise the conduct of, the public fireworks display in accordance with the permit.

**57 Shopgoods fireworks purchasers permits**

- (1) A person may apply to the chief inspector for a shopgoods fireworks purchasers permit.
  - Note 1* A fee may be determined under the Act, s 46 (Determination of fees) for this regulation.
  - Note 2* If a form is approved under the Act, s 45 (Approved forms) for this regulation, the form must be used.
- (2) The chief inspector may issue a shopgoods fireworks purchasers permit to a person if satisfied that the person is at least 18 years old and lives in the ACT.

- (3) A shopgoods fireworks purchasers permit is subject to any condition stated in the permit.
- (4) A shopgoods fireworks purchasers permit must state—
  - (a) the person to whom it is issued; and
  - (b) the period during which fireworks may be purchased; and
  - (c) the place at which the fireworks may be used; and
  - (d) the conditions (if any) to which the permit is subject.
- (5) Subject to regulation 59 (Production of evidence of authority to receive explosives), a shopgoods fireworks purchasers permit authorises—
  - (a) the permit holder—
    - (i) to receive shopgoods fireworks during the 14 days ending at the end of the Queen's birthday public holiday for use in accordance with the permit; and
    - (ii) to use the fireworks on the Queen's birthday public holiday or the previous Saturday or Sunday in accordance with the permit; and
  - (c) anyone else to use the fireworks in accordance with the permit under the immediate supervision of the permit holder.

**58        Certain persons authorised to receive explosives in the course of mining etc work**

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

- (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.

## 59 Production of evidence of authority to receive explosives

- (1) This regulation applies to a person (the *buyer*) who is authorised under this division to receive explosives (other than to a person who receives explosives in accordance with regulation 58).
- (2) The buyer's authority to receive the explosives is subject to the production by the buyer to the person who is selling the explosives (the *seller*) of the buyer's evidence of authority, as stated in the following table, to receive the explosives.

*Note* *Sell* includes offer for sale, expose for sale and supply (see the Act, dict, def of *sell*).

### Evidence of authority to receive explosives

column 1 item	column 2 authority to receive	column 3 evidence of authority
1	regulation 51 (1)	<ul style="list-style-type: none"><li>the person's licence or permit under the <i>Firearms Act 1996</i> for a firearm that uses the kind of propellant powder or safety cartridges being received by the person</li><li>a permit or authorisation issued by the registrar of firearms that authorises the person to buy the safety cartridges</li></ul>
2	regulation 51 (2) or (3)	<ul style="list-style-type: none"><li>a licence under the Act authorising the keeping or conveyance of the explosives</li><li>other evidence providing reasonable grounds for belief that the person is authorised to receive the explosives</li></ul>

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>authority to receive</b>	<b>column 3</b> <b>evidence of authority</b>
3	regulation 51A	a licence or permit under the law of a State or another Territory that authorises the person to receive, in that place, the kind and (if applicable) the quantity of explosives being received by the person
4	regulations 52, 53, 56 or 57 (5) (a) (i)	a licence or permit under the Act that authorises the recipient to import, manufacture, sell or receive the kinds and (if applicable) the quantity of explosives being sold

**Example—application of table to fireworks**

The evidence that must be produced to receive fireworks is:

- a shopgoods fireworks purchasers permit or public display fireworks purchasers permit (item 4); or
- a licence or permit under the law of a State or another Territory that authorises the person to receive, in that place, the kind and (if applicable) the quantity of explosives being received by the person (item 3).

- (3) A buyer does not produce evidence to the seller unless—
- (a) if the seller is a corporation—the buyer allows a person who appears to be an executive officer, employee or agent of the corporation to read, make a copy of or take extracts from the licence or permit; or
  - (b) in any other case—the buyer allows a person who is or appears to be an employee or agent of the seller acting in the course of his or her employment or within the scope of his or her authority to read, make a copy of or take extracts from the licence or permit.

## **Division 4.4 Purchase and use of fireworks**

### **60 Permit required to purchase fireworks**

- (1) A person must not purchase fireworks by retail except in accordance with—

- (a) a public display fireworks permit or shopgoods fireworks purchasers permit; or
- (b) a licence or permit issued under the law of a State or another Territory that authorises the person to receive, in that place, the kind and (if applicable) the quantity of fireworks being purchased by the person.

Maximum penalty: 10 penalty units.

- (2) This regulation does not apply to the purchase of amorces, confetti bombs, sparklers, streamer cones, snaps for bonbon crackers, starting pistol caps, model rocket propellant devices or marine distress fireworks.

#### **61 Permit required to use fireworks**

- (1) A person must not use a firework except in accordance with a public display fireworks permit or regulation 62 or 63.

Maximum penalty: 10 penalty units.

*Note* An interstate fireworks licence or permit does not authorise the holder to use fireworks in the ACT.

- (2) This regulation does not apply to the use of amorces, confetti bombs, sparklers, streamer cones, snaps for bonbon crackers, starting pistol caps or model rocket propellant devices.

#### **62 Use of shopgoods fireworks—Queen’s birthday holiday weekend**

- (1) A person must not use a shopgoods firework—
  - (a) unless the person is the holder of a shopgoods fireworks purchasers permit or the person is using the fireworks under the immediate supervision of such a permit holder; and



- (b) except on the Queen's birthday public holiday in a year or the previous Saturday or Sunday in accordance with a shopgoods fireworks purchasers permit.

Maximum penalty: 10 penalty units.

- (2) This regulation does not apply to the holder of a public display fireworks permit.

**63 Use of marine distress fireworks**

A person must not knowingly use a marine distress firework except in an emergency.

Maximum penalty: 10 penalty units.

**64 Dangerous use of fireworks**

A person must not knowingly use a firework in a manner that is likely to endanger the safety of a person, animal or property.

Maximum penalty: 10 penalty units.

**Division 4.5 Records of sale and receipt of explosives**

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

- (1) Subject to this regulation, the holder of—
  - (a) a licence for the keeping of explosives in or on any premises; or
  - (b) a licence under the Act, section 19, in respect or any premises, for the manufacture of explosives otherwise than for immediate use;

shall whenever in, on or from those premises any explosives are sold to another person, make or cause to be made a record specifying—

- (c) the name and address of the person to whom the explosives were sold; and
- (d) the number of the licence or permit (including a licence or permit issued under the law of a State or another Territory) produced under regulation 59 (Production of evidence of authority to receive explosives) by the person receiving the explosives to the person selling the explosives;
- (e) the date on which the sale took place; and
- (f) a description and the quantity of the explosives sold.

*Note* **Sell** includes offer for sale, expose for sale and supply (see the Act, dict, def of **sell**).

(2) The holder of—

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

shall, whenever he or she causes or permits any explosives to be used, make or cause to be made a record specifying—

- (c) the date of the use of the explosives; and
  - (d) the description and quantity of the explosives used.
- (6) The chief inspector may issue to a person an authority in writing authorising the person to make or cause to be made, in the manner specified in the authority, records of the matters referred to in subregulation (1) (c), (d), (e) and (f) and may cancel or vary the terms of that authority.

- (7) Subregulation (1) does not apply to or in respect of the sale—
- (a) in or on any premises licensed under the Act, section 19, of any explosives for immediate use; or
  - (b) in or on any premises, of any explosives where the licensee of those premises is for the time being authorised in terms of subregulation (6) and makes or causes to be made in accordance with the terms of the authority a record of the sale.
- (8) A licensee of any premises who in accordance with this regulation or an authority thereunder makes or causes to be made any record shall—
- (a) keep the record for at least 3 years after it is made; and
  - (b) when required by an inspector to do so within that period, produce the record for the inspector to examine and take a copy or extract from the record.

## **67 Records to be kept by licensee of vehicle or vessel**

- (1) The holder of a licence under the Act, section 10 in respect of a vehicle or vessel shall, whenever any explosives are carried in or on the vehicle or vessel—
- (a) make or cause to be made a record specifying—
    - (i) a description and the quantity of the explosives; and
    - (ii) the dates of loading and unloading of the explosives; and
    - (iii) the places of loading and unloading, of the explosives; and
  - (b) on the delivery of the explosives, present or cause to be presented to the prescribed person, for signature by the prescribed person, that record.

- (3) The prescribed person referred to in subregulation (1) (b) is—
  - (a) for explosives delivered to a magazine—the person for the time being in charge or apparently in charge of the magazine; or
  - (b) for explosives delivered to 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 referred to in subregulation (1) shall, when a record in respect of explosives delivered to and accepted by the prescribed person is presented to him or her in accordance with that subregulation, sign the record in such manner as to indicate his or her receipt of the recorded description and quantity of those explosives.
- (7) The holder of a licence under the Act, section 10 and in respect of a vehicle or vessel who in accordance with this regulation makes or causes to be made any record shall—
  - (a) keep the record for at least 3 years after it is made; and
  - (b) when required by an inspector to do so within that period, produce the record for the inspector to examine and take a copy or extract from the record.

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

- (1) Subject to this regulation, the holder of a licence under the Act, section 17 or 21 shall, whenever any explosives are imported or sold, make or cause to be made a record specifying—
  - (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 Territory;  
of the explosives; and
- (b) in the case of a sale of explosives to another person—
  - (i) the name and address of the person to whom the explosives were sold; and
  - (ii) the number of the licence or permit (including a licence or permit issued under the law of a State or another Territory) produced under regulation 59 (Production of evidence of authority to receive explosives) by the person receiving the explosives to the person selling the explosives;
  - (iii) the date on which the sale took place; and
  - (iv) a description and the quantity of the explosives sold.

*Note* **Sell** includes offer for sale, expose for sale and supply (see the Act, dict, def of **sell**).

- (4) The chief inspector may issue to a person an authority in writing authorising the person to make or cause to be made, in a manner specified in the authority, records of the matters referred to in subregulation (1) (a) and (b), and may cancel, or vary the terms of, that authority.
- (5) Subregulation (1) does not apply to or in respect of the importation or sale of any explosives under the authority of a licence, or by or on behalf of a licensee, if the licensee is for the time being authorised in terms of subregulation (4) and makes or causes to be made a record of the importation, sale in accordance with the terms of the authority.

- (6) A licensee who in accordance with this regulation or an authority thereunder makes or causes to be made any record shall—
  - (a) keep the record for at least 3 years after it is made; and
  - (b) when required by an inspector to do so within that period, produce the record for the inspector to examine and take a copy or extract from the record.

**68A Manner of keeping records**

- (1) A record required to be kept under this division may be kept—
  - (a) in writing in a form approved by the chief inspector; or
  - (b) in an electronic form approved by the chief inspector.
- (2) If a licensee maintains a record in writing, entries—
  - (a) must be made in ink and must not be erased or made illegible; and
  - (b) must not be altered, unless the licensee signs the alteration.

## **Part 5**                      **Keeping of dangerous goods**

### **Division 5.1**              **General**

#### **69**              **Meaning of *licence* in pt 5**

In this part:

*licence* means a licence under the Act, section 8 or 19.

#### **70**              **Application of pt 5**

- (1) This part does not apply to or in respect of the keeping of any dangerous goods—
  - (a) in the fuel tank of a vehicle or other mobile plant, appliance or device; or
  - (b) in the fuel tank of any stationary plant, appliance or device if the capacity of the tank does not exceed 250L; or
  - (c) while they are being conveyed; or
  - (d) while they are in immediate use within the meaning of regulation 4 (4) (d) (subparagraph (iv) excepted).
- (2) 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 the Act, section 9 (1) (c); and
  - (b) not required by this part to be kept in a depot conforming to prescribed requirements.
- (3) This part applies subject to part 10 (Special requirements for certain goods).

**71            Obligations of licensees and occupiers**

Where 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 shall be 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.

**72            Occupation of licensed premises**

A person shall not—

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

unless the person is, or is authorised by, the licensee of the premises.

**73            Dangerous goods not to be kept except in licensed depots**

Except as provided by the Act, section 9 (1) (c), no dangerous goods shall be kept in or on licensed premises except in a licensed depot.

**74            Only certain goods to be kept in licensed depots**

- (1) No goods shall be kept in a licensed depot except—
  - (a) dangerous goods; or
  - (b) packages of or for the dangerous goods kept or to be kept in the depot; or



- (c) tools, implements, mats or overshoes required to be kept in the depot by these regulations; or
  - (d) goods approved for the purposes of this regulation.
- (2) No greater quantity of any dangerous goods shall be kept in a licensed depot than the quantity which the depot is licensed to contain.

**75 Depots to comply with pt 5**

- (1) A depot shall not be licensed unless it conforms, or would if licensed conform, to this part.
- (2) Where a depot does not conform to this part and the depot 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;
- commits a breach of these regulations.

**76 Location of depots (general)**

- (1) Subject to these regulations, no depot for the keeping of dangerous goods (other than dangerous goods of class 3) shall be located within the area enclosed by the bund wall of a depot for the keeping of dangerous goods of class 3.
- (2) No depot for the keeping of dangerous goods (other than dangerous goods of class 6) shall be located within the area enclosed by the bund wall of a depot for the keeping of liquid dangerous goods of class 6.
- (3) No depot shall be so located that a pipeline, other than a pipeline used for the conveyance of dangerous goods of a kind kept in the depot, other than dangerous goods of class 3, passes through, over, under or within 3m of the depot.

**77 Location of depots (distance from protected works etc)**

- (1) In this regulation:

*prescribed separation distance* means a distance prescribed by these regulations as a prescribed separation distance for the purposes of this regulation.

- (2) Where any provision of these regulations 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, other place, building, installation or thing is an exposure for the purposes of this regulation and of the regulation in which the provision occurs.

- (3) No building, structure, room, compartment, tank, store, area or receptacle shall 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 subregulation (4).
- (4) Where by reason of the erection of a building, or by reason of any other occurrence, during a period when a licence for any 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 chief inspector may approve, on such conditions as he or she may (subject to subregulation (5)) see fit to impose, of the use of the building, structure, room, compartment, tank, store, area or receptacle 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 subregulation (4) shall be such that if the licence for the premises had been issued immediately after the occurrence and subject to those conditions, the building, structure, room, compartment, tank, store, area or receptacle would have been within a prescribed separation distance from any exposure.
- (6) Where more than 1 separation distance between a depot and an exposure is prescribed by these regulations, the prescribed separation distance for the purposes of this regulation is the longer or longest of those distances.

**78      Prevention of escape of liquid, gaseous or molten goods**

Suitable measures shall 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, protected place or protected work.

**79      Employment of security guard**

Where the chief inspector by notice in writing to the licensee of a depot so requires, the licensee shall employ a trustworthy person of or over 18 years of age as a security guard for the depot during such hours as are specified in the notice.

**80      Handling of goods**

- (1) The licensee of premises shall observe, or cause to be observed, the requirements of this regulation.
- (2) Every person engaged as an employee or otherwise in work in or on licensed premises shall to the extent practicable, having regard to the nature and scope of his or her duties or occupation observe the requirements of this regulation.

- (3) All dangerous goods received into licensed premises and not required for immediate use shall immediately be conveyed into the depot in which they are to be kept in or on the premises.
- (4) All dangerous goods taken from a depot in or on licensed premises for despatch from the premises shall immediately be removed from the premises.
- (5) Dangerous goods other than solid goods shall not be conveyed within licensed premises except—
  - (a) in approved packages or other approved containers; or
  - (b) by means of pipes so constructed and connected that the goods or vapour from the goods cannot escape from the pipes during the conveyance.
- (6) A package containing dangerous goods in or on licensed premises—
  - (a) shall 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 the goods have been or are to be kept; and
  - (b) when opened for the removal of goods shall—
    - (i) be left open only for the time necessary for the removal of the goods, and then immediately closed; and
    - (ii) if goods (other than goods the keeping of which this division does not apply to) remain in the package and it is outside a depot—be immediately placed in a depot; and
    - (iii) if no goods remain in the package—be immediately removed to a safe place.
- (7) All practicable precautions shall be taken for preventing the escape of dangerous goods, or vapour from dangerous goods, from a package or tank.

- (8) Dangerous goods kept in or on, or received into, licensed premises shall, if the packages are damaged, leaking or otherwise defective, be immediately repacked into sound packages.
- (9) Dangerous goods spilled in or on licensed premises shall immediately be cleaned up and so disposed of that they will not be a danger to any person.

## **81 Young persons**

A person under the age of 16 years shall 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.

## **82 Intoxicating liquor**

- (1) No intoxicating liquor shall be taken or received into or allowed to remain in a licensed depot unless it is kept or to be kept in the depot in accordance with the terms of the licence.
- (2) No person who is intoxicated shall be allowed to enter, or remain in, a licensed depot.

## **83 Depots to be kept clean**

- (1) A licensed depot shall at all times be kept clean and in good order.
- (2) Before any repairs are carried out in or to a licensed depot all goods shall be removed from it and it shall be thoroughly swept out or washed out.

## **84 Fire hazards (general)**

- (1) A person shall not—

- (a) smoke in, or within 3m of, a depot; or
- (b) take into, or within 3m of a depot—
  - (i) any fire, flame, matches, charcoal, oiled rags, oiled cotton, oiled waste, or grit; or
  - (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.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (2) Subject to subregulation (3), persons shall not within 15m of an opening into an above-ground depot, or within 15m of a bund wall surrounding 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, oxyacetylene cutting, or hot tapping, or any other process or operation liable to cause fire or explosion.
- (3) An act does not contravene subregulation (2) if—
  - (a) it is done with the approval of the chief inspector; 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 15m.
- (4) Where—
  - (a) a process or operation is carried out in an emergency; and

- (b) the carrying out of the process or operation otherwise than in an emergency would have contravened subregulation (2);

the person who carries out the process or operation shall immediately notify the chief inspector thereof.

- (5) Subject to these regulations, the area within 5m from a depot, other than an internal depot, shall be kept clear of dry grass, unmown grass, undergrowth and all other combustible material.

## **85 Fire hazards (vehicles and other appliances)**

- (1) In this regulation:

**appliance** means any kind of powered vehicle, plant, appliance or device, whether or not mobile, and whether or not it is designed for industrial, commercial or rural operation.

**class**—see AS 3000, SAA Wiring Rules.

**location**, in relation to a depot, means a location in or about the depot.

**zone**—see AS 3000, SAA Wiring Rules.

- (2) The licensee of a depot or the occupier of an unlicensed depot shall not operate, or cause, permit or suffer any person to operate—
  - (a) in a location of class 1 zone 1, or class 1 zone 2—any appliance powered by an internal combustion engine with spark ignition; or
  - (b) in a location of class 1 zone 1—any appliance powered by an electric motor unless it—
    - (i) complies with AS 1915, entitled ‘Electric Equipment for Explosive Atmospheres, Battery Powered Vehicles’ or another approved standard; and

- (ii) is of an approved type; or
  - (c) in a location of class 1 zone 2—any 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) in a location of class 1 zone 1—any appliance powered by a compression ignition internal combustion engine unless it is so constructed, or has been so modified that it conforms to the requirements set out in subregulation (3); or
  - (e) in a location of class 1 zone 2—any 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 subregulation (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; or
  - (f) in a location of class 1 zone 1 or 2—any appliance powered by a compression ignition internal combustion engine unless, in addition, it conforms to the requirements set out in subregulation (4).
- (3) The requirements referred to in subregulation (2) (d) in relation to an appliance are that—
- (a) all electrical equipment is removed from the appliance or is protected by approved flameproofing, 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 12mm sealing paths; and
- (d) gaskets, if used, are of copper 1.5mm in thickness 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 therefore that are within easy reach of the operator of the appliance when the operator 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 0.4mm apart and having a depth not less than 50mm 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 which 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 the

appliance does not at any time exceed 200°C when the appliance 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 the operation of the appliance.
- (4) The requirements referred to in subregulation (2) (f) in relation to an appliance are that—
- (a) the assembled appliance has before or after the commencement of these regulations, been inspected by an inspector and approved by the inspector; and
  - (b) the engine unit of the appliance is at all times maintained in good condition and efficient working order; and
  - (c) where a flame trap is provided in pursuance of this regulation 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 where 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 so provided are removed and cleaned at such regular intervals as are desirable for the efficient operation of the wash box having regard to the construction of the wash box and the condition of the engine.

**86            Electrical apparatus and wiring**

- (1) No building, structure, room, compartment, tank, store, area or receptacle shall be used as a depot unless its electrical wiring and equipment and the electrical wiring and equipment in its immediate precincts as delimited by the relevant provisions of AS 3000—
  - (a) conform to the provisions of AS 3000 that relate to electrical equipment in hazardous locations; and
  - (b) are approved.
- (2) A fuel dispenser shall not be used to dispense dangerous goods of class 2 or 3 unless the electrical equipment in the area around the fuel dispenser delimited by the relevant provisions of AS 3000—
  - (a) conforms to the provisions of AS 3000 that relate to electrical equipment in hazardous locations; and
  - (b) is approved.

**87            Sprinklers and fire hose reels**

Where this part requires the provision in or in respect of a depot of any—

- (a) sprinklers—they shall conform to the requirements of AS CA 16, entitled ‘Rules for Automatic Sprinkler Installations’, that relate to the fire hazard in respect of which they are provided; or
- (b) fire hose reels—the reels provided shall be installed and maintained in accordance with AS 1851, part 2, entitled ‘Fire Hose Reels’.

**88 Requirements for firefighting equipment**

- (1) Apparatus and equipment for firefighting, other than portable fire-extinguishers, required by or under this part to be provided in or on any premises—
  - (a) shall not be installed in or on the premises unless plans and specifications of the apparatus or equipment have been approved by the chief inspector; and
  - (b) shall be so maintained that they are at all times in an efficient state and capable of immediate use.
- (2) Where by or under this part a fire hydrant is required to be provided at any place in or on premises—
  - (a) a hose at least 30m long, together with a hose nozzle, hose connectors, 2 hydrant spanners and any other fittings that are necessary shall be provided at that point; and
  - (b) the hydrant shall be so located or so protected by fenders that it is adequately protected from damage by vehicles or from any other cause; and
  - (c) the hydrant shall be capable of throwing a water stream to a distance of 20m from a 30m hose equipped with a 25mm diameter nozzle; and
  - (d) if more than 1 hydrant is so required to be provided—such a number of adjustable stream nozzles as is sufficient for the needs of the firefighting installation, and to enable that installation to be operated from at least 2 hydrant points, shall be provided; and
  - (e) the water supply mains for the hydrant shall—
    - (i) have an internal diameter not less than 75mm and sufficient for the delivery rate required; and
    - (ii) be adequately protected from exposure or damage.

**89 Fire-extinguishers to be provided at certain depots**

- (1) Subject to this regulation, where by regulation 90 a notice and label, or notice and labels, are required to be kept exhibited at a depot, at least 1 dry chemical fire-extinguisher having a capacity of at least 9kg shall 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.
- (2) Subregulation (1) does not require the provision of more than 1 fire-extinguisher for 2 or more depots in or on the same premises if that subregulation can be complied with by the provision of 1 fire-extinguisher for both or all those depots.
- (3) Subregulation (1) does not apply to or in respect of a depot of any class where specific provision is made by these regulations for the provision of firefighting equipment in respect of depots of that class.

**90 Notices and labels to be exhibited at depots**

- (1) Subject to subregulation (8), there shall at all times be kept exhibited, in the manner prescribed by this regulation, at an above-ground depot (other than an internal magazine) for the keeping of dangerous goods of the class or description specified in table 1, column 2—
  - (a) a notice conforming to this regulation containing only the words specified in table 1, column 4 opposite that class or description of dangerous goods, other than such words (if any) as appear in brackets and are printed in italics; and
  - (b) a label, conforming to this regulation, setting out the class to which the goods belong; and
  - (c) if required by regulation 241, an additional class label as prescribed by that regulation.

- (2) A notice prescribed by subregulation (1) shall be in letters at least 50mm high and conforming to type B of AS 1744.
- (3) A notice required by this regulation to be kept exhibited at a depot for the keeping of dangerous goods of class 1.1, category B and category D, class 1.2 and class 1.3, for the keeping of shopgoods fireworks, shall be in white letters on a red background.
- (4) A label does not conform to this regulation unless it has sides of at least 270mm in length and, subject to subregulation (3), conforms to the specifications in the Australian code, section 3.2.5, section 3.2.6 and section 3.2.7.
- (6) The notice and label required by subregulation (1) to be kept exhibited at a depot shall be kept exhibited in such a position as to be clearly legible by any person approaching and any person at the depot, and where there is more than 1 point of access to the depot, the notice and label shall 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.
- (7) No writing or sign shall be displayed at or near a notice or label required to be exhibited by this regulation if the writing or sign contradicts, qualifies, or distracts attention from the notice or label.
- (8) A notice or label referred to in subregulation (1) need not be kept exhibited at a depot for the keeping of dangerous goods of the class and description specified in table 1, column 2, if the quantity of dangerous goods of that class or description kept in the depot does not exceed the quantity specified in table 1, column 3 opposite that class or description of dangerous goods.

**Table 1 Notices to be exhibited at depots**

<b>column 1</b>	<b>column 2</b>	<b>column 3</b>	<b>column 4</b>
<b>item</b>	<b>class or description of dangerous goods</b>	<b>exemption quantity</b>	<b>notice to be exhibited</b>

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>class or description of dangerous goods</b>	<b>column 3</b> <b>exemption quantity</b>	<b>column 4</b> <b>notice to be exhibited</b>
1	class 1.1, category B	110	Detonators
2	class 1.1, category D	2.5kg	Explosives
3	class 1.2	2.5kg	Explosives
4	class 1.3	2.5kg	Explosives
5	class 1.5	2.5kg	Explosives
6	class 2.1, if liquefied other than unodorised liquefied petroleum gas	300kg	Danger No Smoking Keep Fire Away
7	class 2.1, being unodorised liquefied petroleum gas	300kg	Danger No Smoking Keep Fire Away Unodorised LP Gas
8	class 2.1, if not liquefied	60m <sup>3</sup>	Danger No Smoking Keep Fire Away
9	class 2.2, being a cryogenic liquid other than oxygen	300m <sup>3</sup>	Danger No Smoking <i>(together with the name of the gas)</i>
10	class 2.2, being liquid oxygen	300m <sup>3</sup>	Danger No Smoking Liquid Oxygen
11	class 2.3, if liquefied	50kg	Danger No Smoking Poison Gas <i>or</i> Danger No Smoking <i>(together with the name of the gas)</i>
12	class 2.3, if not liquefied	20m <sup>3</sup>	Danger No Smoking Poison Gas <i>or</i> Danger No Smoking <i>(together with the name of the gas)</i>
13	class 3.1	100L	Danger No Smoking Keep Fire Away
14	class 3.2	1 000L	Danger No Smoking Keep Fire Away
15	class 4.1, category A	25kg	Danger No Smoking <i>(together with the name of the goods)</i>
16	class 4.1, category B	50kg	Danger No Smoking <i>(together with the name of the goods)</i>
17	class 4.1, category C	250kg	Danger No Smoking

**Part 5** Keeping of dangerous goods  
**Division 5.1** General

Regulation 91

<b>column 1 item</b>	<b>column 2 class or description of dangerous goods</b>	<b>column 3 exemption quantity</b>	<b>column 4 notice to be exhibited</b>
18	class 4.1, category D	1 000kg	Danger No Smoking
19	class 4.2, category A	100kg	Danger No Smoking <i>(together with the name of the goods)</i>
20	class 4.3, category A	50kg	Danger No Smoking <i>(together with the name of the goods)</i>
21	class 4.3, category B	200kg	Danger No Smoking <i>(together with the name of the goods)</i>
22	class 5.1, category A	25kg	Danger No Smoking
23	class 5.1, category D	5 000kg	Danger No Smoking
24	class 5.2, category A	10kg	Danger No Smoking Flammable
25	class 5.2, category B	20kg	Danger No Smoking Flammable
26	class 6.1	1 000kg	Danger No Smoking
27	class 6.2	1 000kg	Danger No Smoking
28	class 8, being acetyl or propionyl chloride	100L	Danger No Smoking
29	class 8, except acetyl or propionyl chloride	1 000L	Danger No Smoking
30	shopgoods fireworks	1t	Danger No Smoking Fireworks Keep Fire Away

**91 Goods to be removed from premises on termination  
of licence**

Where—

- (a) a licence for any 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) shall 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.

**92 Vents in ventilating systems**

Where, 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 shall not prevent the vent from operating, or affect its operation, by placing articles or substances in or near it.

**Division 5.2 Keeping of explosives**

**93 Certain explosives not required to be kept in or on licensed premises**

- (1) For the purposes of the Act, section 9 (1) (c), the prescribed manner and conditions for keeping explosives in the quantities specified in subregulation (2) are those prescribed by regulations 94, 95 and 96.
- (2) For the purposes of the Act, section 9 (1) (c), the prescribed quantities in respect of the explosives listed hereunder are as follows:
  - (a) not more than 2.5kg of blasting explosives, not more than 110 detonators and not more than 250m of detonating fuse, where the explosives have been received under the authority of a shotfirer's permit;
  - (b) for fireworks at the place of a public fireworks display—
    - (i) if the holding of the display is authorised by a general public display fireworks permit—the quantity of fireworks notified in accordance with regulation 55

- (1) (Conditions of public display fireworks permits);  
or
- (ii) if the holding of the display is authorised by the special public display fireworks permit—the quantity of fireworks stated in the permit;
- (c) an unlimited quantity of—
  - (i) safety cartridges kept otherwise than for sale; or
  - (iii) any dangerous goods of class 1.4, group S, not elsewhere specified in this subregulation;
- (d) not more than 2 000 rounds of safety cartridges when kept for sale;
- (e) not more than—
  - (i) 10kg of propellant powder received under a licence, permit or authorisation mentioned in regulation 51 (1) (Certain persons authorised to receive explosives); and
  - (ii) 2.5kg of propellant powder received under a shotfirer's permit;
- (f) not more than 10kg of marine distress fireworks;
- (g) not more than 50kg of shopgoods fireworks received under a shopgoods fireworks purchasers permit;
- (h) an unlimited quantity of explosives that have been received under the authority of a collector's permit.
- (3) A reference in subregulation (2) or regulation 94 or 95 to a quantity of explosives is a reference to that quantity of explosives kept in or on the same premises or place.
- (4) For the purposes of subregulation (3) places within 1km of each other shall be taken to be in 1 place.

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**94            Conditions subject to which certain explosives may be kept**

- (1) This regulation applies to explosives kept otherwise than in or on licensed premises in the quantities specified in regulation 93 (2), but does not apply to—
  - (a) shopgoods fireworks kept for sale; or
  - (b) marine distress fireworks kept for sale in a quantity not exceeding 10kg; or
  - (c) safety cartridges kept by the holder of a licence under the Act, section 21 for sale under the authority of the licence.
- (2) For the purposes of the Act, section 9 (1) (c), the prescribed manner and conditions for the keeping of the explosives to which this regulation applies are as prescribed by subregulations (4) to (10).
- (3) A person who does not observe a requirement of subregulation (4) commits a breach of these regulations.
- (4) A person who keeps explosives to which this regulation applies shall in relation to the explosives comply with, or cause to be complied with, subregulations (5) to (10).
- (5) Propellant powder, blasting explosives, detonating fuse or fireworks shall be kept—
  - (a) in a securely locked container or containers and kept 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) under the immediate supervision of a trustworthy person of or over the age of 18 years or in a locked building.
- (6) Fuse lighters shall not be kept in a container referred to in subregulation (5).

- (7) Shopgoods fireworks kept otherwise than for sale shall be kept in suitable sparkproof containers in which there are no matches, including Bengal matches.
- (8) Detonators shall 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 person is in the building and exercising supervision over the detonators.
- (9) Safety fuse, safety cartridges, and other ammunition being dangerous goods of class 1.3 or 1.4 shall be kept in a cool and dry place away from all other explosives.
- (10) No substance or article of a highly flammable nature shall be kept otherwise than at a safe distance from the explosives and the building in which they are kept.

**95 Conditions under which shopgoods fireworks and marine distress fireworks may be kept for sale**

- (1) In this regulation:

*fireworks*, except in subregulation (2), means fireworks to which this regulation applies.

*package* does not include a container that is made from plastic film of less than 38 micrometres in thickness.

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

*shopgoods fireworks* does not include amorces, confetti bombs, model rocket propellant devices, snaps for bonbon crackers, sparklers and streamer cones.

- (2) This regulation applies to—
  - (a) shopgoods fireworks kept for sale; and
  - (b) marine distress fireworks kept for sale in a quantity not exceeding 10kg.
- (3) For the purposes of the Act, section 9 (1) (c), the prescribed manner and conditions for the keeping of fireworks are as prescribed by subregulations (5) to (10).
- (4) A person who does not observe a requirement of subregulation (5) commits a breach of these regulations.
- (5) A person who keeps fireworks shall in relation to those fireworks comply with, or cause to be complied with, subregulations (6) to (10).
- (6) Where fireworks are kept in a shop—
  - (a) they shall not be placed in any window display; and
  - (b) they shall, except where otherwise approved, be kept—
    - (i) where they are in a part of the shop to which the public has access—in sealed sparkproof packages contained in closed receptacles; or
    - (ii) where they are in a part of the shop to which the public does not have access—in closed receptacles or in sealed sparkproof packages; and
  - (c) they shall be kept in such manner as does not impede the free movement of persons in the shop; and
  - (d) they shall be separated from any other dangerous goods and from any combustible materials.
- (9) A receptacle that contains fireworks—
  - (a) shall not be used otherwise than as a container for fireworks; and

- (b) shall not be opened except when fireworks are being placed in or taken from it; and
  - (c) shall at all times be kept clean, and free of dust and grit; and
  - (d) shall not have in it any matches, including Bengal matches; and
  - (e) shall not have in it any means of artificial lighting.
- (10) All reasonable precautions shall be taken to prevent—
- (a) the occurrence of accidents through the explosion or ignition, from any cause, of fireworks; and
  - (b) the doing, in or on the premises or place where 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 fireworks.

**95A Certain signs to be displayed**

- (1) The proprietor of any shop in which shopgoods fireworks are sold by way of retail sale shall cause to be displayed a sign containing—
  - (c) a statement to the effect that shopgoods fireworks may not be sold to any person who is not of or above the age of 18 years; and
  - (d) such other information as the chief inspector may, by notice in writing served on the proprietor, require.
- (2) A sign referred to in subregulation (1) shall be securely fixed in a prominent position in the inside of the shop in such a manner that it is readily visible to any person who enters the shop.
- (3) Any wording displayed on a sign referred to in subregulation (1) shall—

- (a) be clearly legible; and
  - (b) consist of lettering not less than 15mm in height and of a colour that contrasts with the background of the sign.
- (4) In this regulation:
- shopgoods fireworks* does not include amorces, confetti bombs, model rocket propellant devices, snaps for bonbon crackers, sparklers and streamers cones.

**96 Conditions under which certain safety cartridges may be kept for sale**

- (1) In subregulations (3) and (5) to (8):
- safety cartridges* means safety cartridges to which this regulation applies.
- (2) This regulation applies to safety cartridges kept by the holder of a licence under the Act, section 21 for sale under the authority of the licence.
- (3) For the purposes of the Act, section 9 (1) (c), the prescribed manner and conditions for the keeping of safety cartridges are as prescribed by subregulations (5) to (8).
- (4) A licensee who does not observe a requirement of subregulation (5) commits a breach of these regulations.
- (5) A licensee under the Act, section 21 who keeps not more than 2 000 rounds of safety cartridges for sale under the authority of his or her licence shall in relation to the safety cartridges comply with, or cause to be complied with, subregulations (7), (8) and (9).
- (6) A licensee under the Act, section 21 who keeps more than 2 000 rounds of safety cartridges for sale under the authority of his or her licence shall—

- (a) keep the cartridges in or on premises licensed under the Act, section 8; and
  - (b) comply with, or cause to be complied with, subregulations (7), (8) and (9).
- (7) Safety cartridges shall be kept in a building in—
  - (a) a locked room; or
  - (b) a magazine conforming to regulation 108; or
  - (c) the original outer package 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 that supervision.
- (8) Safety cartridges shall not be placed or kept in a shop window or kept on a counter of a shop.
- (9) Safety cartridges shall not be kept in a room or magazine, or in a cupboard or other receptacle, in which there are any other explosives, unless they are separated from those 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.

**97 Magazines (separation distances)**

- (1) In this regulation:



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***magazine*** means a licensed external magazine.

- (2) Subject to this regulation, the distance indicated—
- (a) by table 2, between a magazine and a protected place—is in relation to the magazine; or
  - (b) by table 3, between a magazine and a protected work not being a magazine, a process building or a depot for the keeping of ammonium nitrate—is in relation to the magazine; or
  - (c) by table 4, between 2 magazines—is in relation to both magazines; or
  - (d) by table 5, between a magazine and a process building—is in relation to the magazine; or
  - (e) by table 6, between a magazine and a depot for the keeping of ammonium nitrate—is in relation to the magazine;
- a prescribed separation distance for the purposes of regulation 77.
- (3) For the purposes of subregulation (2), the distance indicated by table 2, 3, 4 or 5 is, in relation to a magazine, the distance in metres specified in table 2, 3, 4 or 5, as the case may be, column 2, under the heading of the class of explosives that the magazine is licensed to contain, opposite the licensed capacity in kilograms of that magazine specified in that table, column 1.
- (4) For the purpose of subregulation (2), the distance indicated by table 6, is in relation to a magazine, the distance in metres specified—
- (a) where a mound of at least the thickness, at the top, specified in column 2 opposite the licensed capacity in kilograms of the magazine specified in column 1 is situated between that magazine and a depot for the keeping of ammonium nitrate—in that table, column 3;

- (b) in all other cases—in that table, column 4, opposite the licensed capacity in kilograms of that magazine specified in column 1 of that table.
- (5) Subject to subregulation (7), for the purposes of regulation 77, 183m is a prescribed separation distance between a magazine for the keeping of explosives of class 1.1 or 1.2 and a protected work (not being a magazine, a process building or a depot for the keeping of ammonium nitrate) where the licensed capacity of the magazine is not more than 1 000kg and the magazine is not surrounded by a mound conforming to regulation 98 (9).
- (6) Subject to subregulation (7), for the purposes of regulation 77, the prescribed separation distance between a magazine for the keeping of explosives of class 1.1 or 1.2 that is surrounded by a mound conforming to regulation 98 (9) and a protected work (not being a magazine, a process building or a depot for the keeping of ammonium nitrate) is the distance in metres specified in table 3, column 2 opposite the licensed capacity in kilograms of that magazine specified in that table, column 1.
- (7) Where 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 regulation 77 instead of the separation distance that would otherwise have been applicable.
- (8) A distance specified under subregulation (7) shall be not less than  $\frac{1}{2}$  the separation distance that would otherwise have been applicable.
- (9) The chief inspector shall not specify under subregulation (7) a distance less than that which would otherwise be applicable in relation to—
  - (a) a protected place—unless the place is a road, street, or thoroughfare, a reserve, dedicated land, park land, a waterway, a railway or a tramway, and the chief inspector

is satisfied that the place is not frequently used or resorted to by the public; or

- (b) a protected work—unless the work is a building occupied by the occupier of the magazine.
- (10) In the application of this regulation to a magazine for the keeping of blasting explosives which has an annexe for the keeping of detonators, the explosives kept in that annexe shall be disregarded where—
- (a) no explosives other than detonators are kept in the annexe; and
  - (b) not more than 200 000 detonators are so kept; and
  - (c) the annexe is separated from that part of the magazine in which blasting explosives are kept by masonry or brickwork at least 200mm in thickness and a distance (additional to that thickness) of 1.5m, or by such materials or distance, or both, as are approved.
- (11) In ascertaining the prescribed separation distance between any 2 magazines, the licensed capacity of either 1 shall be taken to be its licensed capacity or that of the other, whichever is the greater.
- (12) In ascertaining a prescribed separation distance in relation to a magazine, the licensed capacity of any other magazine in or on the same premises as the firstmentioned magazine shall be deemed to be added to that of the firstmentioned magazine unless there is between the magazines a mound conforming to regulation 98 (9).
- (13) Subregulation (12) does not apply where the prescribed separation distance to be ascertained is that between 2 magazines referred to in that subregulation.

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- (14) For the purposes of this regulation, regulation 98 (9) shall be read as though the words ‘licensed to contain more than 1 000kg of explosives’ were omitted.

**Table 2 Separation distances between magazines and protected places**

column 1	column 2	column 3		
		separation distance (in metres)		
item	licensed capacity of magazine (in kg)	explosives of class 1.4	explosives of class 1.3	explosives of class 1.2 or 1.1
1	50	8	12	23
2	100	10	15	23
3	200	11	19	26
4	300	13	22	34
5	400	15	24	42
6	500	16	26	47
7	1 000	18	33	75
8	1 500	19	37	96
9	2 000	20	41	114
10	2 500	21	44	129
11	3 000	22	47	142
12	4 000	23	51	164
13	5 000	24	55	180
14	7 500	25	63	212
15	10 000	26	69	237
16	15 000	27	79	273
17	20 000	28	87	302
18	25 000	29	93	321
19	30 000	30	99	342
20	40 000	31	109	381
21	50 000	32	118	409
22	75 000	33	136	470
23	100 000	35	149	519

**Table 3 Separation distance between magazine and protected works (general)**

column 1  item	column 2  licensed capacity of magazine (in kg)	column 3 separation distance (in metres)		
		explosives of class 1.4	explosives of class 1.3	explosives of class 1.2 or 1.1
1	50	16	24	24
2	100	19	30	33
3	200	22	38	51
4	300	26	43	68
5	400	29	47	82
6	500	31	51	95
7	1 000	36	63	150
8	1 500	39	73	191
9	2 000	41	81	226
10	2 500	42	87	257
11	3 000	44	92	284
12	4 000	45	101	327
13	5 000	47	108	360
14	7 000	49	125	424
15	10 000	51	138	470
16	15 000	54	158	546
17	20 000	56	171	601
18	25 000	58	186	650
19	30 000	59	199	689
20	40 000	61	218	762
21	50 000	62	235	817
22	75 000	65	269	940
23	100 000	67	295	1 034

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**Table 4 Separation distance between magazines**

column 1  item	column 2  licensed capacity of magazine (in kg)	column 3 separation distance (in metres)			
		explosive s of class 1.4	explosive s of class 1.3	explosiv es of class 1.2	explosive s of class 1.1
1	50	10	10	10	10
2	100	10	10	10	12
3	200	10	10	10	14
4	300	10	10	10	17
5	400	10	11	10	19
6	500	10	13	10	20
7	1 000	10	15	11	25
8	1 500	11	16	11	28
9	2 000	13	17	12	31
10	2 500	14	18	12	33
11	3 000	15	19	13	35
12	4 000	17	20	13	38
13	5 000	18	22	14	41
14	7 500	20	25	16	48
15	10 000	22	28	17	52
16	15 000	24	33	20	59
17	20 000	25	38	22	66
18	25 000	26	42	25	71
19	30 000	27	45	27	75
20	40 000	28	51	30	82
21	50 000	28	55	33	89
22	75 000	29	63	38	102
23	100 000	30	69	42	112

**Table 5 Separation distance between magazines and process buildings**

column 1	column 2	column 3			
item	licensed capacity of magazine (in kg)	separation distance (in metres)			
		explosives of class 1.4	explosives of class 1.3	explosives of class 1.2 or 1.1	
1	50	12	12	18	
2	100	12	16	22	
3	200	12	19	27	
4	300	12	22	31	
5	400	12	24	33	
6	500	12	26	36	
7	1 000	12	32	57	
8	1 500	16	36	73	
9	2 000	20	40	86	
10	2 500	22	44	97	
11	3 000	23	46	107	
12	4 000	25	51	123	
13	5 000	26	55	135	
14	7 500	27	63	159	
15	10 000	27	69	177	
16	15 000	28	79	205	
17	20 000	28	87	226	
18	25 000	28	94	243	
19	30 000	28	100	260	
20	40 000	28	109	286	
21	50 000	28	117	308	
22	75 000	29	134	353	
23	100 000	30	147	388	

**Table 6 Separation distance between magazines and ammonium nitrate depots**

column 1 item	column 2 licensed capacity of magazine (in kg)	column 3 separation distance (in metres)		
		minimum thickness of mound (in metres)	where mounded	all other cases
1	50	0.3	5	7
2	100	0.3	5	7
3	200	0.3	5	9
4	300	0.3	5	11
5	400	0.3	5	12
6	500	0.3	5	13
7	1 000	0.4	5	16
8	1 500	0.4	5	18
9	2 000	0.4	5	20
10	3 000	0.5	5	23
11	4 000	0.5	5	25
12	5 000	0.5	5	27
13	7 500	0.6	6	31
14	10 000	0.6	6	34
15	15 000	0.8	7	39
16	20 000	0.9	7	42
17	25 000	0.9	8	45
18	30 000	1.0	9	49
19	40 000	1.0	9	54
20	50 000	1.2	10	58
21	75 000	1.2	13	73
22	100 000	1.5	17	102

## 98 Construction of external magazines

(1) In this regulation:

*magazine* means a licensed external magazine.



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- (2) A building shall not be licensed to contain more explosives than the quantity permitted by subregulation (3) (e).
- (3) A magazine shall be a building and shall—
- (a) have walls of steel plate at least 3mm thick, or reinforced concrete at least 125mm thick, or brick at least 225mm thick set in cement mortar; and
  - (b) have a roof of steel plate at least 3mm thick with a shade roof, or a roof of reinforced concrete at least 75mm thick; and
  - (c) be lined on the inside of its walls, door or doors, ceiling and floor with a lining conforming to subregulation (8); and
  - (d) if the magazine is licensed to contain more than 150kg of explosives—be equipped with lightning protection conforming to the relevant provisions of AS 1768, entitled ‘Manual on Lightning Protection’; and
  - (e) have an internal volume not less than 0.4m<sup>3</sup> for each 100kg 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 shall be adequately protected.
- (4) An external door of a magazine shall—
- (a) be such that it opens outwards and, when closed, fits tightly into an angleiron frame; and
  - (b) be constructed of steel plate at least 3mm thick; and
  - (c) have external hinges of steel welded to the door and to the frame of the magazine.

- (5) Every external door of a magazine shall have a lock of the 'deadlock' type.
- (6) Every internal door of a magazine shall be of wood.
- (7) All locks and fittings of an internal door of a magazine shall be of non-ferrous metal.
- (8) The lining of a magazine shall—
  - (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 at least 10mm thick on the walls, door or doors, and ceiling, and at least 25mm 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 20mm 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 0.5m centres.
- (9) A magazine licensed to contain more than 1 000kg of blasting explosives shall be surrounded by a substantial mound which shall—
  - (a) be of earth or other approved material; and
  - (b) extend to at least the height of the eaves of the magazine; and
  - (c) be at least 1m wide at the top; and

- (d) have walls with a gradient of not more than 1 in 3.
- (10) A magazine may have a porch and any such porch shall—
  - (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 shall not be heated artificially otherwise than by means of steam, hot air, or hot water, and the heat so employed shall be generated at a safe distance from the magazine, every other magazine and every process building.

## **99 Exhibition of notices in magazines**

- (1) There shall at all times be kept prominently exhibited inside a licensed external magazine a clearly legible notice setting out—
  - (a) the quantity of explosives (including the number of detonators (if any)) which the magazine is licensed to contain; and
  - (b) where it is a condition of the licence for the magazine 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 shall at all times be kept prominently exhibited inside a licensed magazine a clearly legible copy of so much of these regulations and of any other regulations, and of any Act, as the chief inspector may by notice served on the licensee require.

- (3) Every notice and copy required by this regulation to be kept exhibited inside a magazine shall be kept securely affixed to an interior wall of the magazine in such a position that the notice or copy will not be obscured by an open door, by stacked goods, or otherwise.

**100 Keeping of explosives of different compatibility groups**

Subject to regulation 97 (10), explosives of more than 1 compatibility group shall not be kept in the same magazine.

**101 Magazine keeper**

- (1) A licensed external magazine shall at all times have a magazine keeper.
- (2) The licensee and the magazine keeper shall comply with, or cause to be complied with, regulations 102 to 106.

**102 Certain articles to be provided**

- (1) There shall at all times be provided in a licensed external magazine that does not contain any gunpowder or firework composition—
- (a) a hair broom; and
  - (b) a coir mat about 750mm by 500mm in size.
- (2) There shall at all times be provided in a licensed external magazine that contains any gunpowder or fireworks composition—
- (a) a hair broom; and
  - (b) a coir mat about 750mm by 500mm in size; and
  - (c) a sufficient number of suitable copper, brass or wooden tools or implements for opening packages; and

- (d) where persons are to enter the magazine—a sufficient number of overshoes not having any exposed iron or steel, for use by those persons.
- (3) The mat, tools or implements, and overshoes prescribed by subregulation (2) shall at all times when they are not in actual use be kept in a suitable cupboard or area within the magazine.
- (4) A person shall not enter a licensed external magazine that contains any gunpowder or firework composition unless the person is wearing overshoes provided in pursuance of subregulation (2).

### **103 Prevention of introduction of hazardous articles into magazines**

The licensee of a magazine shall in order to prevent persons employed or engaged in or about the magazine from taking articles or substances into it in contravention of regulation 84 (1)—

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

### **104 Magazines to be kept locked**

- (1) A licensed external magazine shall 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 the management of the magazine.
- (2) The keys to a licensed external magazine shall at all times be in the custody of a trustworthy person and kept readily available for production to an inspector.

**105 Packages of gunpowder etc**

- (1) Packages of gunpowder or other propellant powder shall not be opened in a magazine unless all the explosive in them is contained in inner packages.
- (2) No package that has any exposed iron or steel shall be used for the keeping of gunpowder or firework composition in a magazine.

**106 Thunderstorms**

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

**107 Restrictions on use of internal magazines**

- (1) An internal magazine shall not be licensed except—
  - (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 subregulation (1) (a) are—
  - (a) not more than 50kg of blasting explosives, or not more than 50kg of propellant powder being dangerous goods of class 1.1; or
  - (b) not more than 20 000 detonators; or
  - (c) not more than 200kg of propellant powder being dangerous goods of class 1.3; or
  - (d) not more than 200kg of fireworks.

- (3) The licensee of an internal magazine shall not use the magazine except in conformity with the prescribed conditions.
- (4) The prescribed conditions referred to in subregulations (1) (b) and (3) are that no 2 or more internal magazines shall be in the same building—
  - (a) if both or all or any 2 or more of them contain explosives described in any paragraph of subregulation (2); and
  - (b) unless each is separated from the other or every other by a distance of at least 10m.
- (5) The distance referred to in subregulation (4) (b) is the length of a straight line (whether horizontal or not) from 1 magazine to another.

## **108 Internal magazines for blasting explosives etc**

- (1) An internal magazine for the keeping of blasting explosives, propellant powder being dangerous goods of class 1.1, or detonators shall—
  - (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 0.8mm thick, or (subject to subregulation (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 with the licensed capacity of the magazine; and

- (e) be fitted with handles for lifting it.
- (2) An internal magazine in which any gunpowder is kept shall be lined with wood and all its fittings shall be of non-ferrous metal.
- (3) All the fittings of an internal magazine referred to in subregulation (1) in which no gunpowder is kept shall be of steel and the magazine shall be fitted with a lock having a steel hasp.

### **109 Internal magazines for fireworks etc**

An internal magazine for the keeping of propellant powder being dangerous goods of class 1.3, or of fireworks, shall be—

- (a) a receptacle constructed, painted, marked and fitted as described in regulation 108 (1) (paragraph (d) (i) excepted) and regulation 108 (3); or
- (b) a cabinet conforming (unless otherwise approved) to the following requirements:—
  - (i) the walls, floor, door or doors and roof of the cabinet shall be of double-walled sheet steel construction, with a space between the walls not less than 40mm in width either left empty or filled with non-combustible insulation; and
  - (ii) the door or doors of the cabinet shall be self-closing, close-fitting, held shut by catches at not less than 2 points, and fitted with a lock; and
  - (iii) the word ‘EXPLOSIVES’ and the licensed capacity of the magazine shall be clearly marked on the outside of the cabinet in white letters on a red background.

### **109A Separation distances for depots**

- (1) In this regulation and regulation 109B:



**depot** means the place referred to in a licence issued under the Act, section 8 or 19 in respect of shopgoods fireworks.

**shopgoods fireworks** does not include amorces, confetti bombs, model rocket propellant devices, snaps for bonbon crackers, sparklers and streamer cones.

- (2) Subject to subregulation (3), the separation distance (for the purposes of regulation 77) between a depot of a licensed capacity specified in table 6A, column 2 and—
  - (a) a protected place—is the distance specified opposite that capacity in that table, column 3; and
  - (b) a protected work (not being a licensed external magazine, a process building or a depot for the keeping of ammonium nitrate)—is the distance specified opposite that capacity in that table, column 4; and
  - (c) a licensed external magazine—is the distance specified opposite that capacity in that table, column 5; and
  - (d) a process building—is the distance specified opposite that capacity in that table, column 6; and
  - (e) a depot for the keeping of ammonium nitrate—is the distance specified opposite that capacity in that table, column 7.
- (3) For the purposes of regulation 77, an office which is—
  - (a) associated with a depot having a licensed capacity of not more than 3 000kg; and
  - (b) situated at a distance of not less than 25m from the depot;shall be deemed not to be an exposure.
- (4) A depot shall—
  - (a) be constructed of non-combustible material; and

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- (b) not contain any goods other than shopgoods fireworks; and
  - (c) only contain shopgoods fireworks that are contained in closed outer packages.
- (5) Shopgoods fireworks in a depot shall be kept away from any combustible material in the depot.

**Table 6A Separation distances for depots for shopgoods fireworks**

column 1	column 2	column 3	column 4	column 5	column 6	column 7
item	licensed capacity of depot (in kilograms)	protected places	protected works	licensed external magazines	process buildings	ammonium nitrate depots
1	1 500	19	39	11	16	18
2	2 000	20	41	13	20	20
3	2 500	21	42	14	22	21
4	3 000	22	44	15	23	23
5	4 000	23	45	17	25	25
6	5 000	24	47	18	26	27
7	7 500	25	49	20	27	31
8	10 000	26	51	22	27	34
9	15 000	27	54	24	28	39
10	20 000	28	56	25	28	42
11	25 000	29	58	26	28	45
12	30 000	30	59	27	28	49
13	40 000	31	61	28	28	54
14	50 000	32	62	28	28	58
15	75 000	33	65	29	29	73
16	100 000	35	67	30	30	102

**109B Repacking of shopgoods fireworks**

- (1) A person shall not, for the purpose of repacking, remove shopgoods fireworks from the outer package in which they are contained—
  - (a) while any other outer package containing the same type of fireworks is open nearby; or
  - (b) otherwise than in an area to which the public does not have access; or
  - (c) within 10m of—
    - (i) any other place in which shopgoods fireworks are being unpacked; or
    - (ii) any depot; or
  - (d) otherwise than in an area for which sufficient exits are provided to permit the rapid evacuation of persons.
- (2) It is sufficient compliance with subregulation (1) (c) if a wall with a fire-resistance rating of not less than 2 hours separates the area in which shopgoods fireworks are being unpacked from any other place in which shopgoods fireworks are being unpacked, or from any depot, in such a manner that the distance (measured along the wall) from that area to the other place or to the depot, as the case may be, is not less than 10m.
- (3) In measuring a wall in accordance with subregulation (2), any door located in the wall may be considered as part of the wall if the door has a fire-resistance rating of not less than 2 hours.

**Division 5.3 Keeping of dangerous goods of class 2**

**110 Definitions for div 5.3**

In this division:

*dangerous goods* means dangerous goods of class 2.

*depot* means a depot for the keeping of dangerous goods of class 2.

**111 Certain gases not required to be kept in or on licensed premises**

- (1) This regulation applies to dangerous goods being not more than—
- (a) 300kg of liquefied flammable gas in a container or containers connected to 1 or more consuming devices; or
  - (b) 150kg of liquefied flammable gas not kept for sale and not in a container connected to 1 or more consuming devices; or
  - (c) 25kg of liquefied flammable gas kept for sale in containers each containing not more than 6kg of the gas; or
  - (d) 60m<sup>3</sup> of dangerous goods of class 2.1 other than liquefied gas; or
  - (e) 50kg of liquefied poisonous gas when kept in or on premises or a place not open to the public; or
  - (f) 300m<sup>3</sup> of dangerous goods of class 2.2 being a cryogenic liquid; or
  - (g) 2 500kg of liquefied flammable gas or anhydrous ammonia when kept—
    - (i) for use (otherwise 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 30m from any public place or protected work; or

- (h) 20m<sup>3</sup> of dangerous goods of class 2.3 other than liquefied gas.
- (2) The volumes referred to in subregulation (1) are volumes measured at MSC.
- (3) This regulation also applies to an unlimited quantity of—
  - (a) dangerous goods of class 2.2 not being a cryogenic liquid; and
  - (b) liquefied flammable gas contained in disposable containers.
- (4) The goods to which this regulation applies are goods in relation to which, for the purposes of the Act, section 9 (1) (c), quantities and a manner and conditions of keeping are prescribed by these regulations.
- (5) For the purposes of the Act, section 9 (1) (c) the manner in which and the conditions subject to which goods to which this regulation applies are to be kept are that—
  - (a) the provisions of part 3 are observed; and
  - (b) in the case of the goods referred to in subregulation (3) (b) if kept in a quantity exceeding 100kg the disposable containers are—
    - (i) in groups each containing not more than 100kg of gas and at least 6m from each other; or
    - (ii) in, or directly ventilated to, the open air and separated by at least 3m from any combustible material.
- (6) A reference in this regulation to a ***maximum quantity*** of dangerous goods is a reference to the maximum quantity in or on the same premises or place.

**112 Depots (general)**

- (1) A depot for the keeping, otherwise than in cylinders—
  - (a) for dangerous goods other than poisonous gas—shall be a tank as prescribed by regulation 113; or
  - (b) for poisonous gas—shall be—
    - (i) a tank as prescribed by regulation 113; or
    - (ii) a building as prescribed by regulation 114 in which the gas is kept in tanks none of which has a capacity exceeding 2m<sup>3</sup>; or
    - (iii) an area as prescribed by regulation 115 in which the gas is kept in tanks none of which has a capacity exceeding 2m<sup>3</sup>.
- (2) A depot for the keeping of dangerous goods, other than acetylene, vinyl chloride or ethylene oxide, in cylinders shall be—
  - (a) a building as prescribed by regulation 114; or
  - (b) an area as prescribed by regulation 115.
- (3) A depot for the keeping of acetylene, vinyl chloride or ethylene oxide in cylinders shall be—
  - (a) a building as prescribed by regulation 114; or
  - (b) with the approval in writing of the chief inspector, an area as prescribed by regulation 115.
- (4) A depot shall not, except with the approval in writing of the chief inspector, be used for the keeping of dangerous goods of class 2.1 below ambient temperature.

**113 Depots (tanks)**

- (1) A tank that is a depot for the keeping of dangerous goods other than liquid oxygen shall—
  - (a) if it is used for—
    - (i) the keeping of gas under pressure—be a pressure vessel conforming to a code or standard, or to specifications, approved by the chief inspector of machinery; or
    - (ii) the keeping of gas at a temperature below ambient temperature—be a storage vessel for refrigerated gas, conforming to a code or standard, or to specifications, approved by the chief inspector of machinery; or
    - (iii) the keeping of gas under any other conditions—be an approved tank; and
  - (b) by 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 its openings, other than openings for safety relief devices, 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 1.8m high and at least 1.5m from the depot, and having 2 gates on opposite sides of, and opening only in the direction away from, the depot; and
  - (f) if it is to remain in position for more than 6 months—be set on substantial non-combustible supports having a fire-resistance rating of at least 4 hours; 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 shall be installed, in the vicinity of a tank for the keeping of dangerous goods of class 2.1, being unodorised liquefied petroleum gas, a flammable gas detector with at least 4 detecting heads evenly spaced around the tank which will give an automatic alarm, whenever the gas is present in the air at a head at a concentration not less than 25% 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.

#### **114 Depots (buildings)**

- (1) A building that is a depot shall conform to this regulation.
- (2) The building shall have either—
  - (a) a framework of hardwood or other approved material covered with fibro-cement, steel, or other non-combustible sheeting material; or
  - (b) walls of brick with hardboard battens so fitted on the inside of the walls as to prevent cylinders of gas from striking the walls.
- (3) The floor of the building shall be of hardwood or concrete and the space below the floor shall be either completely open or filled with solid materials.



- (4) At least  $\frac{1}{2}$  the wall area shall be left open for ventilation by the omission of walls or parts of walls, by the use of chequered brickwork, by a combination of these methods, or by some other method.
- (5) The roof shall be of steel, fibro-cement, tiles, or other approved non-combustible material and be so designed and constructed that gas cannot accumulate beneath the roof and that the cylinders in the building are protected from direct sunlight.
- (6) The building shall be made secure against entry by unauthorised persons.

## **115 Depots (areas)**

- (1) An area that is a depot shall conform to subregulation (2).
- (2) Subject to subregulation (3), the area shall—
  - (a) be paved; and
  - (b) be an area defined by a surrounding fence at least 1.8m high, having gates that open only outwards from the area and that are capable of being securely locked.
- (3) The chief inspector may approve of the use as a depot of an area not defined by a surrounding fence where the chief inspector is satisfied that—
  - (a) the premises wherein the area is situated are fenced; and
  - (b) the area is not accessible to the public.
- (4) The licensee of a depot that is an area defined by a surrounding fence shall at all times ensure that—
  - (a) no dangerous goods are placed or kept within 300mm of the surrounding fence; and
  - (b) only equipment necessary for the operation of the depot is kept inside the fenced area.

**116 Method of storage of certain goods**

- (1) The licensee of premises licensed for the keeping of dangerous goods shall observe, or cause to be observed, the requirements of this regulation.
- (2) Every person engaged in work in or on premises licensed for the keeping of dangerous goods shall, to the extent practicable, having regard to the nature and scope of his duties or occupation, observe the requirements of this regulation.
- (3) Where dangerous goods of more than 1 of the classes 2.1, 2.2 and 2.3 are kept in the same depot, there shall be a vapour-tight wall or a distance of at least 3m between those classes of goods.
- (4) Dangerous goods of class 2.3 that are flammable shall be kept separated from dangerous goods of that class that are oxidising substances.
- (5) 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, shall be kept away from public places and protected works, and with their valves closed.
- (6) Means of fire protection provided in compliance with regulation 117 shall at all times be kept available for immediate use.

**117 Fire protection**

- (1) Premises licensed for the keeping of dangerous goods shall be provided with means of fire protection, conforming to this regulation, in respect of each depot in or on the premises.
- (2) In respect of each depot a garden hose, of sufficient length to reach all parts of the depot, shall be provided and permanently attached to a water supply at a distance of 8m, or other approved distance, from the depot.
- (3) In respect of each depot for the keeping of more than 4 000kg of liquefied flammable gas or more than 500m<sup>3</sup> of compressed

flammable gas, 2 water hydrants shall be provided at opposite sides of the depot and each at a distance not less than 20m or more than 30m from it.

- (4) In respect of each depot being a tank for the keeping of more than 50 000kg of liquefied flammable gas or more than 7 000m<sup>3</sup> of compressed flammable gas, there shall be provided fixed water sprays, or monitors, that will supply water at the rate of at least 10L per minute for each square metre of tank surface.
- (5) The requirements of subregulation (3) are additional to those of subregulation (2).
- (6) The requirements of subregulation (4) are additional to those of subregulations (2) and (3).
- (7) Sufficient reticulated or stored water, or both, shall be available to ensure that the water sprays or monitors provided pursuant to subregulation (4) will supply water at the rate specified in that subregulation 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 shall—
  - (a) each week test or cause to be tested the water sprays or monitors provided pursuant to subregulation (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.

## **118 Tanks or cylinders having common connections**

- (1) Subject to subregulation (2), where 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 shall be supported in such

positions that their maximum liquid levels are in the same horizontal plane.

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

**119 Depots for flammable gases (separation distances)**

- (1) Subject to this regulation, the distance in metres set out in relation to a depot for the keeping of flammable gas in the appropriate column of table 7 opposite the description of an exposure in column 2 of the table is a prescribed separation distance from that depot to that exposure for the purposes of regulation 77.
- (2) For the purposes of subregulation (1), the appropriate column of table 7 is—
- (a) for a depot that is not a tank and is licensed for the keeping of flammable gas—
- (i) in cylinders in a quantity not exceeding 150m<sup>3</sup>—column 3; or
- (ii) in cylinders in a quantity exceeding 150m<sup>3</sup>—column 4; or
- (b) for a depot that is a tank—column 5.
- (3) Subject to subregulation (4), where a screen wall is between a depot referred to in subregulation (1) and an exposure, and the screen wall is such that the depot is completely obscured from the exposure, then, for the purposes of regulation 77 (3), the distance between the depot and the exposure may, with the approval of the chief inspector, be taken to be the distance between them measured around the screen wall.
- (4) Subregulations (1) and (3) do not apply to or in respect of the distance between 2 tanks containing flammable gas.

- (5) For the purpose of regulation 77 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 3m, whichever is the lesser.
- (6) For the purposes of regulation 77 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 chief inspector and specified in the licence for the depot.
- (7) Where the total licensed capacity of 2 depots, not being tanks, that are less than 10m apart measured in a straight line exceeds 150m<sup>3</sup>, and whether or not there is a screen wall between them, then for the purposes of table 7 the licensed capacity of each shall be taken to exceed 150m<sup>3</sup>.

**Table 7 Separation distance for depots for flammable gases**

column 1	column 2	column 3	column 4	column 5
		separation distance (in metres)		
item	exposure	cylinders not exceeding 150m <sup>3</sup>	cylinders exceeding 150m <sup>3</sup>	tanks
1	other depot for flammable gas	5	10	
2	building or structure—			
	(a) not of fire-resistant construction	3	8	15
	(b) of fire-resistant construction			3

**Part 5** Keeping of dangerous goods  
**Division 5.3** Keeping of dangerous goods of class 2

Regulation 120

column 1	column 2	column 3	column 4	column 5
item	exposure	separation distance (in metres)		
		cylinders not exceeding 150m <sup>3</sup>	cylinders exceeding 150m <sup>3</sup>	tanks
	(c) being a protected work not elsewhere specified in this table	5	10	15
3	above-ground depot for flammable liquid having a licensed capacity—			
	(a) not exceeding 5 000L	3	8	8
	(b) exceeding 5 000L	8	15	15
4	underground depot for flammable liquid (distance to be measured from vent and fill-pipe)	3	8	8
5	public place	3	4	4
6	place where solid materials that burn rapidly, such as wood shavings or paper, are stored	15	15	15
7	place where solid materials that burn slowly, such as coal or timber, are stored	8	8	8

**120 Deliveries to depots for unodorised liquefied petroleum gas**

When a delivery of unodorised 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 depot shall 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 which is not vented when the delivery is completed—the space for a horizontal distance of 10m from the vehicle to a height of 3m shall for the purpose of regulation 85 be deemed to be a class 1 zone 2 location; or
  - (ii) by a hose that is vented—the space for a distance of 3m about the valve connections on the vehicle to a height of 3m shall for those purposes be deemed to be a class 1 zone 1 location, and the space laterally outside the firstmentioned space to a distance of 10m and a height of 3m shall for those purposes be deemed to be a class 1 zone 2 location.

## **121 Charging of aerosol containers and disposable containers**

- (1) In this regulation:

***aerosol container*** means a container—

- (a) having 1 valve; and
- (b) containing a product that is maintained under pressure greater than atmospheric pressure by liquefied or compressed gas; and
- (c) from which the product is discharged when the valve is opened.

***charging area*** means the area of a building in which aerosol containers or disposable containers are charged with liquefied petroleum gas.

*Note* For the meaning of ***disposable container***, see dict.

- (2) A person shall not in a building, himself, herself or by his or her other employees or agents, charge any aerosol containers or disposable containers with liquefied petroleum gas—
  - (a) without the prior approval of the chief inspector; and
  - (b) unless the requirements of subregulations (3) to (9) are observed.
- (3) The charging area in a building shall be separated from all other parts of the building by a vapour-tight wall which may have the following but no other openings:
  - (a) a doorway;
  - (b) openings each not exceeding  $0.1\text{m}^2$  in area for the passage of containers into and from the charging area.
- (4) A charging area shall 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% of the lower explosive limit for the gas; and
  - (b) gas so escaping does not flow through any doorway or other opening referred to in subregulation (3).
- (5) The ducting of the system of mechanical ventilation shall not pass through any part of the building other than the charging area and shall 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 10m, measured laterally, from that point.
- (6) The door of a doorway referred to in subregulation (3) shall—
  - (a) have double hinges so as to be capable of being 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 petroleum gas from the storage tank for the gas to the charging area shall—
  - (a) conform to AS CB 18, entitled ‘SAA Pressure Piping Code’, or be approved; and
  - (b) be joined by welding; and
  - (c) be equipped with a manual shut-off valve at the tank and 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 subregulations (7) (c) and (d) shall conform to AS 1596, entitled ‘SAA L.P. Gas Code’.
- (9) A gas detector which will function whenever liquefied petroleum gas is present in the air at any concentration of 25% or more of the lower explosive limit for the gas shall be installed in a position adjacent to every charging machine and every opening referred to in subregulation (3) (b).
- (10) For the purpose of subregulation (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 subregulation (3).
- (11) Regulation 85 shall apply to and in respect of a charging area as though—

- (a) a reference in that regulation to a depot or its licensee 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 class 1 zone 1.

## **122 Depots for poisonous gases (general)**

- (1) The area within a building in or on licensed premises that comprises—
  - (a) a space, at least 0.75m in width, immediately surrounding—
    - (i) a depot that is a tank for the storage of poisonous gas; and
    - (ii) tanks or cylinders containing poisonous gas that are being kept in the building; and
  - (b) a passage-way at least 0.75m in width from the space referred to in paragraph (a) to an entrance to the building; shall be—
    - (c) demarcated by a yellow paint line on its outer borders; and
    - (d) at all times kept free so as to allow convenient and unrestricted access by persons having duties in relation to the tank or cylinders.
- (2) Adequate provision shall be made for access to and movement around tanks, or storages of cylinders, in which poisonous gas is kept in or on licensed premises otherwise than in a building.
- (3) Where the chief inspector so requires, a depot for the keeping of poisonous gas shall be provided with a system of mechanical ventilation such as will—
  - (a) provide a flow of at least 15m<sup>3</sup> per minute; and

- (b) exhaust any air of the depot that may contain escaped poisonous gas to an outlet situated at such a height that the concentration of the gas at ground level is less than the concentration specified in respect of the gas in the publication 'National Exposure Standards for Atmospheric Contaminants in the Occupational Environment' published by the National Occupational Health and Safety Commission.

## **123 Depots for poisonous gases (separation distances)**

- (1) Subject to this regulation, the distance in metres set out in relation to a depot for the keeping of poisonous gas in the appropriate column of table 8 opposite the description of an exposure in column 2 of the table is a prescribed separation distance from that exposure to that depot for the purposes of regulation 77.
- (2) For the purposes of subregulation (1) the appropriate column of table 8, is, in relation to a depot licensed for the keeping of poisonous gas—
  - (a) in cylinders that are not connected to a system for the utilisation of the gas and in a quantity not exceeding 800m<sup>3</sup> of compressed gas or 2 500kg of liquefied gas—column 3; and
  - (b) in cylinders that are not connected to a system for the utilisation of the gas and is a quantity exceeding 800m<sup>3</sup> of compressed gas or 2 500kg of liquefied gas—column 4; and
  - (c) in cylinders that are connected to a system for the utilisation of the gas and in a quantity not exceeding 80m<sup>3</sup> of compressed gas or 250L of liquefied gas—column 5; and

- (d) in cylinders that are connected to a system for the utilisation of the gas and in a quantity exceeding 80m<sup>3</sup> of compressed gas or 250L of liquefied gas—column 6; and
  - (e) in a quantity not exceeding 600m<sup>3</sup> of compressed gas or 2 000kg of liquefied gas, when the depot is a tank—column 7; and
  - (f) in a quantity exceeding 600m<sup>3</sup> of compressed gas or 2 000kg of liquefied gas, where the depot is a tank—column 8.
- (3) Subject to subregulation (4), where a screen wall is between a depot referred to in subregulation (1) and an exposure, the distance between the depot and the exposure shall be taken to be the distance between them measured around the screen wall.
- (4) Subregulation (3) does not apply to or in respect of the distance between 2 tanks containing poisonous gas.
- (5) For the purpose of regulation 77 the prescribed separation distance between 2 depots being tanks for the keeping of poisonous gas is a distance equal to the diameter of the larger tank (or if they are of equal diameter, that diameter) or 3m, whichever is the lesser.

**Table 8**

column 1	column 2	column 3	column 4	column 5	column 6	column 7	column 8
item	exposure	cylinders—not exceeding 800cu m of compressed gas or 2 500kg of liquefied gas	cylinders—exceeding amounts specified in column 2	cylinders connected to a system—not exceeding 80cu m of compressed gas or 250kg of liquefied gas	cylinders connected to a system—exceeding amounts specified in column 4	tanks—not exceeding 600cu m of compressed gas or 2 000kg of liquefied gas	tanks—exceeding amounts specified in column 6
				Separation distance (in metres)			
1	Public place	3	8	3	15	15	30
2	Protected work other than depot	8	15	8	30	30	60
3	Depot	3	8	3	15	15	25

**124 Depots for liquid oxygen (general)**

- (1) A depot for the keeping of liquid oxygen shall be a tank situated—
  - (a) in the open air; or
  - (b) in a building of fire-resisting construction that is adequately vented and used only for the purpose of keeping liquid oxygen;and conforming to subregulations (2) to (13).
- (2) Every such depot shall—
  - (a) be readily accessible at ground level to persons having duties in relation to the depot and to equipment for its use and maintenance; and
  - (b) be on higher ground than a depot for the keeping of dangerous goods of class 3 if such goods escaping from that other depot might otherwise reach the firstmentioned depot.
- (3) All parts of the area about the depot on which any liquid oxygen is liable to fall when liquid oxygen is being placed in or taken from the depot shall be paved with a non-combustible surfacing material.
- (4) For the purposes of subregulation (3), asphaltic or bituminous material is not a non-combustible material.
- (5) The tank shall—
  - (a) be a container approved by the chief inspector of machinery; and
  - (b) have insulation of a non-combustible type; and
  - (c) irrespective of the pressure for which it is designed be equipped with approved safety relief devices so located

that moisture cannot collect and freeze so as to interfere with their operation.

- (6) The insulation casings of the tank shall be equipped with suitable relief devices.
- (7) The tank shall be mounted on substantial non-combustible supports having firm non-combustible foundations.
- (8) All the piping, tubing, regulators, gauges, valves and other fittings of or connected to the tank shall—
  - (a) be suitable for the use for which they are designed and for the pressures and temperatures to which they will or may be subjected in use; and
  - (b) conform to the requirements of AS CB18, part 1 entitled ‘SAA Pressure Piping Code’, or have been approved; and
  - (c) where the operating temperature is or may be less than -30°C—be fabricated from materials that conform to AS 1210, rule 2.6, entitled ‘SAA Unfired Pressure Vessels Code’, when the materials are tested at the minimum temperature to which the equipment may be subjected when in use, or from materials that are approved.
- (9) The oxygen vaporiser used in connection with the tank shall be anchored, and its connecting piping shall be sufficiently flexible to provide for the effects of expansion and contraction due to temperature changes.
- (10) The vaporiser and its piping shall be adequately protected on the oxygen and heating-medium sections with safety relief devices.
- (11) Heat used in the vaporiser shall be supplied only through a medium such as steam, air or a water, or a water solution that does not react with oxygen.

- (12) Where an electric heater is used for supplying heat to the heating medium referred to in subregulation (11), the vaporising system shall be electrically bonded and earthed.
- (13) A tank conforms to this subregulation—
  - (a) if it has been installed by or under the supervision of a person or persons familiar with its manner of construction and the proper procedures to be adopted in its installation and use; and
  - (b) if it has been tested after installation and shown to be gas-tight at maximum operating pressure; and
  - (c) where the tank is installed in or on premises where the gas kept in it is to be used, if it is—
    - (i) inspected at intervals not exceeding 6 months; and
    - (ii) kept maintained;by a competent person acting on behalf of the supplier of the gas; and
  - (d) if any enclosure in which the oxygen control equipment or operating equipment is situated is adequately vented.
- (14) The licensee of the depot shall observe or cause to be observed, subregulations (15) to (18) and a person carrying out the testing referred to in subregulation (15) shall observe that subregulation.
- (15) The testing referred to in subregulation (13) (b) shall not be carried out by the use of a substance that—
  - (a) is dangerous goods of class 3; or
  - (b) is not oil-free.
- (16) Where the mode of use of the depot is such as to require the operation of any equipment, full and clearly legible instructions



for such operation shall be kept posted at each operating location.

- (17) All necessary measures shall be taken to protect the depot and all the piping, tubing, regulators, gauges, valves and other fittings of or connected to it.
- (18) Electrical wiring or equipment not necessary for the operation or use of a depot shall not be installed or used in or in close proximity to the depot.
- (19) All electrical wiring and equipment used in or in close proximity to a depot that is in the open air shall be weatherproof.

## **125 Depots for liquid oxygen (separation distances)**

- (1) In this regulation:

**screen wall** means a screen wall having a fire-resistance rating of at least 4 hours.

- (2) Subject to this regulation, the following distances are for the purposes of regulation 77 prescribed separation distances in relation to a depot for the keeping of liquid oxygen:
  - (a) where the depot is installed in a building or structure—
    - (i) 1.5m from every wall of the building or structure that has a fire-resistance rating of at least 3 hours; and
    - (ii) 5m measured horizontally and 3m measured vertically from every opening in every such wall;
  - (b) 8m from a building or structure not referred to in paragraph (a) that—
    - (i) has fire-resisting external walls; or

- (ii) being a building or structure in or on licensed premises, is equipped with a sprinkler system that conforms to these regulations;  
or a distance equal to the height of the wall of the building or structure, whichever is the greater;
- (c) except as provided in paragraph (a) or (b), 15m from every wall, building and structure;
- (d) the distance indicated by table 9 from another depot being an above-ground depot for flammable liquid;
- (e) the distance indicated by table 10 from another depot being an above-ground depot for dangerous goods of class 3.3;
- (f) the distance indicated by table 11 from another depot being a depot for liquefied flammable gas;
- (g) the distance indicated by table 12 from another depot being a depot for acetylene or compressed flammable gas;
- (h) 1m from an underground depot for dangerous goods of class 3 and 3m from every fill-point or vent of such a depot;
- (i) 15m from a place where solid materials that burn rapidly, such as wood shavings or paper, are stored;
- (j) 8m from a place where solid materials that burn slowly, such as coal or timber, are stored;
- (k) 5m from an electrical substation or transformer;
- (l) 4m from an opening to an underground drain;
- (m) 8m from an area used for the purposes of the carrying on of a commercial or industrial undertaking or profession and in which people may congregate, such as an office, a lunch room, a locker room, or a time clock area;

- (n) 15m from a place of public assembly, other than a public place;
  - (o) 3m from a public place;
  - (p) 15m from an area occupied by non-ambulatory patients in a hospital;
  - (q) 1.5m from the boundary of the premises in or on which the depot is situated;
  - (r) where the depot is in a courtyard or similar confined area of, or bounded by, a building or buildings (not being a building referred to in paragraph (a))—20m from 1 wall of the courtyard or area and 10m from every other wall thereof.
- (3) Where a screen wall extending at least 1m above a depot is erected on 3 sides of a depot and the 4th side faces away from a building or structure referred to in subregulation (2) (a) or (b)—
- (a) those paragraphs shall be read as though 1.5m were substituted for each of the separation distances prescribed by those paragraphs; and
  - (b) the prescribed separation distances between the depot and any opening in a wall of the building or structure shall be 5m measured horizontally and 3m measured vertically.
- (4) If a screen wall extending at least 1m above a depot is between the depot and an exposure mentioned in subregulation (2) (b), (c) or (h) to (l), the distance prescribed in subregulation (2) (except for a case mentioned in subregulation (3)) is the distance of the vapour path.
- (5) For subregulation (4), the ***vapour path*** is the distance, or the shortest of the distances, around the end of the screen wall between the part of the exposure and the part of the depot that are closest to the end of the screen wall around which the distance is measured.

**Part 5** Keeping of dangerous goods  
**Division 5.3** Keeping of dangerous goods of class 2

Regulation 125

**Table 9**

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>capacity of above-ground depot for flammable liquid (inL)</b>	<b>column 3</b> <b>separation distance where there is a screen wall between the depots (in metres)</b>	<b>column 4</b> <b>separation distance in every other case (in metres)</b>
1	not exceeding 5 000	6	15
2	exceeding 5 000	6	15

**Table 10**

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>capacity of above-ground depot for dangerous goods of class 3.3 (in litres)</b>	<b>column 3</b> <b>separation distance where there is a screen wall between the depots (in metres)</b>	<b>column 4</b> <b>separation distance in every other case (in metres)</b>
1	not exceeding 5 000	3	5
2	exceeding 5 000	6	8

**Table 11**

<b>column 1</b> <b>item</b>	<b>column 2</b> <b>capacity of depot for liquefied flammable gas (in litres)</b>	<b>column 3</b> <b>separation distance where there is a screen wall between the depots (in metres)</b>	<b>column 4</b> <b>separation distance in every other case (in metres)</b>
1	not exceeding 6 000 (water capacity)	3	10
2	exceeding 6 000 (water capacity)	3	15

**Table 12**

<b>column 1</b>	<b>column 2</b>	<b>column 3</b>	<b>column 4</b>
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item	capacity of that other depot	distance where there is a screen wall between the depots	distance in every other case
1	not exceeding 1 000m <sup>3</sup> under M.S.C.	3	10
2	exceeding 1 000m <sup>3</sup> under M.S.C.	3	15

## **126 Depots for cryogenic liquids other than oxygen**

- (1) A depot for the keeping of dangerous goods being a cryogenic liquid other than liquid oxygen shall be a tank approved by the chief inspector of machinery.
- (2) The depot shall be situated—
  - (a) outdoors at least 1m from any opening into a building; or
  - (b) within a building and vented to a location that is not in a building or within 1m of any other opening into a building.
- (3) The licensee of the depot shall in relation to the use of the depot observe, or cause to be observed, the operating conditions and procedures specified in AS 1894, entitled ‘Safe Handling of Cryogenic Liquids’.
- (4) Every person engaged as an employee or otherwise in any work in the depot shall to the extent practicable, having regard to the nature and scope of his or her duties or occupation, observe the operating conditions and procedures referred to in subregulation (3).
- (5) For the purposes of this regulation, AS 1894 shall, except as may otherwise be approved, be read as though for the word ‘should’, wherever so used as to indicate the desirability of observing an operating condition or procedure, there were substituted the word ‘shall’.

## **Division 5.4                      Keeping dangerous goods of class 3**

### **127                      Meaning of *dangerous goods* in div 5.4**

In this division:

*dangerous goods* means dangerous goods of class 3.

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

- (1) This regulation applies to the following dangerous goods in the following quantities:
- (a) not more than 100L of dangerous goods of class 3.1 not in an underground tank;
  - (b) not more than 1 000L of dangerous goods of class 3.2 not in an underground tank;
  - (c) not more than 5 000L of dangerous goods of classes 3.1 and 3.2 in or on any premises or place not less than 2ha in area in or on which a rural industry is carried on;
  - (d) an unlimited quantity of dangerous goods of class 3.3 not in a tank having a capacity exceeding 50 000L;
  - (e) an unlimited quantity of dangerous goods of class 3.4;
  - (f) an unlimited quantity of dangerous goods—
    - (i) of class 3.1 in approved packages each having a capacity not exceeding 5L; or
    - (ii) of class 3.2 in approved packages each having a capacity not exceeding 25L;where the goods as packaged are manufactured products.

- (2) A reference in subregulation (1) to a *quantity* of goods is a reference to that quantity of the goods kept in or on the same premises or place.
- (3) A reference in subregulation (1) (a) to a *quantity* of goods is, where more than 1 class of goods referred to in that paragraph is kept in or on any premises or place, a reference to the aggregate quantity of those classes of goods.
- (4) For the purposes of the Act, section 9 (1) (c), the prescribed quantity of any goods to which this regulation applies is the quantity of those goods specified in subregulation (1).
- (5) For the purposes of the Act, section 9 (1) (c), the prescribed manner and conditions of the keeping of goods to which this regulation applies are that—
  - (a) they are kept in accordance with AS 1940-1988, entitled ‘The Storage and Handling of Flammable and Combustible Liquids’; and
  - (b) the provisions of part 3 and regulation 132 are observed in relation to the goods.

## **129      Observance of code**

Subject to this division, a person who keeps any dangerous goods not being goods to which regulation 128 applies shall, in relation to the goods kept, comply with, or cause to be complied with, the provisions of AS 1940-1988 relating to those goods.

## **132      Location of tanks**

A person shall not keep dangerous goods of class 3.1—

- (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 2ha in area in a residential area.

**133 Drainage areas**

Where, in relation to a depot licensed for the keeping of flammable liquid, AS 1940-1988, rule 3.2.3 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 shall be so situated that the distances set out in AS 1940-1988, tables 4.3 and 4.4 are adhered to as though the compound were a depot having a licensed capacity  $\frac{1}{4}$  that of the depot.

**134 Fire protection for certain above-ground tanks**

- (1) In relation to premises licensed for the keeping of more than 500m<sup>3</sup> of dangerous goods, the provisions of—
  - (a) subregulations (2) to (15); and
  - (b) such of the provisions of AS 1940-1988, rules 9.10 and 9.11 as are not at variance with those subregulations;shall be observed.
- (2) Subject to subregulation (3), a fixed foam protection system for extinguishing fires shall be installed on every such depot that—
  - (a) is a fixed roof tank or a floating roof tank; and
  - (b) has a diameter greater than 6m.
- (3) Subregulation (2) does not apply to or in respect of a tank containing dangerous goods of class 3.3 or 3.4 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 shall be capable of covering the circumferential seal of the tank with foam in not more than 2 minutes.
- (5) A suitable fitting shall be provided for the supply of water into the foam protection system by means of a pump operated in an



area in which the depot is situated by the fire brigade, and the system shall be so designed that it will continue to provide the requisite quantities of foam while such a pump is connected to the system notwithstanding any failure of a 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, shall be provided for the supply of foam to the tanks from a control point.
- (7) The pumps for the foam generating system at the foam pump house referred to in subregulation (12) shall be tested by being operated for at least  $\frac{1}{2}$  an hour at least once in each week.
- (8) All horizontal foam pipe lines of the system shall be adequately flushed with water at intervals not longer than 6 months, and means for carrying out such flushing shall be provided.
- (9) All the horizontal foam pipe lines shall be hydrostatically pressure-tested at twice the normal operating pressure at intervals not longer than 2 years.
- (10) The system shall be tested by the use of foam at intervals not longer than 12 months.
- (11) A record shall be kept of every test carried out in pursuance of subregulations (7), (9) and (10) and of every flushing carried out in pursuance of subregulation (8), and the records shall be kept at the depot for a period of at least 5 years and, whenever an inspector within that period so requires, produced for his or her examination.
- (12) A foam pump house constructed of approved materials shall be erected in such location as the chief inspector may direct and shall be constructed so as to protect the operator of the system, the pumps and the manifolds from a tank or bund fire.
- (13) If a manifold of a foam system is situated other than in the foam pump house—

- (a) the foam system shall be operable by 1 person situated at the manifold; and
  - (b) the manifold shall be situated not less than 5m from the nearest bund wall; and
  - (c) the manifold and the operator of the system shall be protected from a tank or bund fire.
- (14) Every tank for which fixed foam protection is required by this regulation to be provided shall have a distinguishing number, with the numeral or numerals not less than 0.5m high, clearly marked on it on the second strake from the top of the tank and in such a position as to be visible from the foam pump house or the vicinity thereof.
- (15) No dangerous goods shall be placed in any tank until the foam protection installation of the tank has been approved by the chief inspector.

### **135 Keeping of carbon disulphide**

- (1) Carbon disulphide shall not be kept in or on any 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 disulphide is kept conforms to AS 3000 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°C.
- (2) A tank for the keeping of carbon disulphide shall—
  - (a) be constructed of welded mild steel; and

- (b) be within a pit or enclosure, impervious to water and carbon disulphide, and having a capacity at least equal to that of the tank (if there is only 1) or to the aggregate capacity of all such tanks in the pit or enclosure;

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

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

### **136 Liquid seal for underground tanks**

- (1) The pipe ends referred to in subregulation (2) in relation to a tank are those within the tank.
- (2) An underground tank, being a licensed depot, containing flammable liquid shall be provided with a liquid seal by 1 of the following methods:
  - (a) the filling pipe and the dip pipe (if any) shall extend to a point that is not less than 25mm from the bottom of the tank and is lower than the end of the suction or draw-off pipe, and liquid shall only be taken from the tank through the suction or draw-off pipe;
  - (b) a small inner compound within which the ends of the filling pipe and the dip pipe (if any) are located, and which provides a depth at least 25mm above those ends, shall be installed;
  - (c) where the smallest horizontal circular area in which the ends of the filling pipe, the dip pipe (if any) and the suction or draw-off pipe can be contained has a diameter—
    - (i) not exceeding 1m—the suction or draw-off pipe shall terminate 25mm above the level of the end or ends of the other pipe or pipes (or, if the other pipe ends are at different levels, the higher level); or

- (ii) exceeding 1m but not exceeding 2m—the suction pipe shall terminate 50mm above that level or higher level; or
  - (iii) exceeding 2m but not exceeding 3m—the suction pipe shall terminate 75mm above that level or higher level; or
  - (iv) exceeding 3m—the suction pipe shall terminate 100mm above that level or higher level.
- (3) Where an underground tank for the keeping of flammable liquid is more than 4m below the point at which liquid enters the filling pipe—
  - (a) approved measures shall be taken to prevent the liquid in the pipe from imposing a hydrostatic pressure on the tank; or
  - (b) the tank shall be of an approved design making allowance for hydrostatic pressure.

### **137 Liquid seal for above-ground tanks**

Measures shall be taken to ensure that, when the connection through which flammable liquid is placed in an above-ground tank, being a licensed depot, is broken at the tank, the terminal point of the draw-off pipe is at a level higher than that of the bottom of the filling pipe and the bottom of the dip pipe (if any), so as to maintain a liquid seal.

### **138 Abandonment and disuse of underground tanks**

- (1) Where an underground tank that is or has been licensed for the keeping of flammable liquid is to be abandoned, the person abandoning the tank shall—
  - (a) before the tank is abandoned, notify the chief inspector in writing of the intended abandonment; and

- (b) ensure that the tank is abandoned in accordance with AS 1940-1988, rule 8.7.8.
- (2) Where an underground tank is licensed for and has been used for the keeping of flammable liquid and no flammable liquid has been placed in, and no such liquid has been taken from, the tank for—
  - (a) a continuous period of 28 days—the licensee shall seal with a steel cap or by other effective means every filling pipe, dip pipe, suction pipe and vent pipe of the tank;
  - (b) a further continuous period of 3 months after the period referred to in paragraph (a)—the licensee shall remove from the tank any flammable liquid that is in it and abandon the tank.

### **139 Keeping of dangerous goods of more than 1 class**

Where dangerous goods of more than 1 of the classes 3.1, 3.2, 3.3 and 3.4 are kept—

- (a) in 1 depot that is not a tank; or
- (b) in tanks in 1 compound;

the provisions of this division that relate to the keeping of whichever of the goods have the lower or lowest flashpoint shall be observed in relation to all of them.

### **140 Floating pans in tanks**

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

### **141 Mechanical ventilation**

Where in conformity with AS 1940-1988, rule 3.4.9 mechanical ventilation is installed in a depot that is a package store, the

termination point of the exhaust duct of the ventilation system shall be at least 3m above ground level.

## **Division 5.5 Keeping of dangerous goods of class 4**

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

- (1) This regulation applies to the following goods in the following quantities:
  - (a) not more than 25kg of dangerous goods of class 4.1, category A;
  - (b) not more than 50kg of dangerous goods of class 4.1, category B;
  - (c) an unlimited quantity of dangerous goods of class 4.1, category C or D;
  - (d) not more than 100kg of dangerous goods of class 4.2, category A;
  - (e) an unlimited quantity of dangerous goods of class 4.2, category B or C;
  - (f) an unlimited quantity of dangerous goods of class 4.3, category A, B or C;
  - (g) not more than 100kg of dangerous goods of class 4.3, category D.
- (2) A reference in subregulation (1) and regulations 145, 146, 148, 150 and 151 to a quantity of goods is a reference to the quantity of the goods kept in or on the same premises or place.
- (3) For the purposes of the Act, section 9 (1) (c), the prescribed quantity of any goods to which this regulation applies is the quantity of those goods specified in subregulation (1).

- (4) For the purposes of the Act, section 9 (1) (c), the prescribed manner and conditions of the keeping, in a quantity prescribed by this regulation, of a class and category of goods to which this regulation applies are that—
- (a) where any provisions of this division relate to the keeping of that quantity of that class and category of goods—those provisions; and
  - (b) the provisions of part 3;
- are observed in relation to the goods.

**143 Dangerous goods of class 4.1, category A**

- (1) Dangerous goods of class 4.1, category A, other than goods to which regulation 142 applies, shall be kept in a depot which, unless it is a depot referred to in subregulation (17), shall conform to subregulations (2) to (15).
- (2) The depot shall 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
  - (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 shall have walls having a fire-resistance rating of at least 4 hours.
- (4) The roof of the depot shall be of concrete or other non-combustible material.
- (5) An approved fireproof door opening only outwards shall be installed in every doorway of the depot.
- (6) Where the depot is a room of a building, all horizontal or vertical ventilation flues provided for the depot, and that are inside the building, shall be of reinforced concrete at least

125mm in thickness, or be of an approved material of approved thickness.

- (7) All ventilation flues provided for the depot, and that are outside the building that is or contains the depot, shall be of iron plate at least 1.5mm in thickness, or be of an approved material of approved thickness.
- (8) All shelves, fittings and other equipment of or in the depot shall be of metal or other approved fire-resisting material and the equipment shall be so arranged as to allow unimpeded egress of persons from the depot.
- (9) The floor of the depot shall be covered by an approved material incapable of producing a spark.
- (10) The depot shall not be artificially lighted otherwise than by electricity.
- (11) The depot shall be vented directly to the open air with a vent having a minimum effective sectional area of 0.1m<sup>2</sup> for each 500kg of the dangerous goods, and having an outlet at least 8m from every door, window, other opening, and fire escape of every building, (including, if the depot is a room in a building, that building) unless separated by a screen wall.
- (12) Where there is more than 1 depot in a building each depot shall be separately vented to the open air by the means prescribed by subregulation (11).
- (13) The depot shall be equipped with an approved water sprinkler system for fire protection.
- (14) No electrical wiring or equipment that has not been specifically approved for use in the depot shall be used in the depot.
- (15) All dangerous goods kept in the depot shall be kept in approved substantial metal receptacles, fitted with close-fitting metal covers, and each containing not more than 100kg of the goods.



- (16) Any door of a depot referred to in this regulation shall be kept closed at all times except when it is necessarily open to allow goods to be placed in or taken from the depot or for some other purpose in connection with the management of the depot.
- (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 chief inspector, not more than 500kg of dangerous goods of class 4.1, category A, may be kept in a depot in or on the premises that is so licensed, but only if the goods are kept in closed metal receptacles each containing not more than 100kg of the goods.

#### **144 Dangerous goods of class 4.1, category B**

- (1) Dangerous goods of class 4.1, category B, other than goods to which regulation 142 applies, shall be kept in a depot which, unless it is a depot referred to in subregulation (5), shall conform to subregulations (2), (3) and (4).
- (2) The depot shall have a concrete floor and a roof of non-combustible material.
- (3) Where the depot—
  - (a) has walls—the walls and every door shall be of non-combustible material; or
  - (b) does not have walls—the roof shall be sufficiently large to protect the goods in the depot against the direct rays of the sun.
- (4) No electrical wiring or equipment that has not been specifically approved for use in the depot shall be used in the depot.
- (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 chief inspector, not more than 500kg of dangerous goods of class 4.1, category B, may be kept in a depot in or on the premises that are

so licensed, but only if the goods are kept in closed metal receptacles each containing not more than 100kg of the goods.

**145 Dangerous goods of class 4.1, category C**

Dangerous goods of class 4.1, category C, shall, if kept in a quantity exceeding 250kg, be kept in a depot constructed of non-combustible material.

**146 Dangerous goods of class 4.1, category D**

Dangerous goods of class 4.1, category D, shall, if kept in a quantity exceeding 1 000kg, be kept in a depot constructed of non-combustible material.

**147 Dangerous goods of class 4.2, category A**

- (1) Dangerous goods of class 4.2, category A, other than goods to which regulation 142 applies, shall be kept in a depot conforming to this regulation.
- (2) The depot shall—
  - (a) if the goods are in cylinders or other packages—be a building or a room in a building, conforming to subregulation (3); or
  - (b) if they are not in cylinders or other packages—be an area conforming to subregulation (4), for tanks containing the goods.
- (3) A building or room referred to in subregulation (2) (a) shall—
  - (a) be of non-combustible material; and
  - (b) if it is inside another building—have walls with a fire-resistance rating of at least 4 hours and a door or doors with a fire-resistance rating of at least 2 hours; and
  - (c) have a door or doors that slide open, or open only outwards from the depot.

- (4) An area referred to in subregulation (2) (b) shall—
  - (a) be separated by at least a distance of 15m from every depot for dangerous goods not of class 4.2, category A; and
  - (b) be separated from all buildings and structures not referred to in paragraph (a); and
  - (c) be paved with concrete.
- (5) Such firefighting equipment, capable of extinguishing fires in the goods, shall be provided as the chief inspector may, by notice in writing served on the owner or occupier of the depot, direct.
- (6) The electrical wiring and equipment of a depot shall if installed—
  - (a) in a building—be of the standard required by AS 3000 for use in a location of class 1 zone 1; or
  - (b) other than in a building—be of the standard required by AS 3000 for use in a location of class 1 zone 2.

**148 Dangerous goods of class 4.2, category B**

- (1) Dangerous goods of class 4.2, category B, shall, if kept in a quantity exceeding 50L if liquid or 50kg if solid, be kept in a depot conforming to this regulation.
- (2) The depot shall—
  - (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) No tank or container shall be used for the keeping of the goods unless it is approved.
- (4) The depot shall be separated by at least a distance of 15m, or by a screen wall having a fire-resistance rating of at least 2 hours, from all dangerous goods of class 8, flammable or combustible substances, and foodstuffs.
- (5) Where the goods are liquid, the depot shall be provided with a bund with a capacity equal to or greater than the volume of goods kept in the depot.

**149 Dangerous goods of class 4.2, category C**

Dangerous goods of class 4.2, category C, shall not be kept in or on any premises within 3m of the boundary of those premises if any other premises abutting on that boundary are occupied as a dwelling or for the carrying on of any occupation or activity in which persons are engaged, unless a screen wall having a fire-resistance rating of at least 2 hours is between the goods and those other premises.

**150 Dangerous goods of class 4.3, category A**

- (1) Dangerous goods of class 4.3, category A, shall, if kept in a quantity exceeding 50kg, be kept in accordance with this regulation in a depot being a building, a room in a building or an area, conforming to this regulation.
- (2) The goods in the depot shall be in approved tanks or other approved containers kept securely closed.
- (3) The depot shall be of non-combustible material.
- (4) Where the depot is within a building used also for the keeping of goods other than dangerous goods of class 4.3, category A, the dangerous goods of class 4.3, category A, shall be separated from all—

(a) dangerous goods of class 8; and

(b) flammable or combustible materials;

by at least a distance of 15m or by a screen wall having a fire-resistance rating of at least 2 hours.

- (5) Firefighting equipment capable of extinguishing fires in the goods shall be provided at the depot.
- (6) Sprinklers shall not be placed where they would spray water on tanks or other containers containing the goods.
- (7) No electrical wiring or equipment that has not been approved for use in areas containing hydrogen shall be used in the depot.
- (8) The depot shall 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 500kg of the goods are kept in the depot, no other dangerous goods shall be kept in the depot.

## **151 Dangerous goods of class 4.3, category B**

Dangerous goods of class 4.3, category B, shall, if kept in a quantity exceeding 200kg, be kept—

- (a) in approved containers in a structure made of non-combustible material which 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;

and the electrical wiring and equipment within the area where the goods are kept and within 3m of that area shall—

- (c) be of the standard required by AS 3000 for use in a location of class 1 zone 2; and

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

**152 Dangerous goods of class 4.3, category C**

Dangerous goods of class 4.3, category C, shall not be kept in or on any premises within 3m 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 any occupation or activity in which persons are engaged, unless a masonry screen wall is between the goods and those other premises.

**153 Dangerous goods of class 4.3, category D**

Dangerous goods of class 4.3, category D, other than goods to which regulation 142 applies—

- (a) shall be kept in a depot being a package store as described in AS 1940, section 3; and
- (b) shall not be kept in a depot in which dangerous goods of class 3 are kept.

**Division 5.6 Keeping of dangerous goods of class 5**

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

- (1) This regulation applies to the following goods in the following quantities:
  - (a) not more than 25kg of dangerous goods of class 5.1, category A, other than ammonium chlorate;
  - (b) except as provided by paragraphs (d) and (e), not more than 50kg of dangerous goods of class 5.1, category B, other than ammonium nitrate, or pool chlorine kept in or

on the premises of a shop for the sale of liquid fuel for vehicles;

- (c) except as provided by paragraph (f), not more than 500kg of ammonium nitrate;
  - (d) not more than 1 000kg of pool chlorine when 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;
  - (e) not more than 200kg of pool chlorine when kept exposed for sale by retail in or on premises, or in an area, not referred to in paragraph (d);
  - (f) not more than 25t of high density fertiliser grade ammonium nitrate prill, being dangerous goods of class 5.1, category B, when kept in or on premises where a rural industry is carried on;
  - (g) an unlimited quantity of dangerous goods of class 5.1, category C or D;
  - (h) not more than 10kg of dangerous goods of class 5.2, category A;
  - (i) not more than 25kg of dangerous goods of class 5.2, category B;
  - (j) an unlimited quantity of dangerous goods of class 5.2, category C.
- (2) A reference in subregulation (1) to a quantity of goods is a reference to the quantity kept in or on the same premises or place.

- (3) For the purposes of of the Act, section 9 (1) (c), the prescribed quantity of any goods to which this regulation applies is the quantity of those goods specified in subregulation (1).
- (4) For the purposes of the Act, section 9 (1) (c) the prescribed manner and conditions of the keeping of—
  - (a) the goods to which this regulation applies—are that the provisions of this division and part 3 that are applicable to the goods are observed in relation to the goods; and
  - (b) the goods referred to in subregulation (1) (d) and (e)—are in addition that the goods are contained in packages each containing not more than 20kg; and
  - (c) the goods referred to in subregulation (1) (d) are in addition that the goods shall be separated by a distance of at least 5m 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) sulphur; and
    - (iv) powdered metal; and
    - (v) any material that could oxidise the goods or catalyse their decomposition; and
  - (d) the goods referred to in subregulation (1) (f)—are in addition that the goods are kept at least 50m from every building other than a building in which they are kept; and
  - (e) the goods referred to in subregulation (1) (j)—are in addition that—
    - (i) not more than 100kg of the goods are kept in a dwelling; and



- (ii) the goods are kept away from all other dangerous goods and from readily combustible materials.

**155 Goods excluded from div 5.6**

Nothing in this division, regulation 154 excepted, applies to or in respect of the keeping of—

- (a) a quantity of goods referred to in regulation 154 (1) (a), (b), (h) or (i); or
- (b) the quantity of goods referred to in regulation 154 (1) (f), when they are kept as referred to in regulation 154 (4) (d); or
- (c) not more than 500kg of dangerous goods of class 5.1, category C; or
- (d) not more than 2t of dangerous goods of class 5.1, category D; or
- (e) not more than 25kg of dangerous goods of class 5.2, category C.

**156 Dangerous goods of class 5.1**

- (1) In this regulation:

*goods* means dangerous goods of class 5.1, other than goods to which regulation 155 applies.

- (2) Goods shall be kept in a depot conforming to this regulation.
- (3) Goods shall be kept away from—
  - (a) combustible or readily oxidisable materials; and
  - (b) dangerous goods of classes 3 and 8 and other dangerous goods of class 5; and
  - (c) sulphur; and

- (d) powdered metal; and
  - (e) any material that could oxidise the goods or catalyse their decomposition.
- (4) Without limiting the generality of the expression ***combustible materials***, for the purposes of subregulation (3) combustible materials include used empty combustible containers for the goods (including paper bags, fibreboard drums, plastic containers and wooden or fibreboard boxes and barrels) and plastic liners used in non-combustible containers.
- (5) Equipment used for heating purposes shall 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°C of their decomposition temperature or to 50°C, whichever is the lower.
- (6) Combustible waste material shall not be allowed to accumulate in or near a depot for goods.
- (7) A depot for the keeping of more than 5t of goods shall be provided with such equipment for firefighting as the chief inspector may require or in the absence of a requirement—
- (a) 1 manual hose reel for each 200m<sup>2</sup>, or part thereof, of floor space; or
  - (b) automatic sprinklers; or
  - (c) other approved equipment for firefighting.
- (8) A depot for liquid goods shall be provided with a bund which, except as otherwise provided in these regulations, shall be of sufficient capacity to contain not less than 25% of the volume of the goods kept in the depot.

- (9) A depot in which more than 1 000kg of goods are kept shall be provided with drainage by kerbing or trenches so that in case of fire molten goods will flow clear of all other depots and buildings.
- (10) Where a depot, for goods, not being a tank or any pallet in the depot that may come into contact with goods, is made of a combustible material, the material shall have a coating that is compatible with the goods in order to prevent impregnation of the material by the goods.
- (11) A depot for goods, being a tank, shall—
  - (a) conform to AS 1692, entitled ‘Tanks for Flammable and Combustible Liquids’, or be of approved construction; and
  - (b) be of a material or having a lining that is compatible with the goods in the tank; and
  - (c) be fitted with suitable vents that will prevent excessive pressure from being produced within the tank in case of fire.

**157 Additional requirements for dangerous goods of class 5.1, category A, not being ammonium chlorate**

- (1) In subregulations (2) to (12):  
*goods* means dangerous goods of class 5.1, category A, not being ammonium chlorate.
- (2) Goods shall not be kept otherwise than in closed packages or bins.
- (3) Piles of packages of goods shall—
  - (a) be not more than 3m in length or 1.2m in width; and
  - (b) be not more than 3m in height if the depot is sprinklered or 1.2m in height if it is not sprinklered; and

- (c) have between any 2 piles a distance of at least 3m if either is more than 1.2m in height or of at least 2m if neither is more than 1.2m in height.
- (4) A depot shall not contain more than 1t of goods unless it is sprinklered.
- (5) Those parts of a depot, being a building, that may come into contact with goods shall be fire-resisting.
- (6) The bund provided for a tank or for tanks containing the goods shall be of sufficient capacity to contain the whole of the goods contained in the tank or tanks.
- (7) A depot being a building shall be provided with means whereby, in an emergency, fumes escaping from the goods will be vented to the open air, and where the depot contains liquid goods in packages, or solid goods, there shall be at least 1m<sup>2</sup> of vent area for each 50m<sup>2</sup>, or part thereof, of the floor area of the depot.
- (8) Subject to this regulation, the distance in metres indicated by table 13 between a depot for goods referred to in columns 2, 3, 4 and 5 of the table and an exposure referred to in the table, column 1 is in relation to a depot a prescribed separation distance for the purposes of regulation 77.
- (9) For the purposes of subregulation (8), the distance indicated by table 13 is, in relation to a depot having the licensed capacity set out in the table, column 2, 3, 4 or 5, the distance set out in that column opposite the description of the exposure in column 1.
- (10) Where the chief inspector specifies in the licence for a depot having a licensed capacity exceeding 200t of goods, or by notice in writing to the licensee of such a depot, a separation distance between the depot and an exposure referred to in the table, column 1, that distance is in relation to the depot a prescribed separation distance for the purposes of regulation 77.

- (11) For the purposes of regulation 77 the prescribed separation distance between 2 depots for goods is 3m.
- (12) Where the distance between 2 depots for goods is less than the distance which, but for subregulation (11), would be the prescribed separation distance between them, then for the purposes of subregulation (8) the depots shall be taken to be a single depot having a licensed capacity equal to the sum of the licensed capacities of each.
- (13) For the purposes of subregulations (8), (10) and (12), dangerous goods of class 5.1, category B, shall, if kept in the same depot as goods as defined by subregulation (1), be deemed to be goods as so defined.

**Table 13**

column 1	column 2	column 3	column 4	column 5	column 6
item	exposure	separation distance (in metres)			
		licensed capacity of depot exceeds 25kg but does not exceed ½t	licensed capacity of depot exceeds ½t but does not exceed 25t	licensed capacity of depot exceeds 25t but does not exceed 50t	licensed capacity of depot exceeds 50t but does not exceed 200t
1	open flame or other source of ignition	3	8	15	15
2	above-ground depot for dangerous goods of class 3 having a licensed capacity—				
	(a) less than 5 000L	3	10	20	20
	(b) not less than 5 000L	5	15	35	50
3	depot for dangerous goods of class 2.1	5	15	35	50

**Part 5** Keeping of dangerous goods  
**Division 5.6** Keeping of dangerous goods of class 5

Regulation 158

column 1	column 2	column 3	column 4	column 5	column 6
item	exposure	separation distance (in metres)			
		licensed capacity of depot exceeds 25kg but does not exceed ½t	licensed capacity of depot exceeds ½t but does not exceed 25t	licensed capacity of depot exceeds 25t but does not exceed 50t	licensed capacity of depot exceeds 50t but does not exceed 200t
4	depot for dangerous goods not elsewhere specified in this column	3	10	15	20
5	protected work	5	15	35	50
6	solid materials that burn rapidly, such as wood shavings or paper	5	10	20	20
7	substances forming an explosive compound with the goods, such as sulphur	10	30	45	60
8	public place	3	3	5	10

**158 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 shall set out the reasons why the applicant wishes to keep ammonium chlorate in or on those premises and the safety precautions proposed to be taken in relation to the ammonium chlorate to be so kept.

**159 Additional requirements for dangerous goods of class 5.1, category B**

- (1) In this regulation and in tables 14 and 15:

***cut-off depot*** means a depot separated from every exposure referred to in table 15 by a wall having a fire-resistance rating of at least 2 hours and not being a detached depot.

***detached depot, type A*** means a depot other than a cut-off depot, a detached depot, type B, or a segregated depot.

***detached depot, type B*** means a depot separated from every exposure referred to in table 15 by at least twice the separation distance from that exposure indicated by that table, column 4.

***goods*** means dangerous goods of class 5.1, category B.

***segregated depot*** means a depot separated from every exposure referred to in table 15 by non-hazardous materials compatible with the goods in the depot and not being a cut-off depot or detached depot.

- (2) Goods other than ammonium nitrate shall not be kept otherwise than in closed packages.
- (3) Subject to this regulation—
  - (a) the quantity in tonnes of goods kept in a depot being a building shall not exceed the quantity specified as the building limit in table 14 in respect of the type of depot in which the goods are kept; and
  - (b) the quantity in tonnes of goods kept in any 1 pile in a depot shall not exceed the quantity specified as the pile limit in table 14 in respect of the type of depot in which the goods are kept; and
  - (c) the height in metres of a pile of goods in a depot shall not exceed the height specified as the height limit in table 14 in respect of the type of depot in which the goods are kept; and
  - (d) the distance in metres between any piles of goods in a depot shall not be less than the distance specified as the

distance between piles in table 14 in respect of the type of depot in which the goods are kept; and

- (e) the distance in metres from any pile of goods kept in a depot to a wall of a building shall not be less than 1m.

(4) Notwithstanding subregulation (3)—

- (a) the height of a pile of goods in a sprinklered depot may exceed the height specified as the height limit in table 14 to the extent permitted by AS CA16, in relation to increases in the water flow rate; and
- (b) where all the goods in a building or pile are in non-combustible containers, the building limit, the pile limit and the height limit specified by table 14 in respect of the building or pile shall be doubled.

(5) A depot for the keeping of goods in a quantity exceeding 1 000kg shall—

- (a) be of non-combustible materials; and
- (b) have a floor of concrete or approved material; and
- (c) be provided with such equipment and water supplies for fire protection, and have such structural safeguards against fire, as the chief inspector may direct either generally or in the particular case.

(6) If any packages of goods are opened within the depot, all the electrical wiring and equipment of the depot shall conform to AS C358, entitled 'Dust-excluding Ignition-proof Enclosures of Electrical Equipment'.

(7) A depot for goods not in sealed weatherproof drums shall be a building, a tank, a room in a building or an area in a building.

(8) A depot that is not a building or tank shall be paved with concrete or an asphalt or bituminous material and the goods in the depot shall be protected from the weather.



- (9) Wooden pallets or dunnage shall not be used for the keeping of chlorites in a depot referred to in subregulation (8).
- (10) Chlorates, chlorites and hypochlorites shall be separated by a distance of at least 10m from any ammonium salt.
- (11) Depots that are tanks shall be within a bund of a capacity at least equal to the licensed capacity of the largest tank within the bund.
- (12) A depot being a building containing goods in a quantity exceeding 1 000kg in combustible containers shall be provided with means whereby fumes will be vented to the open air in case of emergency, and there shall be at least 1m<sup>2</sup> of vent area for each 100m<sup>2</sup> of the floor area of the depot.
- (13) Where pool chlorine (the *chemical*) is kept in or on the premises of a shop for the sale of vehicle fuel by retail—
  - (a) the depot shall include the area in which the chemical is being displayed; and
  - (b) the quantity of the chemical kept for display shall not exceed 100kg; and
  - (c) the chemical shall not be repacked in or on the premises; and
  - (d) the chemical shall be kept in approved packages each of a capacity not exceeding 5kg which shall not be opened in or on the premises; and
  - (e) the chemical shall be kept separated from all combustible material and in a cool dry place; and
  - (f) the chemical shall not be displayed—
    - (i) in a driveway for vehicles; or
    - (ii) except under cover.

- (14) Subject to this regulation, the distance in metres indicated by table 15 between a depot for goods and an exposure referred to in that table, column 1 is, in relation to that depot, a prescribed separation distance for the purposes of regulation 77.
- (15) For the purposes of subregulation (14) the distance indicated by table 15 is, in relation to a depot having a licensed capacity set out in that table, column 2, 3 or 4, the distance set out in that column opposite the description of the exposure in column 1.
- (16) If the distance between 2 depots for goods is less than the distance indicated by table 15, the depots shall, for the purposes of subregulation (14), be taken to be a single depot with a capacity equal to the sum of the capacities of those 2 depots.
- (17) Subregulation (14) does not apply to or in respect of a depot in which goods of class 5.1, category A, are also kept.
- (18) The separation distance prescribed by regulation 97 between a magazine and a depot for the keeping of ammonium nitrate is in relation to that depot, for the purposes of regulation 77, a prescribed separation distance from that magazine.

**Table 14 Manner of keeping dangerous goods of class 5.1, category B**

column 1 item	column 2	column 3		column 4		column 5		
				type of depot				
	type of limitations	detached depot		cut-off depot		segregated depot		
		not sprinklered						
		type A	type B	sprinklered	not sprinklered	sprinklered	not sprinklered	sprinklered
1	building limit (in tonnes)	600	no limit	no limit	300	600	60	100
2	pile limit (in tonnes)	200	no limit	200	100	200	20	20
3	height limit (in metres)	6	6	6	6	6	6	no limit
4	distance between piles (in metres)	2	2	3	2	2	2	no limit

**Table 15** Separation distances for depots for dangerous goods of class 5.1, category B

column 1 item	column 2 exposure	column 3 licensed capacity of depot exceeding 50kg but not exceeding 10t	column 4 licensed capacity of depot exceeding 10t but not exceeding 100t	column 5 licensed capacity of depot exceeding 100t
1	open flame or other source of ignition	3	5	10
2	above-ground depot for dangerous goods of class 3 having a licensed capacity of—			
	(a) less than 5 000 L	3	5	10
	(b) not less than 5 000 L	5	8	20
3	depot for dangerous goods of class 2.1	5	10	15
4	above-ground depot for other dangerous goods including dangerous goods of class 5.1, category B	3	5	10
5	protected work	3	10	20
6	solid materials that burn rapidly—eg wood shavings or paper	3	3	5
7	substances forming an explosive compound with goods—eg sulphur	5	10	20
8	public place	3	5	10
9	area in which goods are placed in packages	10	10	10

column 1 item	column 2	column 3	column 4	column 5
	exposure	separation distance (in metres)		
		licensed capacity of depot exceeding 50kg but not exceeding 10t	licensed capacity of depot exceeding 10t but not exceeding 100t	licensed capacity of depot exceeding 100t
10	the vent and fill-pipe of an underground tank for dangerous goods of class 3	3	5	10

**160 Additional requirements for dangerous goods of class 5.1, category C**

- (1) In subregulations (2) to (8):  
*goods* means dangerous goods of class 5.1, category C.
- (2) Goods must be kept in closed packages.
- (3) Subject to this regulation, where goods are kept in combustible packages in a depot, being a building, of a type described in table 16—
  - (a) the quantity in tonnes of goods kept shall not exceed the quantity specified as the building limit in table 16 in respect of that type of depot; and
  - (b) the quantity in tonnes of goods kept in any 1 pile shall not exceed the quantity specified as the pile limit in table 16 in respect of that type of depot; and
  - (c) the height in metres of a pile of goods in the depot shall not exceed the height specified as the height limit in table 16 in respect of that type of depot; and
  - (d) the distance in metres of the goods from a wall of the building shall not be less than the distance specified as the

distance from a wall in table 16 in respect of that type of depot; and

- (e) the distance in metres of goods from materials incompatible with the goods shall not be less than the distance specified as the distance from incompatible material in table 16 in respect of that type of depot.
- (4) If only goods are kept in a store, the goods must be located at least 12m from any other building.
- (5) Piles of goods in combustible packages shall be in single piles having between them aisles of a width at least equal to the maximum height of those piles prescribed by subregulation (3).
- (6) Those parts of a depot, being a building, that may come into contact with goods in combustible packages shall be fire-resisting.
- (7) A depot, being a building for goods in combustible packages, shall be provided with means whereby, in a case of emergency, fumes escaping from the goods will be vented to the open air, and there shall be at least 1m<sup>2</sup> of vent area for each 150m<sup>2</sup> of floor area.
- (8) Goods kept in non-combustible packages in a depot being a building that is not fire-resisting shall, if the building is—
  - (a) sprinklered, be kept not less than 0.5m from the walls of the depot; or
  - (b) not sprinklered, be kept not less than 1m from the walls of the depot.

**Table 16 Manner of keeping dangerous goods of class 5.1, category C**

column 1 item	column 2	column 3		column 4	
type of depot					
		general store		separate store	
	type of limitation	not sprinklered	sprinklered	not sprinklered	sprinklered
1	building limit (in tonnes)	100	200	1 000	no limit
2	pile limit (in tonnes)	20	20	1 000	no limit
3	height limit (in metres)	2	3	2	3
4	distance from a wall (in metres)	1	0.5	0.5	0.5
5	distance from incompatible material (in metres)	3	4	not applicable	not applicable

**161 Additional requirements for dangerous goods of class 5.1, category D**

- (1) In subregulations (2) to (6):  
*goods* means dangerous goods of class 5.1, category D.
- (2) Goods shall be kept—
  - (a) in closed packages; or
  - (b) in bins or piles separated from all other substances.
- (3) Bins in which goods are kept otherwise than in closed packages shall 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.

- (4) Where goods are kept in combustible packages in a depot being a building of a type described in table 17—
  - (a) the length in metres of a pile of goods in the depot shall not exceed the length specified as the length limit in table 17 in respect of that type of depot; and
  - (b) the width in metres of a pile of goods in the depot shall not exceed the width specified as the width limit in table 17 in respect of that type of depot; and
  - (c) the height in metres of a pile of goods in the depot shall not exceed the height specified as the height limit in table 17 in respect of that type of depot; and
  - (d) the distance in metres between any piles of goods in the depot shall not be less than the distance specified as the distance between piles in table 17 in respect of that type of depot; and
  - (e) the distance in metres between the goods in the depot and a wall of the building shall not be less than the distance specified as the distance from walls in table 17 in respect of that type of depot.
- (5) Those parts of a depot that may come into contact with goods kept, otherwise than in closed packages, in the depot shall be fire-resisting or protected by a coating, compatible with the goods, that will prevent impregnation of those parts of the depot by the goods.
- (6) Goods kept in non-combustible packages in a depot being a building that is not fire-resisting shall be kept not less than 0.5m from the walls of the depot.



**Table 17 Manner of keeping dangerous goods of class 5.1, category D**

column 1 item	column 2	column 3	column 4
		type of depot	
	type of limitation	depot that is not sprinklered	sprinklered depot
1	length limit (in metres)	15	no limit
2	width limit (in metres)	15	15
3	height limit (in metres)	5	6
4	distance between piles (in metres)	2	1
5	distances from walls (in metres)	1	0.5

**162 Dangerous goods of class 5.2 (general)**

- (1) In subregulations (2), (3) and (5) to (10):  
*goods* means dangerous goods of class 5.2.
- (2) Subject to subregulation (3), goods shall not be kept otherwise than in closed packages.
- (3) Goods may be kept, otherwise than in closed packages, in a tank where the chief inspector approves of the keeping of those goods in that tank, and subject to any conditions the chief inspector may impose.
- (4) Dangerous goods of class 5.2 shall not be kept in a depot in which dangerous goods not of class 5 are kept.
- (5) Where goods of more than 1 of the categories A, B and C are kept in the same depot, the provisions of these regulations that relate to each category so kept shall be observed in relation to that category and to the other category or categories so kept.
- (6) Where on any package in which any goods are distributed or in any writing distributed with or in relation to them there is a recommendation by the manufacturer to the effect that the

goods should be kept at or below a specified temperature, the goods shall be kept at or below that temperature.

- (7) Goods kept in a depot being a building or a room of a building shall be kept on a rack or racks at least 150mm from the floor and so that—
  - (a) packages are not stacked on any shelf of the rack to a greater height of 1m above the shelf or to a greater depth than 1m; and
  - (b) no package is closer than 150mm to a shelf above it; and
  - (c) where the depot is refrigerated, no package is closer than 150mm to a wall.
- (8) Where a rack referred to in subregulation (7) is more than 2 shelves high, an automatic water sprinkler system conforming to the requirements for an extra high hazard that are specified in AS CA 16, entitled ‘Automatic Sprinkler Installations’, shall be so installed as to provide for protection between each 2 shelves.
- (9) A rack referred to in subregulation (7) shall be of metal compatible with the goods kept on it.
- (10) An automatic water sprinkler system conforming to the requirements of AS CA 16 that are referred to in subregulation (8) shall be installed in every depot, being a building, for the keeping of more than 250kg of goods of category A or more than 5 000kg of goods of category B.

**163 Dangerous goods of class 5.2 (depots and quantities)**

- (1) Dangerous goods of class 5.2, category A, shall not be kept except in a mode 1, 2 or 4 depot.
- (2) Dangerous goods of class 5.2, category B, shall not be kept in or on licensed premises except in a mode 1, 2, 3 or 4 depot.

- (3) The quantity of dangerous goods of class 5.2, category A, kept—
  - (a) in a mode 1 or 2 depot shall not exceed 50kg; or
  - (b) in a mode 4 depot shall not exceed 5 000kg.
- (4) The quantity of dangerous goods of class 5.2, category B, kept—
  - (a) in a mode 1 depot shall not exceed 100kg; or
  - (b) in a mode 2 depot shall not exceed 2 000kg; or
  - (c) in a mode 3 or 4 depot shall not exceed 15 000kg.
- (5) Not more than 5t of dangerous goods of class 5.2 shall be kept in a compartment, referred to in regulation 166 (8), of a mode 3 or 4 depot.

**164 Mode 1 depot**

- (1) For the purposes of regulation 163 a mode 1 depot is a steel cabinet situated in a building and conforming to this regulation.
- (2) The top, bottom, sides and door of the cabinet shall be of sheet steel at least 1mm in thickness and it shall have double walls having an enclosed air space of 40mm in breadth.
- (3) All joints of the cabinet shall be welded.
- (4) The door shall have a friction type lock that will release in the event of an explosion in the cabinet.
- (5) The top of the door sill shall be 50mm above the bottom of the cabinet.
- (6) If practicable, the cabinet shall be vented to the open air.
- (7) The cabinet shall be located away from means of egress from the building in which it is situated.

**165 Mode 2 depot**

- (1) For the purposes of this regulation a roof or wall of a depot is of light construction if it is so constructed as to be less resistant to the force of an explosion within the depot than the floor and walls, or the floor and the other walls, of the depot.
- (2) For the purposes of regulation 163, a mode 2 depot is a room, conforming to this regulation, of a building.
- (3) A wall of the depot shall be an external wall of the building.
- (4) Either—
  - (a) the wall referred to in subregulation (3) shall be—
    - (i) of light construction or fitted with approved explosive vents; and
    - (ii) at least 5m from every other building; or
  - (b) the roof of the depot shall be integral with that of the building and of light construction.
- (5) The walls of the depot other than the wall referred to in subregulation (3) shall have a fire-resistance rating of at least 4 hours.
- (6) The floor of the depot shall be of concrete and so constructed that any liquid escaping on to the floor will be retained in the depot.
- (7) A door giving access to the depot from the interior of the building shall have a fire-resistance rating of at least 2 hours.
- (8) Adequate ventilation for the depot shall be provided at the top and bottom of the wall referred to in subregulation (3) by means of openings fitted with stainless steel wire screens having 1 mesh per millimetre.

**166 Mode 3 depot**

- (1) For the purposes of regulation 163, a mode 3 depot is a building not attached to or abutting on any other building, and conforming to this regulation.
- (2) The depot shall have walls of brick at least 200mm thick or of concrete at least 150mm thick.
- (3) All doorways of the depot shall be fitted with fire doors having a fire-resistance rating of at least 2 hours.
- (4) The floor of the depot shall be of concrete and, where liquid goods are kept in the depot, so constructed that any liquid escaping on to the floor will be retained within the depot or drained to a safe location outside it.
- (5) The roof of the depot shall be so constructed as to be less resistant to the force of an explosion within the depot than the walls of the depot.
- (6) Adequate ventilation for the depot shall be provided by means of openings fitted with stainless steel wire screens having 1 mesh per millimetre.
- (7) The electric lighting and equipment of the depot shall—
  - (a) conform to the requirements of AS 3000 for a location of class 1 zone 1; and
  - (b) be of a description approved for use in depots for goods of the kind kept in the depot.
- (8) Where more than 5t of dangerous goods are kept in a depot, it shall be divided by brick or concrete walls into compartments for the keeping, in each, of not more than that quantity of the goods.
- (9) A depot having the licensed capacity specified in table 18, column 2 shall be separated from—

- (a) every other depot for the keeping of dangerous goods of class 5.2 by at least the distance in metres specified in table 18, column 3 opposite the licensed capacity of the depot; and
- (b) all public places and protected works, other than a depot for the keeping of dangerous goods of class 5.2, by at least the distance in metres specified in table 18, column 4.

**Table 18 Minimum distances for mode 3 depots**

<b>column 1 item</b>	<b>column 2 licensed capacity of depot (in kilograms)</b>	<b>column 3 minimum distance between depots (in metres)</b>	<b>column 4 minimum distance to public places and protected works (in metres)</b>
1	not exceeding 500	3	3
2	exceeding 500 but not exceeding 1 000	3	5
3	exceeding 1 000 but not exceeding 5 000	3	9
4	exceeding 5 000 but not exceeding 10 000	9	15
5	exceeding 10 000	9	24

**167 Mode 4 depot**

For the purpose of regulation 163, a mode 4 depot is a building—

- (a) not attached to or abutting on any other building; and
- (b) conforming to regulation 166 (2) to (8); and
- (c) separated from—
  - (i) every other depot for the keeping of dangerous goods of class 5.2 by at least the distance in metres specified in table 19, column 3; and

- (ii) all public places, other than a depot for the keeping of dangerous goods of class 5.2, by at least the distance in metres specified in table 19, column 4; and
  - (iii) all protected works, other than a depot for the keeping of dangerous goods of class 5.2, by at least the distance in metres specified in table 19, column 5;
- opposite the licensed capacity of the depot as specified in table 19, column 2.

**Table 19 Minimum distances for mode 4 depots**

column 1 item	column 2 licensed capacity of depot (in kilograms)	column 3 minimum distance between depots (in metres)	column 4 minimum distance to public places (in metres)	column 5 minimum distance to protected works (in metres)
1	not exceeding 50	4	9	15
2	exceeding 50 but not exceeding 250	6	15	25
3	exceeding 250 but not exceeding 500	8	18	32
4	exceeding 500 but not exceeding 1 500	12	27	48
5	exceeding 1 500 but not exceeding 2 500	14	32	58
6	exceeding 2 500	18	40	75

## **Division 5.7 Keeping of dangerous goods of class 6**

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

For the purposes of the Act , section 9 (1) (c)—

- (a) an unlimited quantity of dangerous goods of class 6 is a prescribed quantity of those goods; and

- (b) the prescribed manner and conditions of the keeping of those goods are that—
    - (i) where more than 1 000kg of the goods are kept in or on any premises or place, the provisions of regulation 169; and
    - (ii) the provisions of part 3;
- are observed in relation to the goods.

**169 Keeping of goods of class 6**

- (1) In subregulations (3) and (4):

**goods** means dangerous goods of class 6 kept in or on any premises or place in a quantity exceeding 1 000kg.
- (2) Dangerous goods of class 6 shall be kept away from dangerous goods not of class 6, and from foodstuffs.
- (3) An area in which liquid goods are kept—
  - (a) otherwise than in a tank or tanks—shall be surrounded by a bund or graded area of sufficient capacity to contain at least 25% of the goods in the area; or
  - (b) in a tank or tanks—shall be surrounded by a bund—
    - (i) of sufficient capacity to contain not less than the contents of the tank or, if there is more than 1 tank, the larger or largest tank; and
    - (ii) situated at a distance from that tank, or that larger or largest tank, at least equal to half the height of the tank.
- (4) Where goods are required by regulation 241 to bear an additional class label identifying them as flammable liquid—
  - (a) subregulation (2) shall apply to and in respect of the goods; and



- (b) subregulation (3) shall not apply to or in respect of the goods; and
- (c) these regulations shall apply to and in respect of the goods as though they were a flammable liquid.

## **Division 5.8                      Keeping of dangerous goods of class 8**

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

- (1) This regulation applies to the following goods in the following quantities:
  - (a) not more than 100L of acetyl chloride;
  - (b) not more than 100L of propionyl chloride;
  - (d) not more than 1 000L of allyl chloroformate;
  - (e) an unlimited quantity of dangerous goods of class 8 not referred to in paragraphs (a), (b) and (d).
- (2) A reference in subregulation (1) to a quantity of goods is a reference to that quantity kept in or on the same premises.
- (3) For the purposes of the Act, section 9 (1) (c), the prescribed quantity of any goods to which this regulation applies is the quantity of those goods specified in subregulation (1).
- (4) For the purposes of the Act, section 9 (1) (c), the prescribed manner and conditions of the keeping of goods to which this regulation applies are that—
  - (a) the provisions of part 3; and
  - (b) in relation to goods not referred to in subregulation (1) (a), (b) or (d)—the provisions of regulation 171 (3);

are observed in relation to the goods, and that effective measures are taken to exclude unauthorised persons from the place where the goods are kept.

**171 Dangerous goods of class 8 (general)**

- (1) A licensed depot for dangerous goods of class 8 shall conform to division 5.4, and the provisions of division 5.4 shall be observed in relation to those dangerous goods as though the dangerous goods were of class 3.
- (2) It is a term of a licence for premises for the keeping of dangerous goods of class 3 that any quantity of goods referred to in regulation 170 (1) (a), (b) or (d) may be kept in or on those premises.
- (3) Dangerous goods of class 8 not referred to in regulation 170 (1) (a), (b) or (d) shall be kept away from all dangerous goods not of class 8, and the area in which they are kept—
  - (a) otherwise than in a tank or tanks—shall be surrounded by a bund of sufficient capacity to contain at least 25% of the dangerous goods in the area; or
  - (b) in a tank or tanks—shall be surrounded by a bund—
    - (i) of sufficient capacity to contain the contents of the tank or, if there is more than 1 tank, the larger or largest tank; and
    - (ii) situated at a distance from that tank, or that larger or largest tank, at least equal to half the height of the tank.

## **Part 6**                      **Conveyance of dangerous goods**

### **Division 6.1**              **General**

#### **172**              **Meaning of *licence* in pt 6**

In this part:

*licence* means a licence under the Act, section 10.

#### **173**              **Application of pt 6**

- (1) This part applies to and in respect of—
  - (a) the conveyance of dangerous goods in a vehicle, vessel or transport container; and
  - (b) the conveyance of dangerous goods through a pipeline.
- (2) This part does not apply in relation to the conveyance of dangerous goods—
  - (a) that are, for the time being, in immediate use; or
  - (b) of class 2.1 or 3 in, into or from the fuel tank of a vehicle or vessel.
- (3) This part applies subject to part 10 (Special requirements for certain goods).

#### **174**              **General obligation to observe pt 6**

Where 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 any goods—it shall be the duty of the person who conveys the goods to observe those requirements; or
- (b) a vehicle, vessel or transport container—a person shall not carry any dangerous goods in or on the vehicle, vessel or container unless those requirements are observed.

**175 Certain goods not to be carried except in or on licensed vehicles or vessels**

The following goods, other than goods to which this part does not apply, are prescribed for the purposes of the Act, section 11:

- (a) dangerous goods of any kind (other than dangerous goods of class 1, 3.3 or 3.4) when carried in bulk—
  - (i) in or on a vehicle; or
  - (ii) in or on a vehicle in a demountable tank or other demountable container;

where any requirements as to the design or construction of that vehicle, tank or container are prescribed by these regulations; and

- (b) all explosives when carried in bulk; and
- (c) all explosives, other than explosives to which division 6.2 does not apply, when carried (otherwise than in bulk)—
  - (i) by vehicle—in such quantities and in such circumstances that they cannot, without breach of these regulations, be carried in or on a vehicle other than a mode 1, mode 2 or mode 3 vehicle, as defined for the purposes of division 6.2; or
  - (ii) by vessel—in a quantity exceeding 250kg.

**176 Compliance with Australian code**

Subject to this part, the Australian code, section 8 applies to and in respect of the conveyance of dangerous goods.

**184 Loading and unloading of dangerous goods at night**

- (1) A person shall not, between the hours of sunset and sunrise, load or unload dangerous goods into, onto or from a vehicle, vessel or transport container unless the place where the loading or unloading is done is adequately illuminated.
- (2) The chief inspector may, by notice in writing to the licensee or person in charge of a vehicle, vessel or transport container, direct that during a period specified in the notice the licensee shall not load or unload, or permit or suffer any person to load or unload, dangerous goods into, onto or from the vehicle, vessel or transport container between the hours of sunset and sunrise.
- (3) A person notified under subregulation (2) shall comply with the notice.

**185 Carriage of dangerous goods on public passenger vehicles**

- (1) A person must not carry, or arrange for the carriage, of a quantity of dangerous goods in a public vehicle, train or tram unless—
  - (a) the quantity is not more than the maximum quantity for a kind of dangerous goods mentioned in the table *Carriage of dangerous goods in public passenger vehicles*; or
  - (b) the dangerous goods are being carried in accordance with an approval by the chief inspector.

Maximum penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to the carriage of explosives in accordance with regulation 218 (Carriage of explosives by railway or tramway).
- (3) In this regulation:
- public vehicle*—see the *Road Transport (General) Act 1999*, section 158.

**Carriage of dangerous goods in public passenger vehicles**

<b>column 1</b> <b>description of dangerous goods</b>	<b>column 2</b> <b>maximum quantity</b>
class 1.4	10kg
class 2.1 or 2.3	5kg
class 3.1	5L
class 4	1kg
class 5	1kg
class 6	1kg
class 8	1kg

**187 Ullage in tanks**

- (1) Except as otherwise prescribed by these regulations, liquid dangerous goods shall not be conveyed in bulk in a tank or a compartment of a tank unless ullage not less than that specified in subregulation (2) is left in the tank or compartment.
- (2) The ullage referred to in subregulation (1) is, in the case of a liquid having a coefficient of expansion—
- (a) not more than  $90 \times 10^{-5}$ —3%; or
  - (b) more than  $90 \times 10^{-5}$  but not more than  $120 \times 10^{-5}$ —4%; or
  - (c) more than  $120 \times 10^{-5}$  but not more than  $150 \times 10^{-5}$ —5%; or

- (d) more than  $150 \times 10^{-5}$  but not more than  $180 \times 10^{-5}$ —6%; or
- (e) more than  $180 \times 10^{-5}$ —8%.
- (3) The percentages referred to in subregulation (2) are percentages of the capacity of the tank or compartment.
- (4) The coefficients of expansion referred to in subregulation (2) are based on °C.

## **189 Signs to be exhibited on vehicles carrying explosives**

- (1) This regulation applies to a vehicle other than a vehicle required by or under these regulations, this regulation excepted, to have signs exhibited on it.
- (2) For the purposes of this regulation a vehicle in or on which there are any goods that have been loaded into or onto it for carriage is being used for the carriage of those goods, whether or not the vehicle is for the time being in motion.
- (3) Subject to this regulation, there shall be exhibited, as prescribed by this division, on the front and rear of every vehicle to which this regulation applies that is being used for the carriage of any dangerous goods of a class or description referred to in table 22, column 2 in a quantity exceeding that specified in table 22, column 3 opposite that class or description—
  - (a) a sign setting out the word ‘explosives’; and
  - (b) (whether or not the goods are in packages) the class label or class labels with which packages containing the goods are required by part 7 to be labelled.
- (4) Where a vehicle to which this regulation applies is being used for the carriage of more than 1 class or description of dangerous goods, subregulation (3) does not require the exhibition in respect of those goods, of more than 1 sign prescribed in that

subregulation on the front, or of more than 1 sign so prescribed on the rear, of the vehicle.

**Table 22**

<b>column 1 item</b>	<b>column 2 dangerous goods</b>	<b>column 3 quantity</b>
1	class 1.1	25kg
2	class 1.2	25kg
3	class 1.3	50kg
4	class 1.4 (except group S)	100kg
5	class 1.5	500kg

**190 Manner and times of exhibition of signs on vehicles**

- (1) Every sign, other than a class label, required by regulation 189 to be exhibited on a vehicle shall—
  - (a) be conspicuously exhibited so as to be clearly legible from outside the vehicle; and
  - (b) set out the prescribed particulars in letters that—
    - (i) unless otherwise prescribed, are not less than 125mm in height; and
    - (ii) are red and on a white background; and
    - (iii) conform to the requirements of AS 1744 for series B letters.
- (2) Every class label required by regulation 189 to be exhibited on a vehicle shall conform to part 7 and—
  - (a) be conspicuously exhibited so as to be clearly legible from outside the vehicle; and
  - (b) unless otherwise prescribed, measure at least 270mm on each side.



- (3) Every sign and class label required by regulation 189 to be exhibited on a vehicle shall be so applied to the vehicle that it will not be detached from the vehicle should the vehicle be involved in an accident.
- (4) The person in charge of a vehicle on which any signs or class labels have been placed in accordance with this division in respect of any goods shall continue to exhibit those signs or labels on the vehicle while any of those goods remain in or on the vehicle.
- (5) Subject to subregulations (4) and (6), the person in charge of a vehicle on which any sign or class label has been placed in accordance with this division in respect of any goods shall, when the goods are removed from the vehicle, remove or cover up that sign or label and keep it removed or covered up until the vehicle is again so used as to require the exhibition of the sign or label.
- (6) Subregulation (5) does not apply to or in respect of a tank vehicle used for the carriage of any 1 class or description of dangerous goods set out in table 22, column 2 and not at any time used for the carriage of any other loads.

## **192 Stoppage of vehicles**

The person in charge of a vehicle on which any sign is required by this division to be for the time being exhibited shall not cause the vehicle to remain stationary—

- (a) in a public place in the city; or
- (b) within 10m of a protected work;

except—

- (c) for the purpose of the loading or unloading of goods into, onto or from the vehicle, and for no longer than is reasonably necessary for that purpose; or

- (d) at such times and for such duration, not exceeding 60 minutes on any occasion, as may be reasonably necessary for rest; or
- (e) in an emergency; or
- (f) in a case of delay incidental to the flow of traffic; or
- (g) in order to comply with any requirement of or under a law of the Territory or the Commonwealth; or
- (h) at such places and under such conditions as may be approved by the chief inspector.

**197 Pumping or metering units**

No vehicle on which signs are required by this division to be exhibited shall be equipped with a power-driven pumping or metering unit—

- (a) not of an approved type; or
- (b) unless the fitting of the unit to that vehicle has been approved.

**199 Requirements for tank vehicles**

- (1) A person shall 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 shall be fittings that have been approved;
  - (b) all the fittings shall be 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 shall fall 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) shall be 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) shall anchor 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  $20\text{m/s}^2$  and that undue stresses will not be set up in the tank shell.

(2) A person shall not carry liquid dangerous goods in a demountable tank or on a vehicle or vessel unless the following requirements are complied with—

(a) the tank shall be so located in or on the vehicle or vessel that it does not project beyond the outer edge of the load—carrying part of the vehicle or vessel; and

(b) the tank shall be firmly secured, in the case of—

(i) a vehicle—to the chassis of the vehicle 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; and

(c) the tank has been approved for use with that vehicle or vessel and has on it such means of identification, attached in such a manner, as the chief inspector may require as a condition of the approval.

**200              Fire precautions (general)**

- (1) A person who conveys dangerous goods shall, in relation to the goods 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 of dangerous goods 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 shall not smoke in or on a vehicle in or on which prescribed goods are being carried and on which signs are required by this division to be exhibited, or within 3m of the vehicle.
- (3) For the purposes of subregulation (2), dangerous goods of classes 1, 2.1, 3.1, 3.2, 4, 5 and 6, and dangerous goods of class 2.2 that are cryogenic liquids, are prescribed goods.
- (4) The person in charge of a vehicle referred to in subregulation (2) shall take all practicable steps to ensure that subregulation (2) is not contravened by any other person.
- (5) A person shall not light, bring, or cause or permit to be lit or brought, within 3m of any gaseous or liquid dangerous goods of a flammable nature in bulk that are being loaded on to or unloaded from a vehicle or vessel, any fire or artificial light capable of igniting vapour from the goods.

**201              Compartments to be kept closed**

A person who carries dangerous goods in or on a vehicle or vessel shall—

- (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 in or on the vehicle or vessel 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 goods are being loaded, unloaded or otherwise handled.

## **202 Identification of pipelines**

A pipeline used for the conveyance of dangerous goods shall be identified in accordance with AS 1345 entitled 'Rules for the Identification of Piping, Conduits, and Ducts'.

## **203 Pumping of dangerous goods**

- (1) A person who pumps any dangerous goods shall—
  - (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) where a leakage occurs in the pump or pipework, immediately cease to pump the dangerous goods and not resume the pumping until the cause of the leakage is rectified.
- (2) A person shall not pump any 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.

## Division 6.2                      Conveyance of explosives

### 205                      Definitions for div 6.2

In this division:

*mode 1 vehicle* means a vehicle that conforms to the requirements prescribed by regulation 208.

*mode 2 vehicle* means a vehicle that conforms to the requirements prescribed by regulation 209.

*mode 3 vehicle* means a vehicle that conforms to the requirements prescribed by regulation 210.

### 205A                      Classification—carriage of more than 1 class of explosives

For this division, if explosives of more than 1 class are being carried in or on the same vehicle or vessel, all the explosives are taken to be of the class that has the lowest classification number.

### 206                      Exemptions from div 6.2

This division does not apply in relation to the conveyance of dangerous goods of class 1.4, group S.

### 207                      Restrictions on use of vehicles

- (1) Subject to subregulation (6), more than—
- (a) 25kg of dangerous goods of class 1.1; or
  - (b) 100kg of dangerous goods of class 1.2; or
  - (c) 500kg of dangerous goods of class 1.3; or
  - (d) 500kg of dangerous goods of class 1.4; or
  - (e) 1 000kg of dangerous goods of class 1.5;

shall not be carried in a city in or on a vehicle other than a mode 1, mode 2 or mode 3 vehicle.

(2) Subject to subregulation (6), more than—

- (a) 250kg of dangerous goods of class 1.1 or 1.2; or
- (b) 1 000kg of dangerous goods of class 1.3 or 1.4; or
- (c) 2 000kg of dangerous goods of class 1.5;

shall not be carried in or on a vehicle other than a mode 1, mode 2, or mode 3 vehicle.

(3) Subject to subregulation (6), no explosives shall be carried in or on a vehicle other than a mode 1, mode 2, or mode 3 vehicle unless the explosives are contained in their original packages or in packages of equivalent strength and safety.

(4) Subject to subregulation (6)—

- (a) more than 100kg of dangerous goods of class 1.1 shall not be carried in a city in or on a vehicle other than a mode 2 or mode 3 vehicle; and
- (b) more than 500kg of dangerous goods of class 1.1 shall not be carried—
  - (i) in or on a vehicle other than a mode 3 vehicle; or
  - (ii) in the city area in or on a vehicle, unless the carriage of the goods is in accordance with a term or condition of the licence for the vehicle; and
- (c) more than 6 000kg of dangerous goods of class 1.1 shall not be carried in or on a vehicle unless the carriage of the goods is approved; and
- (d) no dangerous goods of class 1.2, 1.3, 1.4 or 1.5 shall be carried in or on a licensed vehicle in a quantity greater than 80% of the carrying capacity of the vehicle.

- (5) The chief inspector shall not give an approval referred to in subregulation (4) (c) unless the chief inspector is satisfied that the dangerous goods are to be carried only through areas that, in his or her opinion, are sparsely populated.
- (6) This regulation does not apply to or in respect of the carriage of dangerous goods in or on a railway vehicle or a tramway vehicle.

## **208 Mode 1 vehicles**

- (1) This regulation prescribes requirements for a mode 1 vehicle.
- (2) The carrying section of the vehicle shall have rigid sidewalls and a rigid tailboard.
- (3) Subject to subregulation (4), the carrying section of the vehicle shall be covered with a sheet which shall be—
  - (a) impervious to water; and
  - (b) not readily combustible; and
  - (c) stretched taut to cover the carrying section of the vehicle with an overlap of 200mm over the sidewalls and tailboard; and
  - (d) kept in position by means of metal bars, or chains fastened with bolts, at all times when explosives are being carried in or on the vehicle.
- (4) The vehicle need not conform to subregulation (3) if the explosives are carried in a receptacle described in subregulation (5) used only for the purpose of carrying explosives and kept securely attached to the vehicle at all times when explosives are being carried in or on the vehicle.
- (5) The receptacle referred to in subregulation (4) shall be constructed, painted, marked and fitted as described in regulation 108, with the exceptions that—



- (a) lifting lugs of adequate strength may be fitted to a receptacle instead of handles; and
  - (b) a receptacle may have a capacity greater than the largest quantity prescribed by regulation 107 for the kind of explosive carried in it, but not exceeding 500kg or 200 000 detonators.
- (6) The vehicle shall be equipped with a spare wheel having a spare tyre suitably inflated, and with all equipment necessary to change a wheel.

## **209 Mode 2 vehicles**

- (1) This regulation prescribes requirements for a mode 2 vehicle.
- (2) The vehicle shall conform to subregulations (3) to (9) and to regulation 208.
- (3) The engine and the exhaust system of the vehicle shall be forward of the rear of the driver's cabin or a metal shield shall be fitted between the engine and exhaust and the carrying section of the vehicle.
- (4) The shield referred to in subregulation (3) shall be at least 1.5mm thick and shall extend to the height of the rear of the driver's cabin.
- (5) The fuel tank of the vehicle shall be located—
  - (a) away from the engine and its exhaust; and
  - (b) in such a position that it will be protected against damage in the event of a collision involving the vehicle; and
  - (c) in such a position that any fuel escaping from it will drain directly to the ground.
- (6) All the electric wiring of the vehicle that is to the rear of the driver's cabin shall be in screwed conduits.

- (7) Where any gunpowder or firework composition is being or is to be carried in or on the vehicle, no part of the interior of the carrying section of the vehicle, and no other part of the vehicle that would be liable to come into contact with the gunpowder or firework composition while it is being loaded into or onto, or unloaded from, or carried in or on that vehicle, shall be constructed of or contain any iron or steel.
- (8) The vehicle shall be equipped with—
  - (a) a battery isolation switch, enabling all the ungrounded battery connections to be disconnected, placed on the offside of the vehicle outside the vehicle and to the immediate rear of the driving cabin in such a position that it is clearly visible to and readily accessible to a person outside the vehicle; and
  - (b) a quick-action cut-off switch on the fuel feed line.
- (9) The vehicle shall be powered by a compression ignition engine using fuel having a flashpoint in excess of 61°C.

## **210 Mode 3 vehicles**

- (1) This regulation prescribes requirements for a mode 3 vehicle.
- (2) The vehicle shall conform to subregulations (3) to (7) and, where not inconsistent with this regulation, to regulations 208 and 209 (3) to (9).
- (3) The carrying section of the vehicle shall—
  - (a) be fully enclosed; and
  - (b) be separated from the driver's cabin (or, when a shield is fitted in pursuance of regulation 209 (3), from that shield) by a distance of at least 150mm; and

- (c) be strongly constructed of such material and in such a manner that the explosives in it will be adequately protected in the event of an accident to the vehicle; and
  - (d) have an unbroken outside surface of a fire-resistant material that will effectively protect the explosives in it from any fire outside the vehicle; and
  - (e) be lined with a spark-resisting material.
- (4) Every door of the carrying section of the vehicle (not being a vehicle having a carrying section as described in subregulation (6)) shall be—
  - (a) of the same material and construction as the body of the vehicle; and
  - (b) so fitted as to reduce the strength of the body as little as possible; and
  - (c) provided with a lock and key;and all joints and closing devices of the door shall overlap.
- (5) The outside of the carrying section of the vehicle shall be insulated from the inside of that section and the insulation shall be by means of, or be at least equivalent to that which would be provided by means of compressed asbestos sheeting 5mm in thickness between the outer walls and the lining.
- (6) Where the carrying section of a vehicle is in the form of a hopper for the carriage of explosives in bulk, the materials of the hopper and its appurtenances shall be compatible with the explosives.
- (7) For the purposes of subregulation (6), zinc, an alloy of zinc, and galvanised iron are not compatible with an explosive that contains any salt of ammonia.

## **211 Licenses for vehicles**

- (1) In this regulation:

*licence* means a licence that specifies explosives, or any 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 chief inspector shall, in every licence for a vehicle—

(a) specify whether the vehicle is a mode 1 vehicle, a mode 2 vehicle or a mode 3 vehicle; and

(b) insert conditions specifying—

(i) the maximum quantity of explosives that may be carried in or on the vehicle; and

(ii) the area or areas within which, or the route or routes by which, the explosives may be carried, or both the area or areas and the route or routes.

- (3) A person does not breach a condition referred to in subregulation (2) (b) (ii) if he deviates from a specified route in case of emergency or with the approval of the chief inspector.

## **212 Carriage of goods of different kinds**

- (1) Subject to this regulation, a person shall not carry explosives of different compatibility groups in or on the same vehicle unless the groups of explosives are so segregated from each other by distance and in separate compartments or receptacles that any fire or explosion that may occur in any of the groups will not be communicated to any of the others.

- (2) Detonators, not exceeding 500 in number, may be carried in or on a vehicle in or on which any other explosives are being carried if the vehicle is not a mode 1, mode 2 or mode 3 vehicle and the detonators are carried in the passenger compartment of

the vehicle and the other explosives are carried in or on another part of the vehicle.

- (3) Where detonators and other explosives are being carried in or on the same licensed vehicle and the detonators are segregated from the other explosives by being placed in a receptacle that contains no other explosives, the receptacle shall be such that there are 2 walls at least 75mm apart, with a steel plate at least 3mm thick between those walls, between the detonators and the other explosives.
- (4) When any explosives are being carried in or on a licensed vehicle no other goods except—
  - (a) packages containing the explosives; and
  - (b) ammonium nitrate, or packages containing ammonium nitrate;shall be carried in or on the vehicle.
- (5) Where in pursuance of subregulation (4) ammonium nitrate is carried, this division shall apply to and in respect of the ammonium nitrate as though it were an explosive.

### **213 Driver to have assistant**

The licensee of a mode 2 or mode 3 vehicle shall appoint a person other than the driver to travel in the vehicle at all times when explosives are being carried in or on it and to render such assistance to the driver as may be reasonably necessary for the safe conveyance of the explosives.

### **214 Wheel chocks**

Four wheel chocks shall be carried in or on a licensed vehicle at all times when explosives are being carried in or on the vehicle.

**215            Avoidance of fire risks**

When explosives are being carried in or on a vehicle they shall be kept away from anything, whether in the vehicle or elsewhere, that would be liable to cause them to ignite or explode.

**216            Loading explosives**

- (1) A person before loading explosives into or on to a vehicle for carriage shall ensure that the part of the vehicle in or on which the explosives are to be carried has been swept clean.
- (2) A person who loads explosives into or on to a vehicle for carriage shall ensure that the explosives are stowed in such a manner that—
  - (a) during such incidents of the carriage as can reasonably be anticipated they will not move and will be protected against friction and bumping; and
  - (b) should it become necessary to unload any of the explosives, those remaining can be restowed with as little disturbance as possible.
- (3) A person shall not load or unload explosives onto or from a licensed vehicle, except when the engine of the vehicle is stopped, the wheels chocked and the handbrake applied.

**217            Manner of driving vehicles**

- (1) Subject to this regulation, the driver of a licensed vehicle in or on which explosives are being carried shall, if the vehicle is travelling in convoy with other licensed vehicles in or on which explosives are being carried, drive the vehicle so that a distance of at least 50m is maintained between it and the vehicle immediately ahead of it in the convoy, whether the lastmentioned vehicle is for the time being in motion or not.

- (2) Subject to this regulation, the driver of a licensed vehicle in or on which explosives are being carried—
- (a) shall not stop the vehicle within 50m of another vehicle if the driver knows or has reasonable grounds for believing that explosives are being carried in or on that other vehicle; and
  - (b) should a fire occur in or on the vehicle the driver is driving, shall take all practicable steps to ensure that all other traffic is stopped at least 400m from the vehicle and that all persons in the vicinity are warned of the danger; and
  - (c) on stopping the vehicle for the loading or unloading of explosives, shall stop the engine of the vehicle, chock the wheels and apply the handbrake.
- (3) Subregulations (1) and (2) (subregulation (2) (b) and (c) excepted) do not apply to or in respect of any movement or stopping of a vehicle—
- (a) in an emergency; or
  - (b) that is incidental to the flow of traffic and not reasonably avoidable in the circumstances; or
  - (c) in compliance with a requirement of or under a law of the Territory or the Commonwealth.

## **218 Carriage of explosives by railway or tramway**

- (1) In this regulation:
- wagon** includes van, container or other railway or tramway vehicle.
- (2) Notwithstanding regulation 185, a person may carry any explosives by railway or tramway if the person does so in conformity with this regulation.

- (3) A person shall not carry any explosives by railway or tramway, except in a quantity specified in respect of the explosives by regulation 185, unless—
  - (a) the explosives are carried in wagons or portable magazines constructed and fitted to the satisfaction of the chief inspector; and
  - (b) the quantity of explosives carried in a wagon does not exceed 80% of the load-carrying capacity of the wagon; and
  - (c) the quantity of explosives carried in a portable magazine does not exceed 10 000 detonators, or 50kg of other explosives.
- (4) Except as provided by subregulation (5), a person shall not carry by railway or tramway any explosives of different compatibility groups in the same wagon or portable magazine.
- (5) A person may carry by railway or tramway, in the same wagon—
  - (a) detonators and other explosives, if the detonators are in a compartment or portable magazine such that there are 2 walls at least 75mm apart, with a steel plate at least 3mm thick between those walls, between the detonators and the other explosives; or
  - (b) any explosives of different compatibility groups (other than detonators and other explosives) if the different groups are segregated from each other—
    - (i) by being carried in separate compartments or portable magazines; and
    - (ii) so that a fire or explosion in any 1 group will not be communicated to the other or any other.



- (6) A person shall not enter into a contract, agreement or arrangement with another person whereby that other person agrees to carry explosives by railway or tramway otherwise than in accordance with this regulation.

**219 Carriage of explosives by vessels (general)**

- (1) The chief inspector shall, in every licence for 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 or on the vessel.
- (2) The vessel in or on which more than 250kg of explosives are carried shall—
- (a) have a carrying section that—
    - (i) has a close deck securely closed; and
    - (ii) is fitted with close-fitting hatches securely fastened and covered with tarpaulins so as effectively to prevent the explosives in the section from accident through a fire occurring outside that section; and
    - (iii) has substantial bulkheads at each end; and
  - (b) if it is used for the carriage of gunpowder or firework composition—have a carrying section that is lined throughout with wood, copper-fastened, and constructed and fitted out so that no iron or steel can come into contact with any of the explosives or their packages; and
  - (c) fitted with adequate protection against lightning.
- (3) Explosives must not be carried in or on a vessel unless they are stowed in a way and position that will, as far as practicable, stop them from coming into contact with, or being endangered by, any other things (including substances) being carried in or on the vessel that are likely to cause a fire or explosion.

- (5) Except as provided by subregulation (6), a person shall not carry in or on the same vessel explosives of different compatibility groups.
- (6) A person may carry in or on the same vessel—
  - (a) detonators and other explosives, if the detonators are in a compartment or portable magazine such that there are 2 walls at least 75mm apart with a steel plate at least 3mm thick between those walls, between the detonators and the other explosives; or
  - (b) any explosives of different compatibility groups (other than detonators and other explosives) if the different groups are segregated from each other—
    - (i) by being carried in separate compartments or portable magazines; and
    - (ii) so that a fire or explosion in any 1 group will not be communicated to the other or any other.

## **221 Loading of explosives on to vessels**

- (1) A person who, personally or by employees or agents, loads or unloads any explosives into, on to or from a licensed vessel shall—
  - (a) load the explosives in such manner that they are stowed as prescribed by regulation 219 (3); and
  - (b) not load or unload the explosives except—
    - (i) manually; or
    - (ii) where approved in the particular case—by the use of rope net slings, or gravity conveyors, or other approved means; and
  - (c) ensure that—

- (i) the explosives while they are being loaded or unloaded manually, or being handled manually in the course of or for the purposes of loading or unloading by any means, are carefully passed from person to person by hand and are not thrown, slid or rolled; and
- (ii) no person works aloft over any part of the vessel on which any loading or unloading of explosives or any handling of explosives in the course of or for the purposes of loading or unloading, is taking place.

## **Division 6.3                      Conveyance of dangerous goods of class 2**

### **223                      Carriage of poisonous gases**

- (1) A person shall not carry by vehicle any kind of poisonous gas in a quantity in excess of 1t unless there is in the driver's cabin of the vehicle a self-contained breathing apparatus that is suitable for use with that kind of gas at the greatest concentration in which the gas may be present in the driver's cabin in the event of a leakage of the gas.
- (2) A person shall not carry by vehicle in a city any poisonous gas that is in a tank in or on a trailer, other than a semitrailer.

### **224                      Pumping of gases**

A person shall not—

- (a) unless approved—
  - (i) install in or on a vehicle any mechanically operated equipment for pumping any dangerous goods of class 2.1 into, on to or from the vehicle; or
  - (ii) operate any such equipment installed in or on a vehicle; or

- (b) operate a pump to convey dangerous goods of class 2 unless the pump conforms to AS 2090 entitled 'Uninsulated Road Tank Vehicles for Compressed Liquefiable Gases' or to an approved specification.

## **225 Gas pipelines**

- (1) This regulation applies to a pipeline for the conveyance of dangerous goods of class 2.
- (2) A person shall not construct, or use for the conveyance of dangerous goods of class 2, a pipeline to which this regulation applies unless—
  - (a) the pipeline is designed, constructed, tested and maintained in accordance with the requirements of AS 1697, entitled 'SAA Gas Pipeline Code', AS 1135, entitled 'SAA Non-ferrous Pressure Piping Code', or AS CB18, part 1, entitled 'SAA Pressure Piping 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 on the highway, roadway, street or thoroughfare by being enclosed in a casing pipe having a diameter at least twice that of the pipeline at that place, and provision is made for access to the casing pipe at both ends of that pipe.
- (3) Subject to this regulation, a person shall not construct a pipeline to which this regulation applies unless its construction has been approved, and otherwise than in accordance with any conditions attached to an approval for its construction.
- (4) An application for approval under subregulation (3) shall 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 the pipeline is to be laid.

- (5) Subject to this regulation, a person shall not use for the conveyance of dangerous goods of class 2 a pipeline to which this regulation applies unless—
- (a) it has been constructed in accordance with subregulation (2); and
  - (b) it has been tested by a competent person in the presence of an inspector; and
  - (c) if it is underground or partly underground—it has within the previous 5 years been examined for defects by a competent person at points not more than 150m apart along its length underground; and
  - (d) it is protected on the outside in such manner as the chief inspector may require; and
  - (e) 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 subregulation (5) (b) or (c) the owner of the pipeline shall make and retain for at least 5 years a record of the fact and results of the tests or examination and shall whenever so required by an inspector at a reasonable time produce the record for examination or, if the inspector so requires, examination and copying in whole or in part by the inspector.
- (7) This regulation does not apply to a gas network.
- (8) In this regulation:

*gas network*—see the *Utilities Act 2000*, section 10 (Gas networks).

**226 Use of plastics or rubber pipelines**

A person shall not use wholly or partly within a building a pipeline—

- (a) more than 1m 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.

**Division 6.4 Conveyance of dangerous goods of class 3**

**227 Vehicles—observance of standards**

Subject to this division, a person shall not carry in bulk in a tank vehicle, or in a tank in or on a vehicle, any flammable liquid unless—

- (a) the vehicle or tank conforms to—
  - (i) the requirements of AS 2016, entitled ‘Road Tank Vehicles for Flammable Liquids’, that relate to small compartment tank vehicles; or
  - (ii) with approval, and subject to such conditions as to the use of the vehicle or tank, or other matters, as may be attached to the approval—the requirements of AS 2016 that relate to large compartment tank vehicles; and
- (b) he or she does so, and the vehicle or tank is maintained and kept repaired, in accordance with the requirements of AS 2017, entitled ‘Safety Procedures affecting the Operation,

Maintenance and Repair of Tank Vehicles for Flammable Liquids’.

**228 Carriage of carbon disulphide**

- (1) Subject to subregulation (2), a tank of, in or on a vehicle shall, if carbon disulphide is carried in or on the vehicle in the tank, conform to the requirements of subregulations (3) to (11), as well as to those of regulation 227.
- (2) Where in relation to any matter this regulation prescribes requirements that differ from those of a standard referred to in regulation 227, the requirements of this regulation shall be observed, and the requirements of the standard need not be observed, in relation to that matter.
- (3) A tank shall be constructed of welded mild steel, or of other approved metal.
- (4) A tank shall be so designed and constructed that it satisfies the requirements of the chief inspector of machinery for a pressure vessel having a working pressure of 175kPa.
- (5) The thickness of the shell and heads of a tank shall not be less than 5mm.
- (6) The capacity of a tank shall not exceed 20 000L.
- (7) A tank shall be divided into liquid-tight compartments each having a capacity not exceeding 5 000L.
- (8) All the fittings of a tank shall be on the top of the tank.
- (9) A safety valve designed to operate at 170kPa shall be fitted to each compartment referred to in subregulation (7).
- (10) A tank shall be so designed and equipped that its contents will be discharged by displacement with water or an inert gas.
- (11) If a compressed inert gas is to be used to discharge the contents of a tank, the tank shall be provided with equipment that will

prevent the pressure within the tank from exceeding 170kPa when the gas is being so used.

- (12) A person shall not carry by vehicle any carbon disulphide that is in a tank unless the carbon disulphide is covered with at least 50mm of water.
- (13) A person shall not discharge any carbon disulphide from a tank in which it has been carried by vehicles unless the person does so by displacement with water or an inert gas.

## **229 Restrictions on taking of tanks and drums into buildings**

Notwithstanding AS 2017, rule 5.2, but subject to this regulation—

- (a) a person shall not take into a building that is enclosed on more than 2 sides any tank (including the tank of a tank vehicle) that has been used for the carriage of dangerous goods of class 3.1 unless the tank has been examined by a competent person and found by him or her to be gas-free since flammable liquid was last present in the tank; and
- (b) an inspector may direct a person—
  - (i) not to take into a building enclosed on more than 2 sides a vehicle, specified by the inspector, which has or which the inspector believes on reasonable grounds to have in or on it more than 2 000L of dangerous goods of class 3.1 in packages; or
  - (ii) not to allow the vehicle, to remain in such a building;and the person shall obey or cause or permit any other person to obey the direction.



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**230 Engine-driven pumping equipment**

- (1) Subject to this regulation, except with approval given in the particular case, a person shall not install in or on a vehicle used or to be used for the carriage in bulk of dangerous goods of class 3.1 any engine-driven pumping equipment for the pumping of the dangerous goods, or operate, for the pumping of the dangerous goods, any such equipment.
- (2) Subject to this regulation, a person shall not—
  - (a) install in or on a vehicle used or to be used for the carriage in bulk of dangerous goods of class 3.2 any engine-driven equipment for the pumping of the dangerous goods; or
  - (b) operate, for the pumping of the dangerous goods, the equipment;

unless the equipment and the manner of its installation conform to AS 2016, rule 5.1.3.

**231 Power take-off pumps**

A person shall not operate a power take-off pump for the pumping of dangerous goods of class 3.1, not being carbon disulphide, or dangerous goods of class 3.2, from, or into or onto, a vehicle having an engine with compression ignition, unless—

- (a) the pump and all pipework associated with it are suitably shielded from the engine of the vehicle by the provision of a fire shield or by equally effective means; and
- (b) the hose and pipe connections for the pump are on the side of the vehicle opposite to that on which the exhaust outlet is situated and at least 2m from that outlet; and
- (c) the pump mechanism is so interlocked with the battery switch and the generator isolating switch of the vehicle

that the battery is disconnected and the generator isolated when the pump is in operation.

**232            Pumping from vehicles to above-ground tanks**

A person shall not pump dangerous goods of class 3.1 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 6m from the tank.

**233            Filling and emptying of tanks on vehicles**

- (1) In this regulation:

*empty* a tank or compartment means to remove a quantity of dangerous goods from the tank or compartment.

*fill* a tank or compartment means to put a quantity of dangerous goods into the tank or compartment.

- (2) A person shall not fill a tank of, in or on a vehicle with any dangerous goods of class 3, or empty any such goods from the tank, unless the requirements of subregulations (3), (4) and (5) and AS 2017 are observed.
- (3) Clamps used to effect the bonding referred to in AS 2017, rule 4.2.2 shall be applied as far as possible from sources of flammable vapour.
- (4) Except in or on approved premises, the filling shall 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) Where dangerous goods of different kinds with which the tank is to be filled are to be separated from each other by being placed in different compartments of the tank, and the contamination of 1 kind of dangerous goods by another or others might cause a danger to human life or property, the different kinds of dangerous goods shall be so distributed among the different compartments that such contamination will not take place as the result of the mixing of the dangerous goods in manifolds or elsewhere.
- (6) Subregulation (2) in so far as it requires compliance with subregulation (3) and AS 2017, rule 4 shall apply 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 the tank.

## **234 Open hatch filling stations**

- (1) In this regulation:  
*open hatch filling station* means premises approved for the purposes of regulation 233 (4).
- (2) Premises are not eligible for approval under regulation 233 (4) unless the buildings, structures and equipment to be used for the filling of tanks in or on those premises are such that—
  - (a) every place where the filling is to take place is at least 15m 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
  - (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;  
and

- (d) there are provided on every filling platform at least 2 approved 9kg capacity fire-extinguishers of the dry chemical type.

- (3) The occupier of an open hatch filling station shall—

- (a) at all times maintain it so that it conforms to subregulation (2); and
- (b) take all practicable steps to ensure that a person while operating the filling equipment stands on the grating referred to in subregulation (2) (c).

## **235 Pipelines**

- (1) In this regulation:

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

*pipeline* means a pipeline for the conveyance of dangerous goods of class 3.

- (2) A person shall not, except with approval in writing, lay a pipeline, relay or renew a pipeline in whole or in part, or effect any repairs to a pipeline other than minor repairs incidental to its ordinary maintenance.
- (3) An application for approval under subregulation (2) shall be accompanied by—
  - (a) full details of the proposed pipeline or the proposed relaying, renewing or repairs; and
  - (b) where the application is in relation to the laying, relaying or renewing of a pipeline underground or partly underground—data in relation to corrosive tendencies and

other relevant characteristics of the soil through which the pipeline is to pass.

- (4) If a pipeline is laid, or repairs are made to a pipeline (other than minor repairs incidental to its ordinary maintenance), a person must not use the pipeline without the written approval of the chief inspector.
- (5) The chief inspector 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 shall comply with the order or cease to use the pipeline.
- (6) A person shall not use a pipeline if it or any of its equipment does not conform to this regulation, or if it has not been tested, examined and maintained in accordance with this regulation.
- (7) A pipeline shall—
  - (a) to such extent as is practicable, be above ground; and
  - (b) where it is above ground be securely supported to a height of not less than 150mm above the ground, but so that it does not rest directly on wood; and
  - (c) be securely fixed in position.
- (8) A pipeline shall be designed, constructed, tested and maintained in accordance with—
  - (a) AS1135, entitled ‘SAA Non-ferrous Pressure Piping Code’, if it is a non-ferrous pipeline; or
  - (b) in every other case—AS CB18, part 1, entitled ‘SAA Pressure Piping Code’.
- (9) A pipeline shall—
  - (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 ‘Recommended Practice on Forms of Agreement and Specifications for Pipe-line Crossings under Railroad Tracks’ of the American Petroleum Institute, or, in an approved manner, by the provision of sleeves or culverts; and
    - (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 600mm in depth; and
    - (iii) be provided with access pits, with covers, that will provide convenient access to all valves of the pipeline; and
    - (iv) have provision for convenient access to all joints of the pipeline; and
  - (c) where laid underground or under water, be provided with cathodic protection in accordance with of AS 1697, rule 3.4.6 entitled ‘S.A.A. Gas Pipeline Code’; and
  - (d) be further protected in such manner as the chief inspector may require.
- (10) Lengths of piping that form a pipeline shall—
- (a) where practicable, be joined together by welding; or
  - (b) where 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 and fitted with right-hand threads, or other approved valves shall be installed at the control points of a pipeline.

- (12) A pipeline shall—
- (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 shall be marked in such manner as the chief inspector may require.
- (14) After the laying, relaying or renewal of a pipeline, the pipeline shall not be used until—
- (a) the pipeline and its fittings have been tested in sections along its whole length with water to a pressure of 2 000kPa or 1.5 times the maximum anticipated working pressure of the pipeline, 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 the pipeline to be free of leaks.
- (15) At least once every 2 years a pipeline shall be tested in accordance with the provisions of subregulation (14) (a) and the pipeline shall not be used unless and until the tests show that it is free of leaks.
- (16) At least once every 5 years a pipeline shall be examined at points not greater than 150m apart along its whole length by a competent person and, if the examination discloses any defects in the pipeline, the pipeline shall not be used until the defects have been rectified.
- (17) Subregulations (2), (4), (5), (7), (8) (paragraph (a) excepted) and (10) to (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 shall—

- (a) be of approved materials and manufacture; and
  - (b) comply with BS1435 entitled 'Specification for Rubber Hose, Wire Reinforced for Oil Suction and Discharge Services' published by the British Standards Institution; and
  - (c) have a safe working pressure of at least 700kPa;
  - (d) be fitted with 'Turk's heads' of hemp or sisal rope, or other approved means of protection, at intervals of 1m; 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, and in accordance with its normal manner of use, to a pressure of at least 25% in excess of the maximum pressure under which it is operated when in use.
- (19) All electrical equipment used in connection with a pipeline shall conform to AS 3000, entitled 'SAA Wiring Rules'.
- (20) A person shall not—
- (a) where the pumping of goods through a pipeline has commenced, or is resumed after water has been used to clear the pipeline 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 the capacity of the pipeline to pass through it twice, whichever is the longer; or
  - (b) where 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 1m/s.

- (21) A person shall 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 200kPa absolute.
- (22) The owner of a pipeline shall 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 the pipeline.
- (23) A person shall 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 the pipeline have been tested by a competent person and found to be operating in a safe and efficient manner.
- (24) A person shall not use or test a pipeline unless the whole of the pipeline 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 shall keep, and retain for at least 5 years, a record of all tests and examinations of the pipeline made in pursuance of subregulations (14), (15) and (16) and shall whenever so required at a reasonable time by an inspector produce the record for examination (or, if the inspector so requires, examination and copying in whole or in part) by the inspector.

## **Division 6.5 Conveyance of dangerous goods of class 4**

### **236 Restrictions on conveyance in bulk**

A person shall not carry in bulk in or on a vehicle any dangerous goods—

- (a) of class 4.1, category A or B; or
- (b) of class 4.2, category A unless the vehicle is equipped with apparatus for the sending and receiving of speech by electromagnetic energy to and from an approved base station and the apparatus is so operated and manned as to ensure that contact between vehicle and the base station may be made at all times.

## **Division 6.6 Conveyance of dangerous goods of class 5**

### **237 Conveyance of ammonium nitrate**

- (1) A person who carries ammonium nitrate in or on a vehicle in or on which explosives are also carried shall observe the provisions of these regulations that relate to the carriage of explosives as though the ammonium nitrate were an explosive.
- (2) A vehicle in or on which a quantity of more than 5t of high density fertilizer-grade ammonium nitrate prill is, and no other dangerous goods are, carried shall be provided with—
  - (a) a fire-extinguisher as required by Australian code, section 8.1.8.1; or
  - (b) a 1kg dry chemical or halogenated hydrocarbon fire-extinguisher.

## **Division 6.7                      Conveyance of dangerous goods of class 6**

### **238                      Conveyance of lead compounds**

A person shall not carry in bulk in a tank of, in or on a vehicle any lead tetraethyl or lead tetramethyl unless—

- (a) the tank is so designed and constructed that it satisfies the requirements of the chief inspector of machinery for a pressure vessel having a working pressure of 600kPa and the requirements of AS 1210, entitled ‘SAA Unfired Pressure Vessels Code’; and
- (b) all openings in the tank are on the top of the tank and are fitted with cover plates or approved fittings for closing the openings.

## Part 7                      Labelling of dangerous goods

### 239            Packages to be labelled and marked as prescribed

- (1) In this regulation:
- package* includes a freight container and a wrapping enclosing a cartridge of blasting explosive or a charge for blasting or any like purpose.
- (2) Subject to this regulation, a person shall not in the course of trade, commerce or industry—
- (a) place any dangerous goods into a package; or
  - (b) import into the Territory, convey, keep or sell any dangerous goods in a package;
- if the package—
- (c) is not labelled as required by this part; or
  - (d) is not marked as required by this part; or
  - (e) has on it a label or writing in contravention of regulation 247.
- (3) Subregulation (2) does not apply to or in respect of the sale of any goods, or the placing of any goods in a package in the course of a sale, if—
- (a) the package 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 package at that place and in the presence of the purchaser.

- (4) Subregulation (2) does not apply to or in respect of the conveying or keeping of goods that are for the time being in immediate use.

## **240 Class labels**

- (1) Subject to this regulation, every outer or immediate package containing dangerous goods (other than dangerous goods of class 3.3 or 3.4) shall be labelled and marked in accordance with the Australian code, sections 3.2 and 3.3.1.1 (i) to (iv).
- (2) Subject to this regulation, every inner package (other than the immediate package) containing dangerous goods (other than dangerous goods of class 3.3 or 3.4) shall be labelled and marked—
- (a) in accordance with of the Australian code, section 3.2 (section 3.2.4 excepted) and section 3.3.1.1 (i) to (vi); and
- (b) with the class label with which it is required to be marked, having each of its sides of at least the length specified in table 23, column 4 opposite the description of the class (or class and category) and quantity of the goods in the package or, where so specified, being of maximum practicable size.
- (3) This regulation does not require that a class label on any package shall have sides exceeding 100mm in length.
- (4) In subregulation (2) and in table 23:
- maximum practicable size* means as large as is reasonably practicable, having regard to the dimensions of the package.
- (5) Subregulations (1) and (2) do not apply to or in respect of a package containing not more than 5L of dangerous goods of class 3.2 where the goods as packaged are a manufactured product.

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**Table 23      Class labels**

<b>column 1 item</b>	<b>column 2  class of dangerous goods</b>	<b>column 3  quantity of dangerous goods</b>	<b>column 4  identification number</b>	<b>column 5  size of label</b>
1	class 1, other than 1.4 and 1.5.	exceeding 250g, but not exceeding 20kg exceeding 20kg	1 1	maximum practicable size 100mm
2	class 1.4, other than group S	exceeding 2.5kg, but not exceeding 20kg exceeding 20kg	1.4 1.4	maximum practicable size 100mm
3	class 1.4, group S	exceeding 2.5kg	1.4S	maximum practicable size
4	class 1.5	exceeding 2.5kg, but not exceeding 20kg exceeding 20kg	1.5 1.5	maximum practicable size 100mm
5	class 2.1	any quantity	2.1	maximum practicable size
6	class 2.2	any quantity	2.2	maximum practicable size
7	class 2.3	any quantity	2.3	maximum practicable size

column 1 item	column 2 class of dangerous goods	column 3 quantity of dangerous goods	column 4 identification number	column 5 size of label
8	class 3.1	exceeding 150ml, but not exceeding 1L	3	10mm
		exceeding 1L, but not exceeding 5L	3	20mm
		exceeding 5L, but not exceeding 10L	3	30mm
		exceeding 10L	3	100mm
9	class 3.2	exceeding 300ml, but not exceeding 1L	3	10mm
		exceeding 1L, but not exceeding 5L	3	20mm
		exceeding 5L, but not exceeding 20L	3	30mm
		exceeding 20L	3	100mm
10	class 4.1	exceeding 2kg, but not exceeding 10kg	4.1	maximum practicable size
		exceeding 10kg	4.1	100mm
11	class 4.2	exceeding 500g, but not exceeding 50kg	4.2	maximum practicable size
		exceeding 50kg	4.2	100mm
12	class 4.3	exceeding 30g, but not exceeding 10kg	4.3	maximum practicable size
		exceeding 10kg	4.3	100mm

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<b>column 1 item</b>	<b>column 2 class of dangerous goods</b>	<b>column 3 quantity of dangerous goods</b>	<b>column 4 identification number</b>	<b>column 5 size of label</b>
13	class 5.1	exceeding 1kg, but not exceeding 10kg	5.1	maximum practicable size
		exceeding 10kg	5.1	100mm
14	class 5.2	exceeding 150ml (for liquids) or 150g (for solids) but not exceeding 10L (for liquids) or 10kg (for solids)	5.2	maximum practicable size
		exceeding 10L (for liquids) or 10kg (for solids)	5.2	100mm
15	class 6	exceeding 500ml (for liquids), or 500g (for solids), but not exceeding 20L (for liquids) or 20kg (for solids)	6	maximum practicable size
		exceeding 20L (for liquids) or 20kg (for solids)	6	100mm
16	class 8	exceeding 500ml (for liquids), or 500g (for solids), but not exceeding 20L (for liquids) or 20kg (for solids)	8	maximum practicable size
		exceeding 20L (for liquids), or 20kg (for solids)	8	100mm



## **242 Markings**

- (1) Every outer or immediate package containing any dangerous goods shall be marked, as prescribed by this part, with the name of the dangerous goods or the trade name under which they are sold.
- (2) Every outer or inner package containing explosives shall be marked, as prescribed by this part, with the name of the manufacturer of the explosives.
- (3) Every outer or immediate package containing explosives shall be marked, as prescribed by this part, with—
  - (a) the class number, including the decimal fraction and compatibility group, assigned to the explosives in schedule 1; and
  - (b) the word ‘explosive’ in capital letters.
- (4) Every outer or immediate package containing any dangerous goods of a class, or class and description, specified in table 25, column 1 shall be marked, as prescribed by this part, with the particulars described in table 25, column 2 opposite the class, or class and description of the dangerous goods.
- (4A) An outer or inner package containing dangerous goods of class 3.2 may be marked with the word ‘flammable’.
- (5) Every outer or inner package containing reloaded safety cartridges shall be marked, as prescribed by this part, with the words ‘Reloaded ammunition’.
- (6) Every wrapping enclosing a cartridge of blasting explosive, or charge for blasting or any like purpose, that does not contain its own means of ignition shall be marked, as prescribed by this part with the name of the explosive, or the trade name under which it is sold, and, in capital letters, the word ‘explosive’.
- (7) Every marking prescribed by subregulations (1) to (6) shall be in conspicuous letters as large as is reasonably practicable having regard to the size of the package or of the wrapped goods.

- (8) The case of—
- (a) every detonator shall be clearly and durably marked by printing on the outside—
    - (i) the word ‘detonator’ or the words ‘blasting cap’; and
    - (ii) 1 or more of the words ‘explosive’, ‘dangerous’ and ‘danger’; and
  - (b) every detonating relay shall be clearly and durably marked by printing or embossing on the outside—
    - (i) the word ‘explosive’; and
    - (ii) 1 or both of the words ‘danger’ and ‘dangerous’;
- in capital letters conforming to type B of AS 1744 not less than 3mm in height.

**Table 25      Markings on packages**

column 1	column 2	column 3
item	class, or class and description of dangerous goods	particulars of markings
1	class 1.1	the date of manufacture of the goods, or the date of issue from the factory
2	class 1.4	the words ‘not liable to explode in bulk’ or ‘not liable to explode en masse’ in capital letters
3	class 2, where the package is a cylinder	markings in accordance with AS 2030, entitled ‘SAA Gas Cylinders Code’
4	class 3.1	the words ‘highly flammable’ in capital letters
5	class 5.2, category A or B	the words ‘highly flammable’ in capital letters
6	class 8	the name of the goods or of their corrosive component

## 243      Pictorial handling markings

In relation to outer or immediate packages containing dangerous goods the provisions of AS Z 29, entitled ‘Pictorial Markings for the

Handling of Packages', that relate to the affixing or application of pictorial markings to those packages shall be observed.

**244 Markings on freight containers**

Every freight container that contains dangerous goods shall be marked in accordance with the Australian code, sections 3.4 and 3.5.

**246 Requirements to be cumulative**

The requirements of this part that relate to the labelling or marking, or labelling and marking of—

- (a) any 1 package or freight container are additional to each other; or
- (b) an inner package, or a wrapping or case, shall be observed whether or not the package, wrapping or case is in a package or freight container required by this part to be labelled or marked; or
- (c) a package or freight container, shall be observed whether or not anything in the package or container is required to be labelled or marked.

**247 Certain labels and writings prohibited**

Unless as required or permitted by these regulations or by or under a law of the Territory or the Commonwealth, a package or freight container containing—

- (a) any dangerous goods, shall not have on it any label or writing—
  - (i) indicating, or that could reasonably be taken as indicating, that the goods are flammable or explosive; or
  - (ii) that contradict any label or marking required by these regulations to be on the package; or

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- (b) any dangerous goods of class 3.3 or 3.4, shall not have on it any label or writing indicating, or that could reasonably be taken as indicating, the classification of other goods under these regulations.

## Part 8                      Packaging of dangerous goods

### 248            Packages to conform to requirements

- (1) Subject to this regulation, a person shall not—
- (a) place any dangerous goods into a package; or
  - (b) import into the Territory, convey or sell any dangerous goods that are in a package; 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 package for any dangerous goods;
- if—
- (d) any requirements are prescribed by this part in respect of packages of or for those dangerous goods and the package or container does not conform to those requirements; or
  - (e) the package or container has not been approved for use as a package for those dangerous goods.
- (2) Subregulation (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 package in the course of or for the purposes of a sale referred to in paragraph (a); or
  - (c) the importation into the Territory 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 vehicle or vessel; or

- (e) any loading, unloading or other conveyance of dangerous goods that is incidental to the sale, importation or carriage;

where the dangerous goods are in or (in the case referred to in paragraph (b)) placed into a substantial package.

- (3) For the purposes of subregulation (2)—
  - (a) the prescribed quantity of goods is 20L if the goods are liquid or 20kg if they are not liquid; and
  - (b) a package is substantial if it appears from a reasonable inspection of the package 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 shall be taken to be a single sale of all those goods 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) Subregulation (1) does not apply to or in respect of the placing into packages or conveying of goods that are for the time being in immediate use.
- (5) A person does not contravene subregulation (1) by importing into the ACT, conveying or selling any goods that are in a package if—
  - (a) the person did not place the goods into that package; and
  - (b) the package appears to have been marked in accordance with this part; and
  - (c) the person does not know and has no reasonable cause for believing or suspecting that the package does not conform to the requirements of this part.

**249 Packaging requirements**

- (1) A package of or for dangerous goods of packaging group 1, 2 or 3 shall conform to the specifications set out in the Australian code, section 5 (section 5.6 excepted).
- (2) Subregulation (1) applies to and in respect of—
  - (a) an outer or immediate package of or for dangerous goods of class 1 as if it were a package of or for dangerous goods of packaging group 2; and
  - (b) a package of or for dangerous goods of class 3.3 as if it were a package of or for dangerous goods of packaging group 3.
- (3) A package of or for dangerous goods of class 3.4 shall be soundly constructed so as to prevent any escape of the dangerous goods by leakage or otherwise.

**253 Special packaging requirements**

- (1) A package of or for dangerous goods of class 5.1 being pool chemicals intended for display for sale by retail shall not have a capacity greater than 20kg.
- (2) An inner or immediate package, being a package of or for dangerous goods of class 2 shall be—
  - (a) a cylinder of a type listed in AS 2030 entitled ‘SAA Gas Cylinders Code’; 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 000kPa 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°C.
- (3) An outer package of or for dangerous goods of class 1.1 shall have a net weight not exceeding 25kg.
- (4) An outer or immediate package of or for dangerous goods of class 1 shall, in addition to any requirement in regulation 249, conform to the specifications for packages, being part 2 of the recommendations of the United Nations committee of Experts on the Transport of Dangerous Goods, published in the *Government Gazette* of New South Wales No 138 of 11 November 1977, which recommendations shall for the purpose of this regulation be read as though—
  - (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 Territory.

## **254 Approvals**

- (1) An application for an approval referred to in regulation 248 (1) (e) in respect of a package for any dangerous goods shall be made in writing by or on behalf of the manufacturer or importer or proposed manufacturer or importer of the package or goods and accompanied by—
  - (a) particulars of the dangerous goods the package is to contain; and
  - (b) the results of tests carried out by the manufacturer or proposed manufacturer of the package, or by a laboratory approved for such testing by the National Association of Testing Authorities, Australia, for the purpose of ascertaining whether the package conforms to this part.



- (2) The chief inspector shall sign an approval number to every such approval and notify the applicant of that number.

**255 Marking of packages**

- (1) A package that has been approved under regulation 248 (1) shall be marked in accordance with the Australian code, section 5.6 together with the approval number assigned by the chief inspector pursuant to regulation 254 (2) in respect of the package.
- (2) The marking prescribed by subregulation (1) is additional to any other marking and any labelling prescribed by these regulations.

## Part 9 Manufacture of explosives

### 256 Definitions for pt 9

In this part:

*licence* means a licence under the Act, section 19.

*magazine* means an external magazine.

### 257 Application of pt 9

This part, other than this regulation and regulation 277, does not apply to or in respect of the manufacture of safety cartridges whether or not the cartridges are intended for sale.

### 258 Obligation to observe pt 9

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

### 259 Buildings and installations to comply with pt 9

- (1) Premises shall not be licensed under the Act, section 19 unless all buildings and installations in or on the premises conform to this part.
- (2) Where any building or installation in or on licensed premises does not conform to this part, the licensee of the premises commits a breach of these regulations.

**260 Matters to be included in licence**

The chief inspector shall 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 shall assign a distinguishing number to each building referred to in paragraph (a) and set out that number in the licence.

**261 Matters to be exhibited on process buildings and magazines**

There shall at all times be kept prominently exhibited—

- (a) in or on every process building and magazine in or on licensed premises, the distinguishing number assigned to the building or magazine in pursuance of regulation 260, in clearly legible figures; and
- (b) inside every process building in or on licensed premises, a clearly legible notice—
  - (i) where the licence for the premises specifies the maximum quantity of any 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 shall be in the building at any one time; and
  - (ii) where 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 shall 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 these regulations and of any other regulations, and of any Act, and of the conditions of the

licence, as the chief inspector may by notice in writing to the licensee require.

**262 Location of process buildings**

- (1) Regulation 77 shall apply to and in respect of a process building in or on licensed premises as though 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 regulation 77 the use of a building as a process building shall be taken to be the use of the building as a magazine.

**263 Repairs to buildings**

- (1) Repairs shall 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 the part of the building or magazine; and
  - (b) that part of the building or magazine has been thoroughly cleaned under the supervision of a competent person.
- (2) A building that has been cleaned in pursuance of subregulation (1) is not, for the purposes of these regulations, a process building or magazine, and a part of a building that has been so cleaned and is at a distance of at least 5m from all parts of the building that have not been so cleaned is not, for those purposes, a part of a process building or magazine, unless and until explosives or (in the case of a process building or part thereof) ingredients for explosives are again placed in it.

**264 Lightning conductors**

Where the chief inspector 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 shall be

equipped with suitable and efficient lightning conductors complying with AS 1768, entitled 'Manual on Lightning Protection'.

**265      Thunderstorms**

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

**266      Heating of process buildings**

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

**267      Removal of explosives and materials from process buildings**

- (1) Explosives that have been manufactured in or on licensed premises and that are not in immediate use shall immediately be dispatched from the premises or placed in a magazine.
- (2) Where 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 that process but not used, and that are not immediately required for use in another process in the building, shall immediately be removed from the building.
- (3) Everything done in pursuance of this regulation shall be done with due care.

**268      Removal of foreign matter from ingredients**

No substance shall 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.

**269 Tools and implements**

No tools or other implements shall 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 that building.

**270 Vehicles etc**

Every section of a vehicle, and every 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 shall—

- (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.

**271 Fire hazards (general)**

- (1) In this regulation:

*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 shall not—
- (a) smoke in a process building except in a part of the building 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 shall, on entering a factory area and before entering any process building in that area, carefully search his or her clothing for dangerous articles.
- (4) A licensee of premises shall, 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 subregulation (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.

## **272 Young persons**

A person under 16 years of age shall 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 18 years of age.

## **273 Manufacture of explosives from ammonium nitrate and fuel oil**

- (1) A person shall not manufacture an explosive by blending together ammonium nitrate and fuel oil, or those and other substances, except in accordance with this regulation.

- (2) The ammonium nitrate shall be of an approved type and the fuel oil shall be clean, unused oil having a flashpoint exceeding 61°C.
- (3) The blend shall not contain any substances except ammonium nitrate and fuel oil, or those substances and a water-soluble dye.
- (4) Fuel oil shall constitute between 5.5 and 6% by weight of the blend.
- (5) The ingredients shall be so blended to produce a homogeneous mixture.
- (6) All appliances and tools used for the blending shall be made of materials that are compatible with ammonium nitrate.
- (7) For the purposes of subregulation (6), zinc, copper, alloys of zinc or copper, and galvanised iron are not compatible with ammonium nitrate.
- (8) The blending shall be done—
  - (a) by means of a mixer operated by manual power or operated by an approved motor; or
  - (b) by other approved means.
- (9) Where the blending is done by means of a machine operated by manual power or by a motor—
  - (a) the design of the machine shall be such as to avoid frictional heating, compaction and confinement of the explosive or its ingredients; and
  - (b) all bearings and gears of the machine shall be protected against entry or accumulation of ammonium nitrate dust; and
  - (c) the containers and utensils of, or that are used in connection with, the machine shall be cleaned at the end of the work of each day or shift in which the machine has been used.
- (10) A person shall not have any naked flame or any combustible matter, or carry out any welding, within 6m of a place where the blending is being carried out.



- (11) Any container or package used for the conveyance of the explosive from the place of manufacture to the place of use or to a magazine shall be securely closed during the conveyance.
- (12) Where the explosive is manufactured at or near the place of use, so far as is practicable only so much of the explosive shall be manufactured as is needed for use on the day of manufacture and any surplus shall be kept, destroyed or disposed of as prescribed by these regulations.
- (13) For the purposes of the Act, section 20 (2) (d), subregulations (4) to (12) prescribe the manner of blending, at or near the place of use, of the inexplusive components of an explosive where those components are—
  - (a) ammonium nitrate of an approved type; and
  - (b) clean, unused fuel oil having a flashpoint exceeding 61°C; either alone or together with an oil-soluble dye.

## **276 Blending of explosives on site (general)**

For the purposes of the Act, section 20 (2) (d), the prescribed manner of blending, at or near the place of use, of the inexplusive components of an explosive not referred to in regulation 273 is that, where the manufacture takes place in or on a vehicle otherwise than by manual power—

- (a) the vehicle is—
  - (i) powered by a compression ignition engine; and
  - (ii) designed for the bulk mixing of substances; and
  - (iii) constructed and equipped as approved; and
- (b) no detonators are in or on the vehicle when the manufacture is being carried out.

**277 Filling of safety cartridges**

- (1) A person shall 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 2.5kg 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) where 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.
- (2) For the purposes of the Act, section 20 (2) (b), subregulation (1) (paragraph (d) excepted) prescribes the manner of the filling of safety cartridges.

## **Part 10**                      **Special requirements for certain goods**

### **Division 10.1**            **Dangerous goods of class 2**

#### **278**            **Filling of cylinders (general)**

- (1) A person shall not fill a cylinder with any dangerous goods of class 2 unless that cylinder—
  - (a) is designed for the pressure to which the cylinder is filled; and
  - (b) is stamped in accordance with AS 2030, entitled ‘SAA Gas Cylinders Code’, so as to indicate—
    - (i) that the cylinder has been inspected at a test station approved under the terms of AS CB22, entitled ‘SAA Code for 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) where the cylinder 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 code.
- (2) A person who fills a cylinder with any dangerous goods of class 2 shall make and retain a record of the filling as required by AS 2030.
- (3) A person shall not fill a container or cylinder with any dangerous goods of class 2 unless the person is the owner of the container or cylinder or is authorised to do so by a person who is or appears to be the owner of the container or cylinder.
- (4) This regulation is subject to regulations 279, 281, 282 and 283.

**279 Acetylene**

- (1) A person shall not fill a cylinder with acetylene, or compress acetylene, except in accordance with subregulations (2) to (6).
- (2) Acetylene shall 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 shall be carried out in accordance with AS 2030, part 2, entitled 'Cylinder for Compressed Acetylene'.
- (4) The acetylene in the cylinder shall be contained in an approved porous substance and dissolved in acetone or another approved solvent.
- (5) The porous substance referred to in subregulation (4) shall fill, as completely as possible, the cylinder which is to contain the acetylene.
- (6) A person applying for approval of a porous substance under subregulation (4) shall lodge a sample of the substance with the chief inspector.
- (7) A person shall not convey any acetylene by pipeline if in any part of the pipeline where its internal diameter exceeds 12mm the pressure exceeds 200kPa absolute.

**280 Positioning of liquefied gas cylinders**

A person shall not keep, convey or use a cylinder containing any dangerous goods of class 2 being liquefied gas unless the cylinder is so positioned that the safety relief device communicates directly with the vapour space in the cylinder.

**280A Gas equipment in vehicles**

- (1) A person shall not attach any container or other equipment used in connection with dangerous goods of class 2 to the outside of any vehicle otherwise than in accordance with an approval given by the chief inspector.
- (2) Subregulation (1) does not apply in relation to any licensed transport container.

**281 Liquefied flammable gas**

- (1) A person shall not fill any disposable or refillable container with liquefied flammable gas unless the container is in good condition.
- (2) A person shall not keep 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, entitled 'SAA L.P. Gas Code'.
- (3) A person who has filled a disposable or refillable container with liquefied flammable gas shall—
  - (a) thereafter test the container for leakage by immersing it in water that is at a temperature of 55°C, or by an approved method; and
  - (b) after such testing discard the container if it has been found by the testing to be leaking.

**282 Anhydrous ammonia**

A person shall not—

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

except in accordance with AS 2022, entitled 'SAA Anhydrous Ammonia Code'.

**283 Chlorine**

A person shall not—

- (a) keep chlorine; or
- (b) convey chlorine in a cylinder or tank, or by means of a pipeline;

except in accordance with the Chlorine Code ED 2B 03, 'Recommended Practice for the Storage and Handling of Chlorine', published in the *Government Gazette* of New South Wales No 132 of 4 November 1977.

**284 Unodorised liquefied petroleum gas**

A person shall not keep or convey unodorised liquefied petroleum gas except in accordance with an approval in writing given in relation to the particular case.

**285 Cylinders (general)**

- (1) A person who keeps a cylinder containing any dangerous goods of class 2 that is provided with a cap to protect the valve shall ensure that the cap is kept in place on the cylinder at all times when the cylinder is not being filled and is not connected for use.
- (2) For the purposes of parts 5 and 6 and this part a cylinder into which any dangerous goods of class 2 have been placed shall be deemed 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 the cylinder.

**286 Valves**

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

- (2) Where, in pursuance of these regulations, a pipeline is equipped with 1 or more excess flow valves, a person shall not convey any dangerous goods of class 2 by means of the pipeline unless each such valve is set for the minimum diameter of that part of the pipeline which the goods would enter through the valve without first passing through another such valve.

**287 Filling of balloons etc**

A person shall not, except with approval in writing—

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

**Division 10.2 Dangerous goods of class 3**

**288 Compliance with code**

- (1) This regulation applies to dangerous goods of class 3.1 being potable liquid contained in—
- (a) tanks; or
  - (b) packages having a capacity exceeding 20L each and an aggregate capacity exceeding 100L.
- (2) Where by any provision of these regulations a person is required to observe any requirements of AS 1940-1988, entitled ‘The Storage and Handling of Flammable and Combustible Liquids’, in relation to dangerous goods of class 3 the person shall do so as though any exception in respect of goods to which this regulation applies were omitted from that code.

**289 Certain goods treated as dangerous goods of class 3.4**

The provisions of these regulations that relate to dangerous goods of class 3.3 shall apply to and in respect of the following goods as though they were dangerous goods of that class:

- (a) liquid dangerous goods having a flashpoint not greater than 61°C that, when tested by method 1 P 36 'Flash and Fire Point by Cleveland Open Cup' described in the standard numbered 1 P 36 of the Institute of Petroleum, is found—
  - (i) to have a fire point greater than 104°C; or
  - (ii) to boil at a temperature that is below its fire point and is 104°C or less; and
- (b) liquid dangerous goods having less than 50% ethanol as the only flammable constituent, when the goods are contained in a package having a capacity not exceeding 20L.

**290 Pump equipment**

- (1) Subject to subregulation (2), a person shall not use for the pumping of any flammable liquid a mobile pump powered by an electric motor unless that motor is one that, under the terms of AS 3000, is suitable for use in a class 1 zone 2 area as defined in that standard.
- (2) Subregulation (1) does not prohibit the use, at a depot that is not in the city, of a pump powered by an induction non-sparking electric motor that is—
  - (a) weatherproofed in accordance with designation IP.X.6D.M of AS 1939, entitled 'Classification of Degrees of Protection provided by Enclosures for Electrical Equipment'; and
  - (b) not within a building; and
  - (c) at least 8m from every compound or other place where flammable liquids are kept;

for the pumping of any dangerous goods.



- (3) Subject to subregulation (5), a person shall not use for the pumping of any flammable liquid a mobile pump powered by an internal combustion engine—
- (a) within a building or a depot being a compound for such goods, or on a platform for drums of such goods; and
  - (b) unless the engine is a compression ignition engine conforming to the prescribed requirements; and
  - (c) unless the engine is maintained in good order and condition, the air filter is kept clean, and the flame trap of the engine 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.
- (4) For the purposes of subregulation (3) the following are the prescribed requirements for a compression ignition engine:
- (a) a quick-acting strangler shall be fitted in the air inlet of the engine;
  - (b) the exhaust of the engine shall—
    - (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 0.4mm apart and having a depth of at least 50mm in the direction of the gas stream; and
    - (iii) terminate at least 3m above the pump or at least 8m, measured horizontally, from the pump;
  - (c) the flame trap is held by a locking device that will prevent it from unscrewing, through vibration, from the exhaust;
  - (d) where the engine has been modified for the purpose of compliance with this regulation, the air filter has a capacity

equivalent to the air filter fitted to the engine before the modification;

- (e) all flanges of the engine have faces at least 12mm wide.
- (5) A person may use for the pumping of dangerous goods of class 3.3 a mobile pump powered by a spark-ignition engine that conforms to the requirements of subregulations (3) and (4) for compression ignition engines and to the following requirements:
- (a) the fuel tank shall be below the level of the carburettor or the carburettor shall be fed by a pump that operates in such a manner that fuel cannot flow by gravity from the pump to the carburettor;
  - (b) the spark plugs shall be shrouded;
  - (c) the exhaust shall face away from the pump;
  - (d) the fuel lines shall be of copper and be constructed with properly made connections.

## **291 Colouring of lighting kerosene**

A person shall not sell lighting kerosene unless it is coloured blue.

## **292 Use of certain goods in hairdressing**

- (1) For the purposes of this regulation, a person shall be deemed to be engaged in the business of hairdressing if the person is engaged in—
- (a) the arranging, dressing, curling, waving, cleansing, cutting, trimming, shaving, singeing, bleaching, tinting, colouring or otherwise treating the hair or beard of any person, whether by hand or by means of any mechanical or electrical apparatus or appliance; or
  - (b) the massaging, cleansing or stimulating of the scalp, face or neck of any person, whether with the use of cosmetic,

antiseptic, or similar preparations, or of tonics, lotions or creams, or otherwise; or

(c) the carrying out of any beauty treatment in or on the premises of any person engaged in the business of hairdressing.

(2) A person engaged in the business of hairdressing shall not, in the course of that business, apply or cause to be applied any dangerous goods of class 3.1 to the hair or person of a customer unless the dangerous goods are miscible with water in all proportions.

## **293 Notification of flashpoints**

(1) In this regulation:

*prepack* means, in relation to a flammable liquid, place the liquid into a package in contemplation of the future sale, in that package, of the liquid under a trade name.

(2) A person shall not—

(a) prepack any flammable liquid, unless the chief inspector has been notified of the flashpoint of the liquid and the trade name under which it is to be sold; or

(b) sell any flammable liquid that has been prepacked in or outside the ACT, knowing that the chief inspector has not been so notified in respect of the liquid.

(3) The chief inspector shall keep a register and cause to be entered in it all matters notified under this regulation.

(4) The register shall be kept available at the office of the chief inspector for perusal, without fee, by all persons at all reasonable times.

## **Division 10.3 Dangerous goods of class 4**

### **294 Manufacture etc of nitrocellulose products**

- (1) In this regulation:  
***nitrocellulose product*** means dangerous goods of class 4.1, category A.
- (2) A person shall not manufacture, repair, manipulate or use any nitrocellulose product in a quantity exceeding 25kg unless—
  - (a) the person does so in a workroom conforming to prescribed requirements; and
  - (b) the person observes subregulations (5), (6), (8) and (9) in relation thereto.
- (3) A person shall not, without approval in writing, manufacture any dangerous goods of class 4.1 or use any such goods for, or in the course of, the manufacture of any other goods.
- (4) For the purposes of subregulation (2), the following are prescribed requirements for a workroom:
  - (a) the room shall be constructed throughout of approved fire-resisting materials;
  - (b) the room shall be provided with at least 2 doorways having doors that open outwards;
  - (c) all furniture and apparatus in the room shall be so arranged as to allow unimpeded egress from the room;
  - (d) all the electrical wiring and equipment, including switches, of or in the room shall conform to the requirements of AS 3000 that relate to electrical wiring and equipment in hazardous locations;

- (e) electrical resistances, including the heating elements of heaters and radiators, shall 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 in pursuance of that paragraph shall 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°C; and
    - (ii) the top of every guard or enclosure is sloped at an angle of at least 45° with the horizontal;
  - (g) an approved system of automatic sprinklers shall be installed in the room;
  - (h) signs bearing the words ‘no smoking’ in letters at least 50mm high shall be displayed in prominent positions in and immediately outside the room.
- (5) No fire, light, gas or oil stove, smoking materials, matches, or other thing likely to ignite nitrocellulose products or to decompose the products shall be present in the workroom referred to in subregulation (2) when any nitrocellulose products are being manufactured, repaired, manipulated or used in that room.
- (6) Subject to subregulation (7), nitrocellulose products in a quantity exceeding that immediately required for work being done in such a workroom shall not be brought into the workroom or, if brought into the workroom, allowed to remain in it.
- (7) Subregulations (1) and (6) do not prohibit the bringing into, or the presence in, a workroom of up to 600m of cinematographic film to be repaired, manipulated or used in the workroom, 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 the workroom shall be removed from the workroom immediately after all work that is to be done in relation to the products has been completed.
- (9) Waste nitrocellulose products shall not be allowed to accumulate in the workroom but shall 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'.

## **Part 11                      Asbestos and asbestos products**

### **Division 11.1              Preliminary**

#### **295              Object of pt 11**

The object of this part is to protect people against the risk of asbestos-related disease resulting from exposure to airborne asbestos fibres.

#### **296              Definitions for pt 11**

In this part:

*asbestos* means the fibrous form of the mineral silicates belonging to the serpentine and amphibole groups of rock-forming minerals, including the following:

- (a) actinolite;
- (b) amosite (brown asbestos);
- (c) anthophyllite;
- (d) crocidolite (blue asbestos);
- (e) chrysotile (white asbestos);
- (f) tremolite.

*asbestos product* means anything that contains asbestos.

*authorised activity*, for asbestos or an asbestos product—see regulation 297 (1).

*authorised activity condition*, for an authorised activity for asbestos or an asbestos product—see regulation 297 (2).

*chrysotile product* means the chrysotile form of asbestos, and includes anything that contains chrysotile.

***correctly packed and labelled***—asbestos or an asbestos product is ***correctly packed and labelled*** if—

- (a) it is packed in a way that minimises the possibility of the release into the environment of airborne asbestos fibres; and
- (b) the package is clearly labelled to identify that the package contains asbestos or an asbestos product.

***exemption*** means an exemption under regulation 306.

***hazard*** means a thing (including an intrinsic property of a thing), or a situation, with potential to—

- (a) kill or cause harm to a person; or
- (b) damage property or the environment.

***risk*** means the likelihood of death or harm to a person, or damage to property or the environment, from a hazard.

***substance*** includes a matter, material or thing, whether solid, liquid or gas or in a mixture.

***vehicle*** includes an aircraft.

## **297 Meaning of *authorised activity* and *authorised activity condition***

- (1) For this part, each of the following is an ***authorised activity*** for asbestos or an asbestos product:
  - (a) genuine scientific research in relation to the asbestos or asbestos product;
  - (b) the sampling of a substance for identifying the kind or quantities of ingredients in the substance;
  - (c) carrying out demonstrations, education or practical training in relation to the asbestos or asbestos product.



- (2) For this part, each of the following is an ***authorised activity condition*** for an authorised activity for asbestos or an asbestos product:
- (a) the asbestos or asbestos product must be the minimum quantity practicable for the activity;
  - (b) the asbestos or asbestos product must be correctly packed and labelled;
  - (c) the asbestos or asbestos product must be used in a way that minimises the possibility of the release into the environment of airborne asbestos fibres.

## **Division 11.2                      Prohibitions relating to asbestos and asbestos products**

*Note 1*    A breach of these regulations is an offence (see reg 31).

*Note 2*    The Criminal Code, ch 2 applies to an offence against part 11 of these regulations (see Code, pt 2.1).

### **298                      Prohibition on import of asbestos and asbestos products**

- (1) A person must not import asbestos or an asbestos product.
- (2) Subregulation (1) does not apply to a person if—
  - (a) the person imports asbestos or an asbestos product for an authorised activity; and
  - (b) the person complies with the authorised activity conditions.
- (3) Also, subregulation (1) does not apply to a person in relation to a chrysotile product if—
  - (a) the person imports the chrysotile product under an exemption; and
  - (b) the chrysotile product is correctly packed and labelled.
- (4) In this regulation:

*import* means import into the ACT.

**299 Prohibition on manufacture of asbestos products**

A person must not manufacture an asbestos product.

**300 Prohibition on supply of asbestos and asbestos products**

- (1) A person must not supply asbestos or an asbestos product to someone else.
- (2) Subregulation (1) does not apply to a person if—
  - (a) the person supplies to someone else a building, structure, plant or vehicle with asbestos or an asbestos product fixed in place; and
  - (b) the asbestos or asbestos product was fixed in place before 31 December 2003; and
  - (c) the asbestos or asbestos product is fixed in a way that does not cause a risk unless it is disturbed.
- (3) Also, subregulation (1) does not apply to a person if—
  - (a) the person supplies asbestos or an asbestos product to someone else for disposal and the asbestos or asbestos product is correctly packed and labelled; or
  - (b) the person (the *supplier*) supplies asbestos or an asbestos product to someone else for an authorised activity and the supplier complies with the authorised activity conditions; or
  - (c) the person supplies asbestos in its natural form in minimal quantities in another mineral to someone else and the presence of the asbestos is incidental to the purpose of disturbing or extracting the other mineral.
- (4) Further, subregulation (1) does not apply to a person (the *supplier*) if the supplier supplies a chrysotile product to someone else under

an exemption and the chrysotile product is correctly packed and labelled.

- (5) Subregulation (4), and this subregulation, expire on 31 December 2007.
- (6) In this regulation:  
*supply* includes sell.

*Note* For the meaning of *sell*, see the Act, dictionary.

### **301 Prohibition on storage of asbestos and asbestos products**

- (1) A person must not store asbestos or an asbestos product.
- (2) Subregulation (1) does not apply to a person if—
  - (a) the person stores asbestos or an asbestos product that has been removed from a building, structure, plant or vehicle (the *waste*); and
  - (b) the waste is correctly packed and labelled; and
  - (c) the person disposes of the waste as soon as practicable after the person comes into possession of the waste.
- (3) Also, subregulation (1) does not apply to a person if—
  - (a) the person stores asbestos or an asbestos product for an authorised activity and the person complies with the authorised activity conditions; or
  - (b) the person stores asbestos in its natural form in minimal quantities in another mineral and the presence of the asbestos is incidental to the purpose of disturbing or extracting the other mineral.
- (4) Further, subregulation (1) does not apply to a person if the person stores a chrysotile product under an exemption and the chrysotile product is correctly packed and labelled.

- (5) Subregulation (4), and this subregulation, expire on 31 December 2007.

**302 Prohibition on the use of asbestos and asbestos products**

- (1) A person must not use asbestos or an asbestos product.
- (2) Subregulation (1) does not apply to a person if—
- (a) the person uses a building, structure, plant or vehicle with asbestos or an asbestos product fixed in place; and
  - (b) the asbestos or asbestos product was fixed in place before 31 December 2003; and
  - (c) the asbestos or asbestos product is fixed in a way that does not cause a risk unless it is disturbed.
- (3) Also, subregulation (1) does not apply to a person if—
- (a) the person uses asbestos or an asbestos product for an authorised activity and the person complies with the authorised activity conditions; or
  - (b) the person uses asbestos in its natural form in minimal quantities in another mineral and the presence of the asbestos is incidental to the purpose of disturbing or extracting the other mineral.
- (4) Further, subregulation (1) does not apply to a person if the person uses a chrysotile product under an exemption and the chrysotile product is used in a way that minimises the possibility of the release into the environment of airborne asbestos fibres.
- (5) Subregulation (3), and this subregulation, expire on 31 December 2007.

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**303 Prohibition on the re-use of asbestos and asbestos products**

- (1) A person must not re-use asbestos or an asbestos product.
- (2) Subregulation (1) does not apply to a person if the person re-uses a chrysotile product under an exemption and the chrysotile product is re-used in a way that minimises the possibility of the release into the environment of airborne asbestos fibres.
- (3) Subregulation (2), and this subregulation, expire on 31 December 2007.
- (4) In this regulation:

*re-use*, for asbestos or an asbestos product, means using the asbestos or asbestos product after the asbestos or asbestos product has been removed from a building, structure, plant or vehicle, whether the re-use is for the same or a different purpose.

*Note* When a fixed or installed asbestos product needs to be replaced, a non-asbestos containing material alternative must be used (unless the person holds an exemption for the use).

**304 Prohibition on the installation of asbestos and asbestos products**

- (1) A person must not install asbestos or an asbestos product into a building, structure, plant or vehicle.
- (2) To remove any doubt, a person must not replace part of a building, structure, plant or vehicle with asbestos or an asbestos product, whether the part replaced is asbestos or an asbestos product.

*Note* When a fixed or installed asbestos product needs to be replaced, a non-asbestos containing material alternative must be used (unless the person holds a chrysotile exemption for the use).

- (3) Subregulations (1) and (2) do not apply to a person if the person installs a chrysotile product under an exemption and the chrysotile

product is installed in a way that minimises the possibility of the release into the environment of airborne asbestos fibres.

- (4) Subregulation (3), and this subregulation, expire on 31 December 2007.

## **Division 11.3 Chrysotile product exemptions**

### **305 Applications for exemptions for chrysotile products**

- (1) A person may apply in writing to the chief executive for an exemption that authorises the person to import, supply, store, use, re-use or install (the *proposed activity*) a chrysotile product for a use mentioned in table 26, column 2.

*Note 1* If a form is approved under the Act, s 45 for an application, the form must be used.

*Note 2* A fee may be determined under the Act, s 46 for this regulation.

- (2) An application for an exemption must state—
- (a) the applicant's name and any business name used by the applicant; and
  - (b) the applicant's address and telephone number; and
  - (c) the proposed activity to which the application relates; and
  - (d) the category of chrysotile product to which the application relates; and
  - (e) the amount of chrysotile product to which the application relates; and
  - (f) the address of the premises where the applicant will, if the exemption is granted, carry out activities under the exemption; and

- (g) if a person other than the applicant will be the person immediately involved in the activity authorised by the exemption—the name, address and telephone number of that person; and
  - (h) the measures that the applicant will take, if the exemption is granted, to control the risks resulting from the use of the chrysotile product; and
  - (i) if the proposed activity is the use, re-use or installation of a chrysotile product—the name, address and telephone number of anyone who the applicant proposes will import, supply or store the chrysotile product for the applicant.
- (3) The chief executive need not decide the application if it does not include the required information and documents.
  - (4) This subregulation, and table 26, item 2, expire on 31 December 2004.
  - (5) This subregulation, and table 26, items 1 and 4, expire on 31 December 2006.
  - (6) In this regulation:

***Australian code*** means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, published by the Commonwealth, 6th edition as in force on 31 December 2003.

*Note* The Australian code is mentioned in table 26, item 2.

***category of chrysotile product*** means the category mentioned table 26, column 3.

**Part 11** Asbestos and asbestos products  
**Division 11.3** Chrysotile product exemptions

Regulation 305

**Table 26 Exempt chrysotile product uses**

<b>column 1 item</b>	<b>column 2 uses for which exemption may be granted</b>	<b>column 3 category</b>	<b>column 4 latest date exemption may end</b>
1	Use of chrysotile product in a compressed asbestos fibre gasket that is for use with chlorine in a plant used in liquid chlorine service with design process conditions of— 45°C and 1 500kPa	1	31 December 2006
2	Use of chrysotile product in a compressed asbestos fibre gasket that is for use with— (a) saturated steam; or (b) superheated steam; or (c) substances that are classified as dangerous goods (as defined in the Australian code)	1	31 December 2004
3	Use of chrysotile product in a product that consists of a mixture of asbestos with a phenol formaldehyde resin or with a cresylic formaldehyde resin used in: (a) a vane for rotary vacuum pumps; or (b) a vane for rotary compressors; or (c) a split face seal of at least 150mm in diameter used to prevent leakage of water from cooling water pumps in fossil fuel electricity generating stations	2	31 December 2007



column 1 item	column 2 uses for which exemption may be granted	column 3 category	column 4 latest date exemption may end
4	Use of chrysotile product in a diaphragm for use in an electrolytic cell in an existing electrolysis plant for chlor-alkali manufacture	3	31 December 2006
5	Use of chrysotile product in relation to which an exemption under the <i>Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994</i> (Cwlth) has been granted to the Department of Defence or the Australian Defence Force for mission-critical parts or components of plant	4	31 December 2007
<p><i>Note</i> The categories in the table, column 3 reflect the exemption numbering in the NOHSC model regulations, schedule 2 mentioned in reg 306 (5).</p>			

### 306 Decision on application for exemption

- (1) The chief executive must grant an exemption authorising a person to use, re-use or installation a chrysotile product if the chief executive is satisfied that—
  - (a) the use, re-use or installation is for a use (the *authorised use*) mentioned in table 26, column 2; and
  - (b) the authorised use is essential to the applicant's activities; and
  - (c) the person has in place appropriate measures to control the risks resulting from the use of the chrysotile product; and
  - (d) the person will be able to comply with the condition mentioned in regulation 307 (3); and

- (e) the giving of the exemption is consistent with the object of this part.
- (2) The chief executive must refuse to grant an exemption authorising a person to use, re-use or install a chrysotile product if the chief executive is not satisfied about the matters mentioned in subregulation (1).
- (3) The chief executive must grant an exemption authorising a person to import, supply or store a chrysotile product if the chief executive is satisfied that—
  - (a) the import, supply or storage of the chrysotile product is for a use mentioned in table 26, column 2; and
  - (b) the use has been, or will be, authorised under an exemption; and
  - (c) the person has in place appropriate measures to control the risks resulting from the import, storage or supply of the chrysotile product; and
  - (d) the giving of the exemption is consistent with the object of this part.
- (4) The chief executive must refuse to grant an exemption authorising a person to import, supply or store a chrysotile product if the chief executive is not satisfied about the matters mentioned in subregulation (3).
- (5) In making a decision under this regulation, the chief executive may have regard to the notes mentioned in the *National Model Regulations for the Control of Workplace Hazardous Substances*, schedule 2, approved by the National Occupational Health and Safety Commission under the *National Occupational Health and Safety Commission Act 1985* (Cwlth), as in force on 31 December 2003.

**307 Conditions of exemptions**

- (1) The chief executive may include conditions in an exemption to protect people against the risk of asbestos-related disease resulting from exposure to airborne asbestos fibres.
- (2) An exemption is subject to—
  - (a) any conditions included in the exemption by the chief executive; and
  - (b) for an exemption that authorises a person to use a chrysotile product—the exemption stated in subregulation (3).
- (3) An exemption that authorises an exemption-holder to use a chrysotile product is subject to the condition that the exemption-holder tells the chief executive, in writing, as soon as the person becomes aware that the use authorised by the exemption is no longer essential to the person's activities.

**308 Term of exemption**

The chief executive may only grant an exemption for a period that ends on or before the day stated in table 26, column 4 that relates to the exemption.

**309 Exemption not transferable**

An exemption is not transferable.

**310 Form of exemption**

- (1) An exemption must show the following information:
  - (a) the full name of the exemption-holder;
  - (b) the premises where the holder is authorised to carry out activities under the exemption;
  - (c) the activities authorised by the exemption;

- (d) any conditions included in the exemption by the chief executive;
  - (e) a unique identifying number;
  - (f) when the exemption ends.
- (2) If the exemption authorises a person to use a chrysotile product, the exemption must state the conditions mentioned in regulation 307 (3).
- (3) An exemption may also include any other information the chief executive considers appropriate.

### **311 Operation of an exemption**

- (1) An exemption begins on—
- (a) the day on which it is granted; or
  - (b) if a later date is stated in the exemption—the later date.
- (2) The chief executive must cancel an exemption if—
- (a) satisfied that continuing the exemption would be inconsistent with the object of this part; or
  - (b) the person to which the exemption relates asks the chief executive to cancel it.
- (3) An exemption is in force until the end of the term stated in the exemption under regulation 308 (Term of exemption) unless cancelled before the end of the term.

### **312 Compliance with exemptions**

A person to whom an exemption has been granted must comply with the exemption (including any conditions to which the exemption is subject).

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**313 Exemption—application to amend by exemption-holder**

- (1) A exemption-holder may apply to the chief executive to amend the exemption.

**Examples of amendments**

- 1 to amend or revoke a condition included in the exemption by the chief executive
- 2 to change the premises where activities may be carried out under the exemption

*Note 1* If a form is approved under the Act, s 45 for an application, the form must be used.

*Note 2* A fee may be determined under the Act, s 46 for this regulation.

*Note 3* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The chief executive must amend the exemption if, assuming that the application to amend were an application under regulation 306 (Decision on application for exemption) for an exemption that included the proposed amendment, the chief executive would be required to grant the exemption.
- (3) If subsection (2) does not apply, the chief executive must refuse the application to amend the exemption.

**314 Cancellation of exemption or imposition etc of conditions on chief executive's initiative**

- (1) This section applies to a exemption-holder if the chief executive proposes, on the chief executive's own initiative, to do any of the following (the *proposed action*):
- (a) cancel the exemption;
  - (b) amend the exemption to impose a condition;
  - (c) amend or revoke a condition included in the exemption by the chief executive.

- (2) The chief executive must give the exemption-holder a written notice stating—
  - (a) the proposed action; and
  - (b) if the proposed action is to cancel the exemption—any action that the exemption-holder may take to avoid the cancellation of the exemption; and
  - (c) if the proposed action is to impose a condition—the proposed condition; and
  - (d) if the proposed action is to amend a condition—the condition as proposed to be amended; and
  - (e) an explanation for the proposed action; and
  - (f) that the exemption-holder may, within 14 days after the day the exemption-holder receives the notice, give a written response to the chief executive about the notice.
- (3) In deciding whether to take the proposed action, the chief executive must consider any response given to the chief executive in accordance with the notice.
- (4) If the chief executive is satisfied that a reasonable ground exists for taking the proposed action, the chief executive may take the proposed action.
- (5) The chief executive must give the exemption-holder written notice of the chief executive's decision.
- (6) If the chief executive decides to take the proposed action, the chief executive's decision takes effect 14 days after the day when notice of the decision is given to the exemption-holder or, if the notice states a later date of effect, that date.
- (7) If the exemption is amended, the chief executive must, as soon as practicable after the exemption has been returned to the chief executive, amend the exemption or give the exemption-holder a replacement exemption showing the amendment.

**315      Expiry of div 11.3**

- (1) This division expires on 31 December 2007.
- (2) Also, regulation 296, definitions of *chrysotile product* and *exemption*, and the dictionary definitions of these terms, expire on 31 December 2007.

## Part 12                      Miscellaneous

### 374                      Review

- (1) Application may be made to the administrative appeals tribunal for review of a decision of the chief inspector—
- (a) refusing to permit the use of premises or of a vehicle or vessel or refusing to permit the reconstruction of any building, structure or installation or of any vehicle or vessel under regulation 21; or
  - (b) refusing to give an approval under regulation 39 (3) (d), 225 (3), 235 (2), 235 (4), 248 (1) (e) or 294 (3), or giving such an approval subject to conditions; or
  - (c) rescinding or varying an approval referred to in paragraph (b); or
  - (d) making a requirement under regulation 235 (5); or
  - (e) refusing to issue a shotfirer's permit under regulation 52, or issuing such a permit subject to conditions; or
  - (f) refusing to issue a collector's permit under regulation 53, or issuing such a permit subject to conditions; or
  - (g) refusing to issue a public display fireworks permit under regulation 54; or
  - (h) issuing a public display fireworks permit subject to conditions under regulation 55 (2); or
  - (i) refusing to issue a shopgoods fireworks purchasers permit under regulation 57 (2); or
  - (j) issuing a shopgoods fireworks purchasers permit subject to conditions under regulation 57 (3); and



- (k) refusing to issue an exemption under regulation 306 (2) or (4); and
  - (l) issuing an exemption under regulation 306 (1) or (3) subject to a condition imposed by the chief executive; and
  - (m) refusing to amend an exemption under regulation 313 (2); and
  - (n) cancelling an exemption under regulation 314 (4); and
  - (o) imposing, amending or revoking a condition for an exemption under regulation 314 (4).
- (2) A notice under subregulation 29 (3) or subregulation (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

### **376 Certificate—prescribed officers**

For the purposes of the Act, section 40 (2) (a), the chief inspector is a prescribed officer.

## Schedule 1      Classification of dangerous goods

### Meaning of abbreviations

In this schedule:

*M/M* means mass for mass.

*ME* means mass explosive and indicates explosives that have a mass explosive risk.

*MFH* means major fire hazard.

*NME* means non-mass explosive and indicates an explosive that has a fire hazard with minor or no explosion effects.

*NOS* means not otherwise specified.

*NSR* means no significant risk.

*Note* For the meaning of other terms used in this schedule, see reg 4 (Substances mentioned in sch 1) and the dictionary.

column 1	column 2	column 3
class and dangerous goods		UN number
<b>class 1</b>		
<b>class 1.1 group A</b>		
	barium azide	0224
	diazodinitrophenol	0074
	explosives, initiating, NOS	—
	guanyl nitrosoamino—guanylidene hydrazine	0113
	guanyl nitrosoamino—guanyl tetrazine	0114
	lead azide	0129
	lead styphnate	0130
	mercury fulminate	0135
<b>class 1.1 group B</b>		
	detonating fuse, ME	0106
	detonators for ammunition	0073

column 1	column 2	column 3
class and dangerous goods	UN number	
	detonators for blasting, electric ME	0030
	detonators for blasting, non-electric, ME	0029
	gaines, with detonator, ME	0225
	initiating devices, ME, NOS	—
<b>class 1.1 group C</b>		
	cartridges for weapons, blank, ME	0326
	explosives, group C, ME, NOS	—
	propelling charges, ME	0279
	rocket motor propellant, solid, ME	{ 0271 0273
	rocket motors, ME	
	smokeless powder, ME	0160
	sporting powder, ME	0160
<b>class 1.1 group D</b>		
	amatol	0082
	ammonium nitrate explosives	0082
	ammonium nitrate with more than 0.2% organic matter (calculated as carbon), M/M	0222
	ammonium picrate	0004
	blasting explosives, Type A	0081
	blasting explosives, Type B	0082
	blasting explosives, Type C	0083
	blasting explosives, Type D	0084
	blasting explosives, Type E	0241
	bombs photoflash	0038
	bombs, with bursting charge, ME	0034
	bursting, explosive	0043
	cartridges, oil well, ME, NOS	—
	cyclo-tetramethylene tetranitramine	0226
	cyclo-trimethylene trinitramine	0072
	demolition charges	0048

**Schedule 1**                      Classification of dangerous goods

column 1	column 2	column 3
class and dangerous goods		UN number
	depth charges	0056
	detonating fuse, flexible, ME	0065
	detonating fuse, metal clad, ME	0290
	devices, containing high explosives, without their means of ignition, ME, NOS	—
	diethylene glycol dinitrate, containing, by mass, at least 25% non-volatile water-insoluble phlegmatiser	0075
	dinitrophenol	0076
	dinitroresorcinol	0078
	dynamite	0081
	explosives, group D, ME, NOS	—
	fracturing devices for oil wells, ME	0099
	gaskets, without detonator, ME	0042
	gelatine, blasting	0081
	gelatine dynamite	0081
	grenades with bursting charge, ME	0284
	gunpowder	0027
	hexanitrodiphenylamine	0079
	hexolite, containing, by mass, less than 15% water	0118
	hydrazine nitrate	0119
	jet perforating guns, charged, oil well, without detonator	0124
	mannitol hexanitrate, containing, by mass, at least 40% water	0133
	mines, with bursting charge, ME	0137
	nitrocellulose, containing less than 25% alcohol, M/M	0340
	nitrocellulose, containing less than 25% water, M/M	0340
	nitrocellulose, containing less than 18% plasticising substance, M/M	0341
	nitroglycerine, desensitised, containing at least 40% non-volatile water-insoluble phlegmatiser, M/M	0143

column 1	column 2	column 3
class and dangerous goods		UN number
	nitroglycerine, spirit of, containing more than 1% but not more than 10% nitroglycerine in solution in alcohol	0144
	nitroguanidine	0282
	nitrostarch	0146
	nitrourea	0147
	octolite, containing less than 15% water, M/M	0226
	pentaerythritol tetranitrate, containing at least 25% water or at least 15% phlegmatiser, M/M	0150
	pentolite, containing less than 15% water, M/M	0151
	picric acid, containing less than 30% water, M/M	0154
	potassium chlorate explosives, NOS	0083
	projectiles, with bursting charge, ME	0168
	shaped charges, commercial, without detonator	0059
	shaped charges, flexible, linear, metal clad, ME	0288
	slurry explosive	0241
	sodium chlorate explosive	0083
	styphnic acid	0219
	supplementary charges, explosive	0060
	tetranitroaniline	0207
	tetryl	0208
	trinitroaniline	0153
	trinitroanisole	0213
	trinitrobenzene, containing less than 35% water, M/M	0214
	trinitrobenzoic acid, containing less than 30% water, M/M	0215
	trinitrochlorobenzene	0155
	trinitrometacresol	0216
	trinitronaphthalene	0217
	trinitrophenetole	0218
	trinitrophenol	0154

**Schedule 1**                      Classification of dangerous goods

column 1	column 2	column 3
class and dangerous goods		UN number
	trinitrotoluene	0209
	trinitrotoluene, mixtures containing cyclotetramethylene tetranitramine, cyclotrimethylene trinitramine or pentaerythritol tetranitrate, ME	0209
	urea nitrate	0220
	watergel explosives	0241
<b>class 1.1 group E</b>		
	cartridges for weapons, with bursting charge, ME	0006
	explosives, group E, ME, NOS	—
	rockets, with bursting charge, ME	0181
	torpedoes with bursting charge	0329
<b>class 1.1 group F</b>		
	bombs, photoflash, ME	0037
	bombs, with bursting charge, ME	0033
	cartridges for weapons with bursting charge, ME	0005
	explosives, group F, ME, NOS	—
	grenades, with bursting charge, ME	0292
	mines, with bursting charge, ME	0136
	projectiles, with bursting charge, ME	0167
	rockets, with bursting charge, ME	0180
	sounding devices, ME	0296
	torpedoes, with bursting charge	0330
<b>class 1.1 group G</b>		
	cartridges, flash, ME	0049
	explosives, group G, ME, NOS	—
	fireworks, type A	0333
	flash powder	0094
	igniters, ME	0121
	photoflash powder, in units, ME	0094
	signals, distress, ship (other than water activated signals), ME	0194

column 1	column 2	column 3
class and dangerous goods	UN number	
	signals, railway fog, ME	0192
	signals, railway track, ME	0192
	signals, smoke, with explosive sound unit, ME	0196
<b>class 1.2 group B</b>		
	detonating fuse, NME	0107
	gaines, with detonator, NME	0268
<b>class 1.2 group C</b>		
	cartridges for weapons, with inert projectile, NME	0328
	oil well cartridges, NME	—
	rocket motors, NME	0281
<b>class 1.2 group D</b>		
	bombs, with bursting charge, NME	0035
	detonating fuse, metal clad, NME	0102
	gaines, without detonator, NME	0283
	grenades, with bursting charge, NME	0285
	mines, with bursting charge, NME	0138
	projectiles with burster or bursting charge, NME	{ 0169 0346
	trinitrotoluene mixtures containing cyclotetramethylene tetranitramine, pentaerythritol tetranitrate or cyclotrinitramine, wet with at least 15% water, M/M, NME	
		0209
<b>class 1.2 group E</b>		
	cartridges for weapons, with bursting charge, NME	0321
	rockets, with bursting charge, NME	0182
<b>class 1.2 group F</b>		
	bombs, with bursting charge, NME	0291
	cartridges, engine starter	—
	cartridges for weapons, with bursting charge, NME	{ 0007 0321
	grenades, with bursting charge, NME	0293
	mines, with bursting charge, NME	0294

**Schedule 1**                      Classification of dangerous goods

column 1	column 2	column 3
class and dangerous goods	UN number	
	projectiles, with bursting charge, NME	0324
	rockets, with bursting charge, NME	0295
	sounding devices, NME	0204
<b>class 1.2 group G</b>		
	ammunition, illuminating, NME	0171
	ammunition, incendiary, without white phosphorus or phosphides, NME	0009
	ammunition, lachrymatory, NME	0018
	ammunition, smoke, without white phosphorus [sic], NME	0015
	bombs, photoflash, NME	0039
	fireworks, Type B	0334
	igniters, NME	0314
	photoflash powder in units, NME	0096
	rockets, anti-hail, NME	—
	rockets, line throwing or distress, NME	0238
	signals, smoke, with explosive sound unit	0313
<b>class 1.2 group H</b>		
	ammunition, incendiary, with white phosphorus	0243
	ammunition, smoke, with white phosphorus	0245
	explosives, group H, NME, NOS	—
<b>class 1.2 group K</b>		
	ammunition, toxic	0020
	explosives, group K, NME, NOS	—
<b>class 1.2 group L</b>		
	explosives, group L, NME, NOS	—
	rocket motors, containing hypergolic liquids	0322
	water activated devices, with burster, expelling or propelling charge, NME	0248
<b>class 1.3 group C</b>		
	ammunition, industrial, MFH	0327
	cartridges, actuating, MFH	0275



column 1	column 2	column 3
class and dangerous goods		UN number
	cartridges, power device, MFH	0275
	cartridges for weapons, blank, MFH	0327
	charges, propelling, for cannon, MFH	0242
	deflagrating metal salts of aromatic nitro derivatives, NOS	0132
	dinitrophenates (of alkali metals) containing less than 15% water, M/M	0077
	fire extinguisher charges, expelling, MFH	0275
	nitrocellulose exceeding 12.6% nitrogen by dry mass with not less than 25% alcohol or 18% plasticising substance, M/M	{ 0342 0343
	oil well cartridges, MFH	
	potassium salts of nitro-aromatic derivatives, explosive	0277
	propellant powder paste, containing at least 35% water, M/M	0158
	propelling charges, MFH	0159
	rocket motor propellant, solid, MFH	0274
	rocket motors, MFH	0186
	rockets, line throwing, MFH	0186
	rockets, with inert head, MFH	0240
	smokeless powder, MFH	0183
	sodium dinitroorthocresolate, containing less than 15% water, M/M	0161
	sodium picramate, containing less than 20% water, M/M	0234
	sodium salts of nitro-aromatic derivatives, explosive	0235
	tracers for ammunition, MFH	0203
	zirconium picramate, containing less than 20% water, M/M	—
		0236
<b>class 1.3 group G</b>		
	ammunition, illuminating, MFH	0254

**Schedule 1**                      Classification of dangerous goods

column 1	column 2	column 3
class and dangerous goods		UN number
	ammunition, incendiary, without white phosphorus or phosphides, MFH	0010
	ammunition, lachrymatory, MFH	0019
	ammunition, smoke, without white phosphorus or phosphides, MFH	0016
	ammunition, tracer, MFH	0212
	bombs, photoflash, MFH	0299
	cartridges, flash, MFH	0050
	cartridges, signal, MFH	0054
	fireworks, Type C	0335
	flares, aerial	0093
	flares, surface (other than water activated flares)	0092
	fuse, igniting MFH	0316
	fuses, instantaneous, non-detonating	0101
	grenades, practice, MFH	0318
	igniters, MFH	0315
	matches, Bengal	0335
	photoflash powder in units, MFH	0305
	primers, cannon, MFH	0319
	signals, distress, ship (other than water activated devices,) MFH	0195
<b>class 1.3 group H</b>		
	ammunition, incendiary, with white phosphorus, MFH	0244
	ammunition, smoke, with white phosphorus, MFH	0246
<b>class 1.3 group J</b>		
	ammunition, incendiary, liquid or gel, MFH	0247
	explosives, group J, MFH, NOS	—
<b>class 1.3 group K</b>		
	ammunition, toxic	0021
<b>class 1.3 group L</b>		
	rockets, containing hypergolic liquids, MFH	0250

column 1	column 2	column 3
class and dangerous goods	UN number	
	water activated contrivances, with burster expelling or propelling charge, MFH	0249
<b>class 1.4 group B</b>		
	detonating fuse, NSR	0257
	detonators for blasting, electric, NSR	0255
	detonators for blasting, non-electric, NSR	0267
<b>class 1.4 group C</b>		
	ammunition, industrial, NSR	0276
	cartridges, power device, NSR	0276
	cartridges, for weapons, blank, NSR	0338
	cartridges for weapons, with inert projectile, NSR	0339
	fire extinguisher charges, expelling, NSR	0276
	oil well cartridges, NSR	0278
<b>class 1.4 group D</b>		
	charges, flexible, linear, metal clad, NSR	0237
	detonating fuse, flexible, NSR	0289
	detonating fuse, mild effect, metal clad	0104
	projectiles, with burster or bursting charge, NSR	0347
		0344
<b>class 1.4 group F</b>		
	cartridges for weapons, with bursting charge, NSR	0348
<b>class 1.4 group G</b>		
	ammunition, illuminating, NSR	0297
	ammunition, incendiary (other than water-activated ammunition) without white phosphorus or phosphides, NSR	0300
	ammunition, lachrymatory, NSR	0301
	ammunition, smoke (other than water-activated ammunition)	0303
	cartridges, signal, NSR	0312
	fireworks, type D	0336
	igniter cord, NSR	0066

**Schedule 1**                      Classification of dangerous goods

column 1	column 2	column 3
class and dangerous goods		UN number
	igniter fuse, tubular, metal clad	0103
	igniters, NSR	0325
	igniting fuse, NSR	0317
	primers, cannon, NSR	0320
	signal devices, hand	0191
	signals, smoke, without explosives sound unit	0197
	tracers for ammunition, NSR	0306
<b>class 1.4 group S</b>		
	alarm devices automatic, explosive	0001
	ammunition, industrial, NSR	0323
	ammunition, small arms, NSR	0014
	amorces	0022
	cable cutters, explosive	0070
	cartridge cases, empty with primer	0055
	cartridges, safety	{ 0012 0014
	explosive components, NSR, NOS	0349
	fire extinguisher charges, expelling, NSR	0323
	fireworks, type D	0337
	fuse lighters	0131
	grenades, practice, NSR	0110
	model rocket motors	0337
	percussion caps (primers), small arms, NSR	0044
	projectiles, inert, with tracer, NSR	0345
	release devices, explosive, NSR	0173
	rivets, explosive	0174
	safety fuse	0105
	signals, railway fog, NSR	0193
	signals, railway track, NSR	0193
	squibs	0206

column 1	column 2	column 3
class and dangerous goods		UN number
<b>class 1.5 group D</b>		
	blasting explosives, Type B	0331
	blasting explosives, Type E	0332
<b>class 3.3</b>		
	liquids having a flashpoint above 61°C but not exceeding 150°C NOS	—
<b>class 3.4</b>		
	liquids having a flashpoint above 150°C, not included in other classes	—

## Dictionary

(see reg 2)

*Note 1* The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

*Note 2* In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- ACT
- fail
- person.

***above-ground depot*** means a depot that is not an underground depot.

***amorces*** means a firework, other than a starting pistol cap, comprising a quantity of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or a mixture of any of those substances, enclosed between 2 pieces of paper or other material, the quantity of explosive substance in each amorces being not substantially more than 0.0075g.

***anhydrous ammonia*** means ammonia in compressed or liquefied form.

***approved*** means approved by the chief inspector.

***AS***—see regulation 6 (Australian Standards).

***asbestos***, for part 11 (Asbestos and asbestos products)—see regulation 296.

***asbestos product***, for part 11 (Asbestos and asbestos products)—see regulation 296.

***Australian code*** means—

- (a) for regulation 305 (Applications for exemptions for chrysotile products)—see regulation 305 (6); and
- (b) in any other case—the Australian code for the *Transport of Dangerous Goods by Road and Rail* as published in the *Commonwealth of Australia Gazette* No P 15 of 7 April 1987.

***authorised activity***, for asbestos or an asbestos product, for part 11 (Asbestos and asbestos products)—see regulation 297 (1).

***authorised activity condition***, for an authorised activity for asbestos or an asbestos product, for part 11 (Asbestos and asbestos products)—see regulation 297 (2).

***away***—a substance or article is ***away*** from another substance or article if the substances or articles—

- (a) are situated in relation to each other so that, in such circumstances as can reasonably be foreseen, neither can come into contact with the other; and
- (b) are at least 5m apart or separated by a liquid-tight brick wall, or an equivalently secure wall, at least as high as the higher of the substances or articles.

***blasting explosives*** means dangerous goods of class 1.1 group D and class 1.5, other than propellant powder.

***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.

**chief inspector**—see the Act, dictionary.

**chief inspector of machinery** means the Chief Inspector of Machinery under the *Machinery Act 1949*.

**chrysotile product**, for part 11 (Asbestos and asbestos products)—see regulation 296.

**city** means the city area.

*Note* **City area** is defined in the *Legislation Act 2001*, dict, pt 1.

**class**, of dangerous goods—see regulation 17 (Classification of dangerous goods).

**class 4.1**—see regulation 17 (Classification of dangerous goods).

**class 5.1**—see regulation 17.

**class 6.1**—see regulation 17.

**collector's permit** means a collector's permit under these regulations.

**combustible liquid** means dangerous goods of class 3.3 or 3.4.

**compatibility group**—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 classification group in schedule 1.

**compatible**—2 substances are **compatible** with each other if, when in contact with each other, they will not react chemically with each other.

**compressed gas** means dangerous goods of class 2 contained in the gaseous state under pressure.

**confetti bomb** means a firework containing not more than 30mg of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or a mixture of any of those substances, being a firework

that is designed to emit confetti together with a report when an igniting string is pulled.

***convey*** means transport.

*Note* Transport dangerous goods includes, carry, load, unload, transfer, transmit, pump or discharge the goods, see the Act, dict, def of ***transport***.

***correctly packed and labelled***, for asbestos or an asbestos product, for part 11 (Asbestos and asbestos products)—see regulation 296.

***cryogenic liquid*** means a gas that at a pressure of 101.325kPa absolute can be liquefied only by cooling below -150°C, and that is kept as a liquid at or near atmospheric pressure.

***cylinder*** means a metal package that—

- (a) has a capacity exceeding 0.1L and not exceeding 500L; and
- (b) has only 1 valve opening; and
- (c) is designed to contain goods of class 2 under pressure; and
- (d) is not a disposable container.

***dangerous goods***—

- (a) for the Act—see regulation 15 (Prescription of dangerous goods); or
- (b) for the Act, section 3 (6)—see regulation 16 (Transport of dangerous goods by road).

***depot***—

- (a) means a building, structure, room, compartment, tank, store, area or receptacle where dangerous goods are kept (other than a process building); and
- (b) for cryogenic liquid—includes all pressure regulators, safety devices, vaporisers, manifolds, pipelines and other equipment provided in relation to the depot (other than equipment for the conveyance or other handling of cryogenic liquid kept in the



depot beyond the point where it enters a pipeline at service pressure); and

- (c) for division 5.3 (Keeping of dangerous goods of class 2)—see regulation 110.

***detonating fuse*** means a fuse or cord containing a core of pentaerythritol tetranitrate or cyclotrimethylene-trinitramine or both these substances, with or without trinitrotoluene or tetryl, contained in a sheath of paper, textile yarn or plastics or any combination of them, 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 tube of metal or plastics—

- (a) 1 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) which is loaded with a charge of dangerous goods of class 1.1, group A, or of those and other dangerous goods, the charge being designed to produce an explosion of the tube that may be communicated to other tubes similarly constructed and charged.

***director***—see the Act, dictionary.

***disposable container*** means a package of or for dangerous goods of class 2.1 that is not designed to be refilled and has a capacity not exceeding 1L.

***drum*** means an immediate package having a capacity greater than 25L and not greater than 250L.

***en masse***—explosive devices explode ***en masse*** if the explosion of 1 device in a package of such devices would cause the other devices to explode simultaneously or almost simultaneously.

***executive officer***, of a corporation, means the person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

***exemption***, for part 11 (Asbestos and asbestos products)—see regulation 296.

***explosive substance*** means dangerous goods that are explosives and any other dangerous goods that are capable of exploding.

***exposure***—see regulation 77, and includes an exposure that is outside the Territory.

***external magazine*** means a magazine other than an internal magazine.

***factory area*** means the area, within premises licensed under the Act, section 19, in which process buildings, installations in connection with the manufacture of explosives, and magazines are situated, and the boundary of which area is set out in the licence for the premises.

***fire-resisting*** means—

- (a) for a structural member or other part of a building—the structural member or part has the fire-resistance rating required by the building code mentioned in the *Building Act 1972*, section 24; or
- (b) for a screen wall (other than a structural member or other part of a building)—the screen wall has the fire-resistance rating required by that building code for a non-load bearing internal or external wall of a building (other than a common or party wall).

***fire-resistance rating*** means a fire-resistance rating determined in accordance with the Fire-resistance Test of Structures set out in AS1530 call 'Fire Tests on Building Materials and Structures'.

***firework*** means an article that is designed to produce a sound or a visual display or signal by means of the ignition or explosion of an explosive substance.

***flammable gas*** means dangerous goods of class 2.1.

***flammable liquid*** means dangerous goods of class 3.1 or 3.2.

***freight container*** means a receptacle in which packaged or bulk cargo is carried as a unit capable of being conveyed intact from 1 medium of conveyance to another.

***gas-free***, in relation to a tank or cylinder, means—

- (a) that the concentration of any flammable gas or flammable liquid vapour in the tank or cylinder is not more than 5% of the lower explosive limit of the gas or vapour; and
- (b) any toxic vapour in the tank or cylinder is not more than the value stated in the publication 'National Exposure Standards for Atmospheric Contaminants in the Occupational Environment' published by the National Occupational Health and Safety Commission.

***general public display fireworks permit*** means a general public display fireworks permit issued under regulation 54.

***general store*** means a store in which dangerous goods as well as other goods are kept.

***gunpowder*** means an explosive substance mainly consisting of sulphur, charcoal or other carbon, and either potassium nitrate or sodium nitrate.

***hazard***, for part 11 (Asbestos and asbestos products)—see regulation 296.

**holder**, in relation to a licence or permit, means the person to whom it was issued.

**immediate package** means an inner package designed to be used without an outer package.

**in bulk** means—

- (a) in relation to liquid goods—that the goods are in a tank or tanks; or
- (b) in relation to other goods—that they are not in a package or packages.

**inner package** means a package the whole or a part of which is, or is to be, in physical contact with goods that are in or are to be placed in the package.

**in immediate use**—a substance or article is **in immediate use** if it is—

- (a) in actual use in a process of manufacture, mixing, blending, degreasing, cleaning, painting or testing; or
- (b) being placed in vats, mixers or other containers in the course of a process mentioned in paragraph (a); or
- (c) being conveyed within a depot or factory area; or
- (d) not kept in or on any premises for more than 12 hours.

**inspector**—see the Act, dictionary.

**internal magazine** means a receptacle for the keeping of explosives within a building.

**kind**, of dangerous goods that a depot is licensed to contain, means the kind of dangerous goods that may lawfully be kept in the depot (including any annexe to it).

**licence**, for a licensed depot, means the licence for the premises in or on which the depot is situated.

***licensed capacity*** means—

- (a) for a licensed depot—the maximum quantity of dangerous goods which the depot is licensed to contain; or
- (b) for a vehicle or vessel—the maximum quantity of dangerous goods stated in the licence for the vehicle or vessel.

***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 the Act, section 8 or 19 is for the time being in force.

***licensed transport container*** means a container in relation to which a licence under the Act, section 10 is for the time being in force.

***liquefied gas*** means dangerous goods of class 2 having a critical temperature greater than 10°C, kept as a liquid.

***magazine*** means a depot in which explosives (other than shopgoods fireworks) are kept.

***magazine keeper***, for a magazine, means a person responsible for the operation or maintenance of the magazine.

***manufactured for immediate use***—a substance or article is ***manufactured for immediate use*** if—

- (a) for explosives—after its manufacture, it is 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 it is used as soon as practicable after being placed in that position; or
- (b) in any other case—manufactured with the intention that, immediately after it is manufactured, it will be in immediate use.

***manufactured product*** means a mixture of dangerous goods of class 3 with at least 10% of solid material such as resins, waxes or pigments, and includes a paint, a lacquer, a polish, an adhesive and a varnish.

***marine distress firework*** means a firework that is designed for use in an emergency, whether at sea or on land.

***model rocket propellant device*** means a model rocket propellant device (including a model rocket motor) that—

- (a) contains less than 62.5g of propellant; or
- (b) is capable of generating a maximum force of less than 80N.

***non-combustible***, means—

- (a) in relation to a material that is part of a building—the material is not combustible within the meaning of AS 1530, entitled ‘Fire Tests on Building Materials and Structures’; or
- (b) in relation to a building or a part of a building—the building or part is constructed wholly of materials that are non-combustible as referred to in paragraph (a).

***outer package*** means a package no part of which is, or is to be, in physical contact with goods that are in or are to be placed in the package.

***package*** means a container of or for dangerous goods, but does not include—

- (a) a container of or for any goods, other than liquid goods, that contains or is capable of containing more than 400kg of such goods; or
- (b) a tank; or
- (c) a freight container; or
- (d) a container that—
  - (i) is part of or connected to; and

- (ii) contains any fuel or other substance that is to be consumed in the operations of, or otherwise utilised by;  
a vehicle or any device, machinery or equipment.

***percussion cap*** means a device being a capsule or a case of metal that—

- (a) contains dangerous goods of class 1.1, group A, 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.

***poisonous gas*** means dangerous goods of class 2.3.

***pool chlorine*** means dangerous goods of class 5.1, category B, being calcium hypochlorite, sodium dichloroisocyanurate, sodium trichloro isocyanurate, potassium dichloroisocyanurate, trichloroisocyanuric acid and other oxidising agents, in solid form, used for chlorinating swimming pool water.

***premises***—see the Act, dictionary.

***process building*** means a building 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 which 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, but does not include a building which under the terms of the licence 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.

***protected place*** means—

- (a) a public place; or
- (b) a railway, tramway or aerodrome; or
- (c) a waterway used for navigation; or
- (d) a dock, wharf, pier, jetty, reservoir (other than a reservoir forming part of the water network used by a utility under the *Utilities Act 2000*), river wall or bridge; or
- (e) a furnace, kiln, forge or fire for manufacturing purposes or for the use of any boiler, engine or machine; or
- (f) a water main or water supply channel, other than an underground main or channel; or
- (g) an electrical substation forming part of an electricity network used by a utility under the *Utilities Act 2000*; or
- (h) an electrical power transmission line carrying 1kV or more; or
- (i) a radio or television transmitter used for public broadcasting or television services.

***protected work*** means—

- (a) a house; or
- (b) a government or public building, church, chapel, college, school, hospital, theatre or public hall; or
- (c) a shop, factory, warehouse, store or other building, or a timber yard, where people are employed or engaged in any trade, business or profession; or
- (d) a building or structure in or about which people are usually present or from time to time assemble; or



- (e) a depot or process building on premises that are licensed, or required to be licensed, under the Act, section 8 (Licensing of premises) or 19 (Manufacturing licence) or that, if the premises were in the ACT, would be required to be so licensed; or
- (f) a reservoir forming part of the water network used by a utility under the *Utilities Act 2000*.

**public display fireworks permit** means a general public display fireworks permit or a special public display fireworks permit.

**public place** means a place to which the public has its own right to resort.

**pump** includes all apparatus and appliances provided for use in connection with a pump.

**quantity**, of dangerous goods that a depot is licensed to contain, means the maximum quantity of dangerous goods that may lawfully be kept in the depot (including any annexe to it).

**refillable container** means a package of or for dangerous goods of class 2 that is designed to be refilled and that has a capacity not exceeding 0.1L.

**risk**, for part 11 (Asbestos and asbestos products)—see regulation 296.

**rural industry** means an industry in which persons are engaged, whether as employees or otherwise, for hire or reward—

- (a) upon any farm, station, orchard, vineyard or agricultural holding in, or in connection with—
  - (i) dairying, poultry farming or bee farming; or
  - (ii) the sowing, raising, harvesting or treating of grain, fodder, fruit or other farm produce; or
  - (iii) the management, rearing or grazing of horses, cattle, sheep or other livestock; or

- (iv) the shearing or crutching of sheep; or
- (v) the classing, scouring, sorting or pressing of wool; or
- (vi) any other farm or station work; or
- (b) in, or in connection with, the formation, tending, protection or regeneration of forests; or
- (c) in, or in connection with, timber-getting or the transport or storing of timber; or
- (d) in the conduct of flower or vegetable market gardens or nurseries; or
- (e) in clearing, fencing, trenching, draining or otherwise preparing land for the purposes of any of the activities referred to in paragraphs (a) to (d).

***safety cartridge***—see the Act, dictionary.

***safety fuse*** means a fuse for blasting which—

- (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 1m in not less than 90 seconds or more than 110 seconds.

***screen wall*** means a wall not less than 2m high of such material and so constructed and placed as to preclude the penetration of vapour through the wall.

***sell***—see the Act, dictionary.

***separated***—a substance or article is ***separated*** from another substance or article if the substances or articles are sufficiently apart

so that they will not react chemically with each other and are, in any case, at least 1m apart.

***shopgoods fireworks*** means fireworks that contain less than 40g of an explosive substance, being fireworks other than marine distress fireworks, starting pistol caps and fireworks known as gerbes, lances, mines, mortar shells, Roman candles, rockets, wheels, salutes and torches.

***shopgoods fireworks purchasers permit*** means a permit issued under regulation 57.

***shotfirer's permit*** means a shotfirer's permit under these regulations.

***snap for bonbon crackers*** means a firework designed to emit a report when the ends of 2 connected strips, to 1 or both of which there is applied a quantity of an explosive substance, are pulled away from each other, the quantity of explosive substance in each firework being not substantially more than 0.002g.

***sparkler*** means a firework consisting of a wire or stick coated with a metallic powder mixed with an oxidising composition.

***special public display fireworks permit*** means a special public display fireworks permit issued under regulation 54.

***sprinklered*** means providing with an automatic water sprinkling system for firefighting.

***starting pistol cap*** means a firework comprising a quantity of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorous, antimony sulphide or sulphur, or a mixture of any of those substances, enclosed between 2 pieces of paper or other material and designed to be used in a starting pistol.

***streamer cone*** means a firework containing not more than 30mg of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or a mixture of any of those substances, being a firework

that is designed to emit streamers together with a report when an igniting string is pulled.

**substance**, for part 11 (Asbestos and asbestos products)—see regulation 296.

**tank** means—

- (a) a container of or for liquid dangerous goods (other than dangerous goods of class 2 or flammable liquids), and having a capacity exceeding 250L; or
- (b) a container (other than a cylinder, a refillable container or a disposable container) of or for dangerous goods of class 2, and 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 liquids, and having a capacity exceeding 250L.

**trade name**, in relation to goods, a word or expression, means—

- (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 which is in or on, or forms part of, a vehicle or vessel and which is manufactured, adapted or used for the carriage of dangerous goods.

**underground depot** means a depot that is wholly beneath the level of the ground.

**vehicle**, for part 11 (Asbestos and asbestos products)—see regulation 296.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

These regulations were originally a NSW regulation—the *Dangerous Goods Regulation 1978* (NSW).

The *Dangerous Goods Act 1975* (NSW) and the *Dangerous Goods Regulation 1978* (NSW) were applied, in a modified form, as ACT laws by the *Dangerous Goods Act 1984* (now repealed).

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including the *Dangerous Goods Act 1975*) became, for all purposes, laws made by the ACT Legislative Assembly.

The *Dangerous Goods Regulation 1978* was renamed the *Dangerous Goods Regulations 1978* by the *Law Reform (Miscellaneous Provisions) Act 1999* No 66 (see sch 4).

Under the *Dangerous Goods Act 1975*, s 55 (now expired) the *Dangerous Goods Regulations 1978* became, on 29 March 2001, for all purposes, regulations made under that Act. This completed the process of making the regulations fully into an ACT law.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

#### NSW legislation

##### **Dangerous Goods Regulations 1978**

published 11 July 1978 (NSW Gaz 1978 No 81)

reg 249 commenced 1 July 1979 (reg 249)

remainder commenced 17 July 1978 (reg 2)

as amended by

##### **Amendments of the Dangerous Goods Regulation**

published 13 February 1981 (NSW Gaz 1981 No 30)

commenced 13 February 1981

##### **Amendments of the Dangerous Goods Regulation**

published 8 January 1982 (NSW Gaz 1982 No 3)

regs 3-14 commenced 1 January 1982 (reg 1)

remainder commenced 8 January 1982

**Amendments of the Dangerous Goods Regulation**

published 23 April 1982 (NSW Gaz 1982 No 54)  
reg 2 commenced 1 May 1982 (reg 1 (1))  
reg 3 commenced 1 July 1982 (reg 1 (2))  
remainder commenced 23 April 1982

**Amendments of the Dangerous Goods Regulation**

published 24 December 1982 (NSW Gaz 1982 No 179)  
commenced 1 January 1983 (reg 1)

**Amendments of the Dangerous Goods Regulation**

published 24 June 1983 (NSW Gaz 1983 No 89)  
commenced 1 November 1983 (reg 1)

**Amendments of the Dangerous Goods Regulation**

published 14 October 1983 (NSW Gaz 1983 No 142)  
commenced 14 October 1983

**Commonwealth legislation****Dangerous Goods Act 1984 No 4 sch pt 2**

notified 16 February 1984 (Cwlth Gaz 1984 No S57)  
commenced 1 March 1984 (s 2 and Cwlth Gaz 1984 No S71)

**Dangerous Goods (Amendment) Ordinance 1984 No 69**

notified 5 December 1984 (Cwlth Gaz 1984 No S515)  
commenced 5 December 1984

**Dangerous Goods (Amendment) Ordinance (No 2) 1984 No 75 s 4**

notified 19 December 1984 (Cwlth Gaz 1984 No S530)  
commenced 19 December 1984

**Dangerous Goods (Amendment) Ordinance 1987 No 12 s 4**

notified 9 April 1987 (Cwlth Gaz 1987 No S62)  
commenced 9 April 1987

**Dangerous Goods (Amendment) Ordinance (No 2) 1987 No 18**

notified 20 May 1987 (Cwlth Gaz 1987 No S90)  
commenced 20 May 1987

## Endnotes

3 Legislation history

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### **Dangerous Goods (Amendment) Ordinance 1988 No 91**

notified 21 December 1988 (Cwlth Gaz 1988 No GN48)  
commenced 21 December 1988

### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 s 57, sch 2 pt 2**

notified 10 May 1989 (Cwlth Gaz 1989 No S 164)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
remainder commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989  
No S164)

## **Legislation after becoming Territory enactment**

### **Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 2**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
remainder commenced 14 November 1994 (s 2 (2) and see Gaz 1994  
No S250)

### **Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 2**

notified 15 December 1994 (Gaz 1994 No S280)  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
sch pt 2 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No  
S293)

### **Gas Supply Act 1998 No 16 s 64**

notified 30 June 1998 (Gaz 1998 No S180)  
s 1, s 2 commenced 30 June 1998 (s 2 (1))  
remainder commenced 1 July 1998 (s 2 (2) and Gaz 1998 No S174)

### **Dangerous Goods (Amendment) Act 1998 No 36 sch pt 2**

notified 14 October 1998 (Gaz 1998 No 41)  
commenced 14 October 1998 (s 2)

### **Dangerous Goods Regulation (Amendment) SL 1999 No 7**

notified 11 June 1999 (Gaz 1999 No S30)  
commenced 15 June 1999 (reg 1)

### **Dangerous Goods Regulation Amendment SL 1999 No 20**

notified 30 September 1999 (Gaz 1999 No S57)  
commenced 30 September 1999 (reg 1)



**Law Reform (Miscellaneous Provisions) Act 1999 No 66 sch 4**

notified 10 November 1999 (Gaz 1999 No 45)  
commenced 10 November 1999 (s 2)

**Road Transport Legislation Amendment Act 1999 No 79 sch 4**

notified 23 December 1999 (Gaz 1999 No S65)  
commenced 1 March 2000 (s 2 and see Gaz 2000 No S5)

**Utilities (Consequential Provisions) Act 2000 No 66 sch 2 pt 3**

notified 20 December 2000 (Gaz 2000 No S68)  
s 1, s 2 commenced 20 December 2000 (IA s 10B)  
sch 2 pt 3 commenced 1 January 2001 (s 2 (1) and Gaz 2000 No S69)

**Statute Law Amendment Act 2000 No 80 amdt 3.3**

notified 21 December 2000 (Gaz 2000 No S69)  
commenced 21 December 2000 (s 2 (1))

**Statute Law Amendment Act 2001 No 11 sch 3**

notified 29 March 2001 (Gaz 2001 No 13)  
commenced 29 March 2001 (s 2)

**Dangerous Goods Regulations Amendment SL 2001 No 14 pt 2, sch 1**

notified 23 May 2001 (Gaz 2001 No S28)  
commenced 23 May 2001 (reg 1)

**Dangerous Goods Regulations Amendment SL 2001 No 19**

notified 27 June 2001 (Gaz 2001 No S38)  
commenced 27 June 2001 (reg 1)

**Legislation (Consequential Amendments) Act 2001 No 44 sch 1 pt 98  
(as am by Act 2001 No 70 amdt 1.11)**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
sch 1 pt 98 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Road Transport (Public Passenger Services) Act 2001 No 62 sch 1  
pt 1.9 (as am by Act 2002 No 30 amdt 3.761)**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
sch 1 pt 1.9 om Act 2002 No 30 amdt 3.761 before commencement

## Endnotes

### 4 Amendment history

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#### **Justice and Community Safety Legislation Amendment Act 2001 No 70 amdt 1.11**

notified LR 14 September 2001

s 1, s 2 commenced 14 September 2001 (LA s 75)

amdt 1.11 commenced 12 September 2001 (s 2 (2))

*Note* This Act only amends the Legislation (Consequential Amendments Act 2001 No 44.

#### **Dangerous Goods Regulations Amendment SL 2001 No 43**

notified LR 18 October 2001

reg 1 commenced 18 October 2001 (LA s 75)

remainder commenced 1 December 2001 (reg 1 and see CN 2001 No 2)

#### **Statute Law Amendment Act 2002 No 30 pt 3.15, amdt 3.761**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.15 commenced 17 September 2002 (s 2 (1))

amdt 3.761 taken to have commenced 10 September 2001 (s 2 (2))

*Note* This Act also amends the Road Transport (Public Passenger Services) Act 2001 No 62.

#### **Dangerous Goods (Asbestos) Amendment Regulations 2003 (No 1) SL2003-50**

notified LR 22 December 2003

reg 1, reg 2 commenced 22 December 2003 (LA s 75 (1))

remainder commenced 31 December 2003 (reg 2)

as repealed by

#### **Dangerous Substances Act 2004 A2004-7 s 225**

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

s 225 commenced 5 April 2004 (s 2 and CN2004-6)

## 4 Amendment history

### **Name of regulations**

reg 1 sub Act 1999 No 66 sch 4

**Dictionary**

reg 2 om Act 1984 No 4 sch pt 2  
ins 2001 No 14 amdt 1.1

**Notes**

reg 3 am regs gazetted 8 January 1982 reg 3; regs gazetted 23 April  
1982 reg 2; regs gazetted 24 June 1983 reg 2  
om Act 1984 No 4 sch pt 2  
ins 2001 No 14 amdt 1.1

**Substances mentioned in sch 1**

reg 4 am regs gazetted 8 January 1982 reg 3; Act 1999 No 66 sch 4  
defs reloc to dict 2001 No 14 amdt 1.3  
om 2001 No 14 amdt 1.4  
def **aerosol** om 2001 No 14 amdt 1.2  
def **confetti bomb** or **streamer cone** om regs gazetted 23  
April 1982 reg 2  
def **contravene** om Act 2001 No 11 amdt 3.115  
def **council** om Act 1984 No 4 sch pt 2  
def **depot** om 2001 No 14 amdt 1.2  
def **explosive rivet** om 2001 No 14 amdt 1.2  
def **financial year** om Act 2001 No 11 amdt 3.115  
def **fire-resistance rating** om 2001 No 14 amdt 1.2  
def **fire-resisting** sub Act 1984 No 4 sch pt 2  
om 2001 No 14 amdt 1.2  
def **firework wholesaler** ins regs gazetted 23 April 1982 reg 2  
om Act 1984 No 4 sch pt 2  
def **firework wholesaler's permit** ins regs gazetted 23 April  
1982 reg 2  
om Act 1984 No 4 sch pt 2  
def **form** om Act 1984 No 4 sch pt 2  
def **fuel dispensing unit** om 2001 No 14 amdt 1.2  
def **gas-free** om 2001 No 14 amdt 1.2  
def **gun licence** ins Act 1984 No 4 sch pt 2  
om 2001 No 14 amdt 1.2

## Endnotes

### 4 Amendment history

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def **HE** om 2001 No 14 amdt 1.2  
def **licensed capacity** om 2001 No 14 amdt 1.2  
def **licensed vehicle** om regs gazetted 24 December 1982  
reg 3  
def **licensed vessel** om regs gazetted 24 December 1982 reg  
3  
def **liquid oxygen explosive** om Act 1984 No 4 sch pt 2  
def **marine distress fireworks** om Act 1984 No 4 sch pt 2  
def **M/M** om 2001 No 14 amdt 1.2  
def **ME** om 2001 No 14 amdt 1.2  
def **MFH** om 2001 No 14 amdt 1.2  
def **MSC** om 2001 No 14 amdt 1.2  
def **magazine keeper** om 2001 No 14 amdt 1.2  
def **main electrical substation** om 2001 No 14 amdt 1.2  
def **methyated spirits** om 2001 No 14 amdt 1.2  
def **NME** om 2001 No 14 amdt 1.2  
def **NOS** om 2001 No 14 amdt 1.2  
def **NSR** om 2001 No 14 amdt 1.2  
def **pail** om 2001 No 14 amdt 1.2  
def **pistol licence** sub Act 1984 No 4 sch pt 2  
om 2001 No 14 amdt 1.2  
def **protected place** om 2001 No 14 amdt 1.2  
def **protected work** am regs gazetted 23 April 1982 reg 2; Act  
1984 No 4 sch pt 2  
om 2001 No 14 amdt 1.2  
def **public display firework** om Act 1984 No 4 sch pt 2  
def **public display fireworks permit** om 2001 No 14 amdt 1.2  
def **public hall** sub Act 1984 No 4 sch pt 2  
om Act 2001 No 11 amdt 3.117  
def **public reservoir** am Act 1984 No 4 sch pt 2; Ord 1989 No  
38 sch 2 pt 2  
om 2001 No 14 amdt 1.2  
def **public road** om Act 1984 No 4 sch pt 2  
def **purchaser's permit** ins 1999 No 7 reg 3  
om 2001 No 14 amdt 1.2  
def **railway fog signal** om 2001 No 14 amdt 1.2  
def **self-service fuel dispensing unit** om 2001 No 14 amdt  
1.2  
def **separate store** om 2001 No 14 amdt 1.2  
def **shooter's licence** om Act 1984 No 4 sch pt 2  
def **Standard Fire Test** om 2001 No 14 amdt 1.2  
def **starting pistol caps** om Act 1984 No 4 sch pt 2  
def **the Act** om 2001 No 4 amdt 1.2  
def **theatre** sub Act 1984 No 4 sch pt 2  
om Act 2001 No 11 amdt 3.117

def **throwdown** om regs gazetted 23 April 1982 reg 3  
 def **town** om Act 1984 No 4 sch pt 2  
 def **vapour path** om 2001 No 14 amdt 1.2  
 pres s 4 ins 2001 No 14 amdt 1.1

#### **Incorporation of Australian Code for the Transport of Dangerous Goods by Road and Rail**

reg 5 am Act 1984 No 4 sch pt 2  
 om 1999 No 20 sch  
 ins 2001 No 14 amdt 1.1

#### **Australian Standards**

reg 6 am Act 1984 No 4 sch pt 2; Act 2001 No 11 amdt 3.118  
 om 2001 No 14 amdt 1.5  
 ins 2001 No 14 amdt 1.1

#### **Licences and permits**

div 2.1 hdg (prev pt 2 div 1 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

#### **Applications**

reg 7 am regs gazetted 23 April 1982 reg 2  
 sub Act 1984 No 4 sch pt 2; Act 2001 No 11 amdt 3.119; 2001 No 14 amdt 1.5

#### **Certain applications to be accompanied by drawings etc**

reg 8 am Act 1984 No 4 sch pt 2; Act 1999 No 66 sch 4; Act 2001 No 44 amdt 1.1033, amdt 1.1034

#### **Condition on licences for carriage of dangerous goods in vehicles**

reg 9 orig reg 9 am regs gazetted 23 April 1982 reg 2  
 om Act 1984 No 4 sch pt 2  
 (prev reg 9A) ins regs gazetted 24 June 1983 reg 2  
 renum 2001 No 14 amdt 1.6

#### **Condition on licences for carriage of dangerous goods in vehicles**

reg 9A renum as reg 9

#### **Queens' birthday public holiday—conditions on licences for retail sale of shopgoods fireworks**

reg 9B renum as reg 10

#### **Queens' birthday public holiday—conditions on licences for retail sale of shopgoods fireworks**

reg 10 orig reg 10 am Act 1984 No 4 sch pt 2  
 om 2001 No 14 amdt 1.9  
 (prev reg 9B) ins 1999 No 7 reg 4  
 am 2001 No 14 amdt 1.7, amdt 1.8  
 renum 2001 No 14 amdt 1.6

## Endnotes

4 Amendment history

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### **Change of licence or permit particulars**

reg 11 sub 2001 No 14 amdt 1.9

### **Damaged, stolen, lost or destroyed licences and permits**

reg 12 am regs gazetted 8 January 1982 reg 4  
om Act 1984 No 4 sch pt 2  
ins 2001 No 14 amdt 1.9

### **Fees**

pt 2 div 2 hdg om Act 2001 No 11 amdt 3.120

### **Fees for licences**

reg 13 am regs gazetted 24 December 1982 reg 3; Act 1984 No 4 sch  
pt 2; Ord 1984 No 75 s 4  
om Act 2001 No 11 amdt 3.120

### **Register of drivers of vehicles used to carry dangerous goods**

div 2.2 hdg (prev pt 2 div 3 hdg) ins regs gazetted 24 June 1983 reg 2  
renum R3 LA (see Act 2001 No 11 amdt 3.124)

### **Register of drivers of vehicles used to carry dangerous goods**

reg 14 orig reg 14 am Act 1984 No 4 sch pt 2  
om Ord 1984 No 75 s 4  
(prev reg 15A) ins regs gazetted 24 June 1983 reg 2  
am Ord 1987 No 12 s 4; Act 1999 No 66 sch 4; Act 1999 No  
79 sch 4  
renum 2001 No 14 amdt 1.10  
am Act 2001 No 44 amdts 1.1035-1.1037 (as am by Act 2001  
No 70 amdt 1.11); Act 2001 No 62 amdts 1.29-1.31 (amdts  
1.29-1.31 om Act No 30 amdt 3.761 before commencement);  
Act 2002 No 30 amdt 3.197; R4 LA

### **Prescription of dangerous goods**

reg 15 orig reg 15 om Act 1984 No 4 sch pt 2  
(prev reg 16) am regs gazetted 8 January 1982 reg 5; Act  
1984 No 4 sch pt 2  
renum 2001 No 14 amdt 1.10  
am R3 LA

### **Register of drivers of vehicles used to carry dangerous goods**

reg 15A renum as reg 14

### **Transport of dangerous goods by road**

reg 16 prev reg 16 renum as reg 15  
(prev reg 16A) ins Act 1998 No 36 sch pt 2  
am 2001 No 11 amdt 3.121, amdt 3.122  
renum 2001 No 14 amdt 1.10

### **Transport of dangerous goods by road**

reg 16A renum as reg 16

**Classification of dangerous goods**

reg 17 am regs gazetted 8 January 1982 reg 5; regs gazetted 23 April 1982 reg 2; Act 1999 No 66 sch 4; 2001 No 14 amdt 1.11, amdt 1.12

**Instructions in handling of dangerous goods**

reg 18 am Act 1999 No 66 sch 4

**Precautions to be observed in relation to premises (general)**

reg 19 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2

**Consignment and delivery records**

reg 20 am regs gazetted 23 April 1982 reg 2

**Dangerous occurrences**

reg 21 am regs gazetted 24 December 1982 reg 3; Act 1999 No 66 sch 4; 2001 No 14 reg 3

**General requirements in relation to dangerous goods**

reg 22 am Act 1984 No 4 sch pt 2

**Dangerous goods to be kept dry**

reg 23 am Act 1984 No 4 sch pt 2

**Equipment for use with dangerous goods**

reg 24 am Act 1999 No 66 sch 4

**Supply of liquid and gaseous dangerous goods**

reg 25 am regs gazetted 8 January 1982 reg 5; regs gazetted 14 October 1983; Act 1984 No 4 sch pt 2; 2001 No 14 amdt 1.13

**Records**

reg 26 om Act 1984 No 4 sch pt 2

**Interference with signs and labels**

reg 27 am Act 1999 No 66 sch 4

**Breach of regulations cause by emergency etc**

reg 28 hdg sub 2001 No 14 amdt 1.14  
reg 28 am regs gazetted 24 December 1982 reg 3; Act 1984 No 4 sch pt 2; Act 1999 No 66 sch 4

**Approvals**

reg 29 am Act 1984 No 4 sch pt 2; Act 1994 No 60 sch 2; Act 1999 No 66 sch 4; Act 2001 No 44 amdt 1.1038

**Maintenance of buildings etc**

reg 30 am Act 1999 No 66 sch 4

**Penalty**

reg 31 am regs gazetted 24 December 1982 reg 3; Act 1984 No 4 sch pt 2; Act 1999 No 66 sch 4; 2001 No 14 amdt 1.15

## Endnotes

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#### **Requirements for fire-extinguishers**

reg 32 am Act 1999 No 66 sch 4

#### **Requirements for self-contained breathing apparatus**

reg 33 am regs gazetted 14 October 1983; Act 1999 No 66 sch 4

#### **Apparatus for determining flashpoint**

reg 34 am regs gazetted 8 January 1982 reg 5

#### **Prescribed, excluded and authorised explosives**

div 4.1 hdg (prev pt 4 div 1 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

#### **Dangerous goods prescribed as explosives**

reg 35 am regs gazetted 8 January 1982 reg 6; 2001 No 14 amdt 1.16

#### **Application of Act, pt 4—certain explosives**

reg 36 am regs gazetted 23 April 1982 reg 2  
sub Act 1984 No 4 sch pt 2  
am 1999 No 7 reg 5

#### **Regulations not to apply to certain explosives**

reg 37 hdg am Act 1999 No 66 sch 4  
reg 37 am Act 1999 No 66 sch 4

#### **Authorised explosives**

reg 38 am Act 1984 No 4 sch pt 2; Ord 1984 No 75 s 4

#### **Safety provisions (general)**

div 4.2 hdg (prev pt 4 div 2 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

#### **Prohibited explosives (ammunition)**

reg 39 am Ord 1987 No 12 s 4

#### **Electric detonators**

reg 40 am Ord 1987 No 12 s 4

#### **Sale etc of fireworks—general restrictions**

reg 41 hdg sub 2001 No 14 reg 4  
reg 41 am regs gazetted 13 February 1981; regs gazetted 23 April 1982 reg 2, reg 3; Act 1984 No 4 sch pt 2; 1999 No 7 reg 6; 2001 No 14 regs 5-7, amdt 1.17

#### **Classification of shopgoods fireworks for sale**

reg 41A hdg (prev reg 65L hdg) sub 2001 No 14 reg 15  
renum and reloc 2001 No 14 reg 16  
reg 41A (prev reg 65L) ins 1999 No 7 reg 9  
renum and reloc 2001 No 14 reg 16

#### **Certain explosives not to be manufactured except for immediate use**

reg 42 am Act 1984 No 4 sch pt 2



**Responsibility of persons possessing explosives**

reg 43 am regs gazetted 8 January 1982 reg 6; Act 1984 No 4 sch pt 2; 1999 No 20 sch; Act 1999 No 66 sch 4; 2001 No 14 amdts 1.18-1.20

**Destruction etc of explosives**

reg 44 am Act 1984 No 4 sch pt 2

**Entry to licensed premises**

reg 45 am Act 1984 No 4 sch pt 2; Ord 1989 No 38 sch 2 pt 2; Act 1999 No 66 sch 4

**Certain fireworks not to be sold by retail except during certain periods**

reg 46 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2; Ord 1987 No 18 s 2  
om 1999 No 7 reg 7

**Fireworks not to be sold to minors**

reg 46A ins regs gazetted 23 April 1982 reg 2  
am Act 1984 No 4 sch pt 2; Ord 1984 No 69 s 2  
om 1999 No 7 reg 8

**Packages of fireworks to contain approved instructions**

reg 46B ins regs gazetted 23 April 1982 reg 3  
om Act 1984 No 4 sch pt 2

**Notification of arrival of vessel carrying explosives**

reg 48 am Act 1984 No 4 sch pt 2  
om 2001 No 14 amdt 1.21

**Notification of arrival of explosives by vessel**

reg 49 am Act 1984 No 4 sch pt 2  
om 2001 No 14 amdt 1.21

**Export of explosives by vessel**

reg 50 am Act 1984 No 4 sch pt 2; Act 1999 No 66 sch 4  
om 2001 No 14 amdt 1.21

**Authority to receive explosives**

div 4.3 hdg (prev pt 4 div 3 hdg) sub 2001 No 14 amdt 1.22

**Certain persons authorised to receive explosives**

reg 51 am Act 1984 No 4 sch pt 2; 2001 No 14 amdt 1.23, amdt 1.24

**Holders of interstate licences and permits**

reg 51A ins 2001 No 14 reg 8

**Shotfirers' permits**

reg 52 am Act 1984 No 4 sch pt 2; 1999 No 20 sch; 2001 No 14 amdt 1.25, amdt 1.26; Act 2002 No 30 amdt 3.198

## Endnotes

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### **Collectors' permits**

reg 53 am Act 1984 No 4 sch pt 2; 1999 No 20 sch; 2001 No 14 amdt 1.27, amdt 1.28; Act 2002 No 30 amdt 3.198

### **Issue of public display fireworks permits**

reg 54 am regs gazetted 14 October 1983; Act 1984 No 4 sch pt 2 sub 2001 No 14 reg 9

### **Firework wholesaler's permits**

reg 54A ins regs gazetted 23 April 1982 reg 2  
om Act 1984 No 4 sch pt 2

### **Certain records to be kept by importers and manufacturers of shopgoods fireworks**

reg 54B ins regs gazetted 23 April 1982 reg 2  
om Act 1984 No 4 sch pt 2

### **Certain records to be kept by firework wholesalers**

reg 54C ins regs gazetted 23 April 1982 reg 2  
om Act 1984 No 4 sch pt 2

### **Restrictions on certain sales of shopgoods fireworks**

reg 54D ins regs gazetted 23 April 1982 reg 2  
om Act 1984 No 4 sch pt 2

### **Conditions of public display fireworks permits**

reg 55 orig reg 55 renum as reg 58  
ins 2001 No 14 reg 9

### **Authority given by public display fireworks permits**

reg 56 am Act 1984 No 4 sch pt 2; 1999 No 20 sch  
om 2001 No 14 reg 11  
ins 2001 No 14 reg 9

### **Issue by police of permits to receive explosives**

pt 4 div 4 hdg om 1999 No 20 sch

### **Shopgoods fireworks purchasers permits**

reg 57 om 1999 No 20 sch  
ins 2001 No 14 reg 9

### **Certain persons authorised to receive explosives in the course of mining etc work**

reg 58 orig reg 58 am Act 1984 No 4 sch pt 2  
om 1999 No 20 sch  
(prev reg 55) renum 2001 No 14 reg 10

### **Production of evidence of authority to receive explosives**

reg 59 am Act 1984 No 4 sch pt 2  
om 1999 No 20 sch  
ins 2001 No 14 reg 11  
am Act 2002 No 30 amdt 3.199

**Purchase and use of fireworks**

div 4.4 hdg ins 2001 No 14 reg 12

**Permit required to purchase fireworks**reg 60 om 1999 No 20 sch  
ins 2001 No 14 reg 13**Permit required to use fireworks**reg 61 am Act 1984 No 4 sch pt 2  
om 1999 No 20 sch  
ins 2001 No 14 reg 13**Use of shopgoods fireworks—Queen's birthday holiday weekend**reg 62 om 1999 No 20 sch  
ins 2001 No 14 reg 13**Use of marine distress fireworks**reg 63 am Act 1984 No 4 sch pt 2; Ord 1987 No 12 s 4  
om 1999 No 20 sch  
ins 2001 No 14 reg 13**Dangerous use of fireworks**reg 64 om 1999 No 20 sch  
ins 2001 No 14 reg 13**Cancellation of permits**reg 65 am Act 1984 No 4 sch pt 2; Act 1994 No 60 sch 2  
om 1999 No 20 sch**Fireworks**pt 4 div 4A hdg ins 1999 No 7 reg 9  
om 2001 No 14 reg 12**Preliminary**pt 4 div 4A sdiv 1 ins 1999 No 7 reg 9  
hdg om 2001 No 14 reg 13**Shopgoods fireworks**reg 65A ins 1999 No 7 reg 9  
om 2001 No 14 reg 13**Offences**pt 4 div 4A sdiv 2 ins 1999 No 7 reg 9  
hdg om 2001 No 14 reg 13**Use of fireworks—public fireworks displays**reg 65B ins 1999 No 7 reg 9  
om 2001 No 14 reg 13**Dangerous use of fireworks**reg 65C ins 1999 No 7 reg 9  
om 2001 No 14 reg 13

## Endnotes

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### **Use of shopgoods fireworks—Queen’s birthday public holiday**

reg 65D                    ins 1999 No 7 reg 9  
                                 om 2001 No 14 reg 13

### **Purchase of shopgoods fireworks without permit**

reg 65E                    ins 1999 No 7 reg 9  
                                 om 2001 No 14 reg 13

### **Use of marine distress fireworks**

reg 65F                    ins 1999 No 7 reg 9  
                                 om 2001 No 14 reg 13

### **Purchaser’s permits**

pt 4 div 4A sdiv 3      ins 1999 No 7 reg 9  
hdg                        om 2001 No 14 reg 13

### **Application**

reg 65G                    ins 1999 No 7 reg 9  
                                 om Act 2001 No 11 amdt 3.123

### **Further information**

reg 65H                    ins 1999 No 7 reg 9  
                                 om 2001 No 14 reg 13

### **Issue**

reg 65J                    ins 1999 No 7 reg 9  
                                 om 2001 No 14 reg 13

### **Permits**

reg 65K                    ins 1999 No 7 reg 9  
                                 om 2001 No 14 reg 13

### **Classification of shopgoods fireworks—suitability for retail sale**

pt 4 div 4A sdiv 4      ins 1999 No 7 reg 9  
hdg                        om 2001 No 14 reg 14

### **Classification of shopgoods fireworks for sale**

reg 65L                    renum and reloc as reg 41A

### **Records of sale and receipt of explosives**

div 4.5 hdg              (prev pt 4 div 5 hdg) sub 2001 No 14 reg 17  
                                 renum R3 LA (see Act 2001 No 11 amdt 3.124)

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

reg 66                    am Act 1984 No 4 sch pt 2; 1999 No 7 reg 10; 2001 No 14  
                                 reg 18, reg 19, amdt 1.29, amdt 1.30

### **Records to be kept by licensee of vehicle or vessel**

reg 67                    am Act 1984 No 4 sch pt 2; 1999 No 7 reg 11

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

reg 68 am regs gazetted 14 October 1983; Act 1984 No 4 sch pt 2; Ord 1987 No 12 s 4; 1999 No 7 reg 12; 2001 No 14 reg 20, reg 21, amdts 1.31-1.34

**Manner of keeping records**

reg 68A ins 1999 No 7 reg 13

**General**

div 5.1 hdg (prev pt 5 div 1 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

**Application of pt 5**

reg 70 am regs gazetted 8 January 1982 reg 7; regs gazetted 14 October 1983; Act 1984 No 4 sch pt 2; 2001 No 14 amdt 1.35

**Only certain goods to be kept in licensed depots**

reg 74 am Act 1999 No 66 sch 4

**Depots to comply with pt 5**

reg 75 am regs gazetted 23 April 1982 reg 2; Act 1999 No 66 sch 4

**Location of depots (general)**

reg 76 am Act 1999 No 66 sch 4

**Location of depots (distance from protected works etc)**

reg 77 am Act 1999 No 66 sch 4

**Fire hazards (general)**

reg 84 am regs gazetted 23 April 1982 reg 2; Act 1999 No 66 sch 4; Act 2001 No 44 amdt 1.1039, amdt 1.1040

**Fire hazards (vehicles and other appliances)**

reg 85 am regs gazetted 23 April 1982 reg 2; regs gazetted 14 October 1983; Act 1999 No 66 sch 4; 2001 No 14 amdt 1.36

**Fire-extinguishers to be provided at certain depots**

reg 89 am Act 1999 No 66 sch 4

**Notices and labels to be exhibited at depots**

reg 90 am regs gazetted 8 January 1982 reg 7; regs gazetted 23 April 1982 reg 2

**Keeping of explosives**

div 5.2 hdg (prev pt 5 div 2 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

**Certain explosives not required to be kept in or on licensed premises**

reg 93 am regs gazetted 23 April 1982 reg 2; Ord 1987 No 12 s 4; 1999 No 20 sch; 2001 No 14 regs 22-25; 2001 No 19 reg 3 (5), (6) exp 1 July 2001 (reg (6))

## Endnotes

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**Conditions subject to which certain explosives may be kept**

reg 94 am Act 1999 No 66 sch 4; 2001 No 14 reg 26

**Conditions under which shopgoods fireworks and marine distress fireworks may be kept for sale**

reg 95 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2;  
Act 1999 No 66 sch 4

**Certain signs to be displayed**

reg 95A ins regs gazetted 23 April 1982 reg 2  
am Act 1984 No 4 sch pt 2; 1999 No 7 reg 14

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

reg 96 am Act 1999 No 66 sch 4

**Magazines (separation distances)**

reg 97 am regs gazetted 23 April 1982 reg 2

**Construction of external magazines**

reg 98 am regs gazetted 23 April 1982 reg 2

**Exhibition of notices in magazines**

reg 99 am Act 1999 No 66 sch 4

**Keeping of explosives of different compatibility groups**

reg 100 am regs gazetted 14 October 1983

**Magazines to be kept locked**

reg 104 am regs gazetted 14 October 1983

**Separation distances for depots**

reg 109A ins regs gazetted 23 April 1982 reg 2  
am Act 1984 No 4 sch pt 2

**Repacking of shopgoods fireworks**

reg 109B ins regs gazetted 23 April 1982 reg 2

**Keeping of dangerous goods of class 2**

div 5.3 hdg (prev pt 5 div 3 hdg) renum R3 LA (see Act 2001 No 11 amdt  
3.124)

**Certain gases not required to be kept in or on licensed premises**

reg 111 am regs gazetted 8 January 1982 reg 7; Act 1999 No 66 sch 4

**Depots (tanks)**

reg 113 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2;  
Act 1994 No 97 sch pt 2

**Method of storage of certain goods**

reg 116 am regs gazetted 8 January 1982 reg 7

**Depots for flammable gases (separation distances)**

reg 119 am regs gazetted 23 April 1982 reg 2

**Charging of aerosol containers and disposable containers**

reg 121 am regs gazetted 23 April 1982 reg 2; regs gazetted 14 October 1983; 2001 No 14 amdt 1.37

**Depots for poisonous gases (general)**

reg 122 am 2001 No 14 amdt 1.38

**Depots for poisonous gases (separation distances)**

reg 123 am regs gazetted 23 April 1982 reg 2

**Depots for liquid oxygen (general)**

reg 124 am regs gazetted 23 April 1982 reg 2; regs gazetted 14 October 1983; Act 1984 No 4 sch pt 2; Act 1994 No 97 sch pt 2; 2001 No 14 amdt 1.39, amdt 1.40

**Depots for liquid oxygen (separation distances)**

reg 125 am regs gazetted 8 January 1982 reg 7; regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2; Act 1999 No 66 sch 4; 2001 No 14 amdt 1.41, amdt 1.42

**Depots for cryogenic liquids other than oxygen**

reg 126 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2; Act 1994 No 97 sch pt 2

**Keeping dangerous goods of class 3**

div 5.4 hdg (prev pt 5 div 4 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

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

reg 128 am regs gazetted 8 January 1982 reg 7; Ord 1988 No 91 s 2

**Observance of code**

reg 129 am regs gazetted 8 January 1982 reg 7; regs gazetted 14 October 1983; Ord 1988 No 91 s 2

**Fuel dispensing units, other than self-service units**

reg 130 om Ord 1988 No 91 s 2

**Self-service fuel dispensing units**

reg 131 am regs gazetted 23 April 1982 reg 2; Ord 1988 No 91 s 2  
om 2001 No 14 amdt 1.43

**Location of tanks**

reg 132 am regs gazetted 8 January 1982 reg 7; Act 1984 No 4 sch pt 2

**Drainage areas**

reg 133 am Ord 1988 No 91 s 4

**Fire protection for certain above-ground tanks**

reg 134 am regs gazetted 8 January 1982 reg 7; regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2; Ord 1988 No 91 s 2

## Endnotes

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**Abandonment and disuse of underground tanks**

reg 138 am Ord 1988 No 91 s 4

**Mechanical ventilation**

reg 141 am Ord 1988 No 91 s 4

**Keeping of dangerous goods of class 4**

div 5.5 hdg (prev pt 5 div 5 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

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

reg 142 hdg am regs gazetted 14 October 1983

**Keeping of dangerous goods of class 5**

div 5.6 hdg (prev pt 5 div 6 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

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

reg 154 am regs gazetted 23 April 1982 reg 2

**Dangerous goods of class 5.1**

reg 156 am Act 1999 No 66 sch 4

**Additional requirements for dangerous goods of class 5.1, category C**

reg 160 am regs gazetted 23 April 1982 reg 2; 2001 No 14 amdt 1.44, amdt 1.45

**Dangerous goods of class 5.2 (general)**

reg 162 am Act 1999 No 66 sch 4

**Dangerous goods of class 5.2 (depots and quantities)**

reg 163 am regs gazetted 23 April 1982 reg 2

**Keeping of dangerous goods of class 6**

div 5.7 hdg (prev pt 5 div 7 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

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

reg 168 am regs gazetted 14 October 1983

**Keeping of goods of class 6**

reg 169 am Act 1999 No 66 sch 4

**Keeping of dangerous goods of class 8**

div 5.8 hdg (prev pt 5 div 8 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

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

reg 170 am regs gazetted 8 January 1982 reg 7

**Dangerous goods of class 8 (general)**

reg 171 am regs gazetted 8 January 1982 reg 7



**General**

div 6.1 hdg (prev pt 6 div 1 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

**Application of pt 6**

reg 173 am regs gazetted 8 January 1982 reg 8; regs gazetted 24 December 1982 reg 3; Act 1984 No 4 sch pt 2; 2001 No 14 amdt 1.46

**General obligation to observe pt 6**

reg 174 am regs gazetted 24 December 1982 reg 3

**Certain goods not to be carried except in or on licensed vehicles or vessels**

reg 175 am regs gazetted 8 January 1982 reg 8; Act 1999 No 66 sch 4

**Compliance with Australian code**

reg 176 sub regs gazetted 8 January 1982 reg 8

**Stowage of dangerous goods of Class 7**

reg 177 sub regs gazetted 8 January 1982 reg 8  
om Act 1984 No 4 sch pt 2

**Driving and navigation (General)**

reg 178 om regs gazetted 8 January 1982 reg 8

**Stowage (General)**

reg 179 om regs gazetted 8 January 1982 reg 8

**Carriage of goods of different kinds**

reg 180 om regs gazetted 8 January 1982 reg 8

**Carriage of goods in inner packages**

reg 181 om regs gazetted 8 January 1982 reg 8

**Stacking of foods in drums and pails**

eg 182 om regs gazetted 8 January 1982 reg 8

**Surveillance of vehicles and vessels**

reg 183 om regs gazetted 8 January 1982 reg 8

**Loading and unloading of dangerous goods at night**

reg 184 am regs gazetted 24 December 1982 reg 3

**Carriage of dangerous goods on public passenger vehicles**

reg 185 am regs gazetted 8 January 1982 reg 8; regs gazetted 23 April 1982 reg 2  
sub 2001 No 14 reg 27  
am 2001 No 43 reg 3

**Conveyance of goods in damaged or inadequate packages**

reg 186 om regs gazetted 8 January 1982 reg 8

**Ullage in tanks**

reg 187 am Act 1999 No 66 sch 4

## Endnotes

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**Signs to be exhibited on tank vehicles carrying certain goods**

reg 188 om regs gazetted 8 January 1982 reg 8

**Signs to be exhibited on vehicles carrying explosives**

reg 189 am regs gazetted 8 January 1982 reg 8; Act 1999 No 66 sch 4

**Manner and times of exhibition of sign on vehicles**

reg 190 am regs gazetted 8 January 1982 reg 8

reg 191 om regs gazetted 8 January 1982 reg 8

**Stoppage of vehicles**

reg 192 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2;  
Ord 1989 No 38 sch 2 pt 2

**Lighting of stationary vehicles**

reg 193 om regs gazetted 8 January 1982 reg 8

**Fire extinguishers**

reg 194 om regs gazetted 8 January 1982 reg 8

**Information as to safety precautions**

reg 195 om regs gazetted 8 January 1982 reg 8

**Unauthorised passengers**

reg 196 om regs gazetted 8 January 1982 reg 8

**Approval of tank vehicles**

reg 198 om regs gazetted 8 January 1982 reg 8

**Requirements for tank vehicles**

reg 199 am regs gazetted 23 April 1982 reg 2

**Fire precautions (general)**

reg 200 am regs gazetted 8 January 1982 reg 8

**Furnishing of information by consignor**

reg 204 om regs gazetted 8 January 1982 reg 8

**Conveyance of explosives**

div 6.2 hdg (prev pt 6 div 2 hdg) renum R3 LA (see Act 2001 No 11 amdt  
3.124)

**Definitions for div 6.2**

reg 205 am 2001 No 14 amdt 1.47, amdt 1.48

**Classification—carriage of more than 1 class of explosives**

reg 205A (prev reg 205 (2)) sub as reg 205A 2001 No 14 amdt 1.48

**Exemptions from div 6.2**

reg 206 sub 2001 No 14 reg 28

**Restrictions on use of vehicles**

reg 207 am regs gazetted 14 October 1983; Act 1984 No 4 sch pt 2;  
2001 No 14 amdt 1.49

**Licenses for vehicles**

reg 211 am Act 1984 No 4 sch pt 2

**Manner of driving vehicles**

reg 217 am regs gazetted 14 October 1983; Act 1984 No 4 sch pt 2;  
Ord 1989 No 38 sch 2 pt 2

**Carriage of explosives by vessels (general)**

reg 219 am regs gazetted 14 October 1983; 2001 No 14 amdt 1.50

**Navigation of vessels in convoy**

reg 220 om 2001 No 14 amdt 1.51

**Conveyance of dangerous goods of class 2**

div 6.3 hdg (prev pt 6 div 3 hdg) renum R3 LA (see Act 2001 No 11 amdt  
3.124)

**Requirements for vehicles and tanks**

reg 222 om regs gazetted 8 January 1982 reg 8

**Pumping of gases**

reg 224 am regs gazetted 8 January 1982 reg 8; Act 1984 No 4 sch pt  
2

**Gas pipelines**

reg 225 am regs gazetted 23 April 1982 reg 2; Act 1998 No 16 s 64;  
Act 2000 No 66 sch 2 pt 3

**Conveyance of dangerous goods of class 3**

div 6.4 hdg (prev pt 6 div 4 hdg) renum R3 LA (see Act 2001 No 11 amdt  
3.124)

**Carriage of carbon disulphide**

reg 228 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2;  
Act 1994 No 97 sch pt 2

**Restrictions on taking of tanks and drums into buildings**

reg 229 am regs gazetted 8 January 1982 reg 8

**Engine-driven pumping equipment**

reg 230 am regs gazetted 8 January 1982 reg 8; 2001 No 14 amdt  
1.52

**Power take-off pumps**

reg 231 am regs gazetted 8 January 1982 reg 8

**Pumping from vehicles to above-ground tanks**

reg 232 am regs gazetted 8 January 1982 reg 8

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#### **Filling and emptying of tanks on vehicles**

reg 233 am regs gazetted 8 January 1982 reg 8; 2001 No 14 amdt 1.53

#### **Pipelines**

reg 235 am regs gazetted 23 April 1982 reg 2; regs gazetted 14 October 1983; Act 1999 No 66 sch 4; 2001 No 14 amdt 1.54

#### **Conveyance of dangerous goods of class 4**

div 6.5 hdg (prev pt 6 div 5 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

#### **Restrictions on conveyance in bulk**

reg 236 am 2001 No 14 amdt 1.55

#### **Conveyance of dangerous goods of class 5**

div 6.6 hdg (prev pt 6 div 6 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

#### **Conveyance of ammonium nitrate**

reg 237 am regs gazetted 8 January 1982 reg 8; Act 1999 No 66 sch 4

#### **Conveyance of dangerous goods of class 6**

div 6.7 hdg (prev pt 6 div 7 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

#### **Conveyance of lead compounds**

reg 238 am regs gazetted 14 October 1983; Act 1984 No 4 sch pt 2; Act 1994 No 97 sch pt 2

#### **Packages to be labelled and marked as prescribed**

reg 239 am Act 1984 No 4 sch pt 2

#### **Class labels**

reg 240 am regs gazetted 8 January 1982 reg 9; regs gazetted 14 October 1983

#### **Additional class labels**

reg 241 om regs gazetted 8 January 1982 reg 9

#### **Markings**

reg 242 am regs gazetted 8 January 1982 reg 9; regs gazetted 14 October 1983

#### **Markings on freight containers**

reg 244 sub regs gazetted 8 January 1982 reg 9

#### **Method of labelling or marking**

reg 245 om regs gazetted 8 January 1982 reg 9

#### **Certain labels and writings prohibited**

reg 247 am regs gazetted 8 January 1982 reg 9; Act 1984 No 4 sch pt 2; Ord 1989 No 38 sch 2 pt 2; Act 1999 No 66 sch 4

**Packages to conform to requirements**

reg 248 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2;  
Act 2002 No 30 amdt 3.200

**Packaging requirements**

reg 249 sub regs gazetted 8 January 1982 reg 10  
am regs gazetted 23 April 1982 reg 2

**Compliance with Australian Standards**

reg 250 om regs gazetted 8 January 1982 reg 10

**Additional requirements for certain containers**

reg 251 om regs gazetted 8 January 1982 reg 10

**Hazard groups**

reg 252 om regs gazetted 8 January 1982 reg 10

**Special packaging requirements**

reg 253 am regs gazetted 8 January 1982 reg 10; Act 1984 No 4 sch  
pt 2

**Marking of packages**

reg 255 am regs gazetted 8 January 1982 reg 10; regs gazetted 24  
December 1982 reg 3; Act 1999 No 66 sch 4

**Buildings and installations to comply with pt 9**

reg 259 am Act 1999 No 66 sch 4

**Matters to be exhibited on process buildings and magazines**

reg 261 am Act 1999 No 66 sch 4

**Repairs to buildings**

reg 263 am regs gazetted 14 October 1983; Act 1999 No 66 sch 4

**Manufacture of explosives from ammonium nitrate and fuel oil**

reg 273 am Act 1999 No 66 sch 4

**Manufacture of liquid oxygen explosives**

reg 274 om Act 1984 No 4 sch pt 2

**Conveyance of liquid oxygen explosives**

reg 275 om Act 1984 No 4 sch pt 2; Act 1999 No 66 sch 4

**Blending of explosives on site (general)**

reg 276 am Act 1984 No 4 sch pt 2

**Dangerous goods of class 2**

div 10.1 hdg (prev pt 10 div 1 hdg) renum R3 LA (see Act 2001 No 11 amdt  
3.124)

**Filling of cylinders (general)**

reg 278 am regs gazetted 14 October 1983

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### **Gas equipment in vehicles**

reg 280A ins regs gazetted 24 December 1982 reg 3

### **Anhydrous ammonia**

reg 282 am regs gazetted 23 April 1982 reg 2

### **Chlorine**

reg 283 am Act 1984 No 4 sch pt 2

### **Work on LPG tankers**

reg 284A ins regs gazetted 24 December 1982 reg 3  
om Act 1984 No 4 sch pt 2

### **Valves**

reg 286 am Act 1999 No 66 sch 4

### **Dangerous goods of class 3**

div 10.2 hdg (prev pt 10 div 2 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

### **Compliance with code**

reg 288 am regs gazetted 8 January 1982 reg 11; Ord 1988 No 91 s 4;  
Act 1999 No 66 sch 4

### **Certain goods treated as dangerous goods of class 3.4**

reg 289 am regs gazetted 8 January 1982 reg 11; Act 1999 No 66 sch 4

### **Pump equipment**

reg 290 am regs gazetted 23 April 1982 reg 2; Act 1984 No 4 sch pt 2

### **Use of certain goods in hairdressing**

reg 292 am regs gazetted 8 January 1982 reg 11; Act 1984 No 4 sch pt 2

### **Notification of flash points**

reg 293 am Act 2002 No 30 amdt 3.200

### **Dangerous goods of class 4**

div 10.3 hdg (prev pt 10 div 3 hdg) renum R3 LA (see Act 2001 No 11 amdt 3.124)

### **Asbestos and asbestos products**

pt 11 hdg om LRA  
ins SL2003-50 reg 4

### **Preliminary**

div 11.1 hdg orig pt 11 div 1 hdg om LRA  
ins SL2003-50 reg 4

### **Object of pt 11**

reg 295 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4

**Definitions for pt 11**

reg 296 om Act 1984 No 4 sch pt 2  
 ins SL2003-50 reg 4  
 def **asbestos** ins SL2003-50 reg 4  
 def **asbestos product** ins SL2003-50 reg 4  
 def **authorised activity** ins SL2003-50 reg 4  
 def **authorised activity condition** ins SL2003-50 reg 4  
 def **chrysotile product** ins SL2003-50 reg 4  
     exp 31 December 2007 (reg 315 (2))  
 def **correctly packed and labelled** ins SL2003-50 reg 4  
 def **exemption** ins SL2003-50 reg 4  
     exp 31 December 2007 (reg 315 (2))  
 def **hazard** ins SL2003-50 reg 4  
 def **risk** ins SL2003-50 reg 4  
 def **substance** ins SL2003-50 reg 4  
 def **vehicle** ins SL2003-50 reg 4

**Meaning of authorised activity and authorised activity condition**

reg 297 om Act 1984 No 4 sch pt 2  
 ins SL2003-50 reg 4

**Prohibitions relating to asbestos and asbestos products**

div 11.2 hdg orig pt 11 div 2 hdg om LRA  
 ins SL2003-50 reg 4

**Prohibition on import of asbestos and asbestos products**

reg 298 om Act 1984 No 4 sch pt 2  
 ins SL2003-50 reg 4

**Prohibition on manufacture of asbestos products**

reg 299 om Act 1984 No 4 sch pt 2  
 ins SL2003-50 reg 4

**Prohibition on supply of asbestos and asbestos products**

reg 300 om Act 1984 No 4 sch pt 2  
 ins SL2003-50 reg 4  
(4), (5) exp 31 December 2007 (reg 300 (5))

**Prohibition on storage of asbestos and asbestos products**

reg 301 om Act 1984 No 4 sch pt 2  
 ins SL2003-50 reg 4  
(4), (5) exp 31 December 2007 (reg 301 (5))

**Prohibition on the use of asbestos and asbestos products**

reg 302 om Act 1984 No 4 sch pt 2  
 ins SL2003-50 reg 4  
(3), (5) exp 31 December 2007 (reg 302 (5))

**Prohibition on the re-use of asbestos and asbestos products**

reg 303 om Act 1984 No 4 sch pt 2  
 ins SL2003-50 reg 4

## Endnotes

4 Amendment history

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(2), (3) exp 31 December 2007 (reg 303 (3))

### **Prohibition on the installation of asbestos and asbestos products**

reg 304 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
(3), (4) exp 31 December 2007 (reg 304 (4))

### **Chrysotile product exemptions**

div 11.3 hdg orig pt 11 div 3 hdg om LRA  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

### **Applications for exemptions for chrysotile products**

reg 305 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
(4), table 26 item 2 exp 31 December 2004 (reg 305 (4))  
(5), table 26 item 1, item 4 exp 31 December 2006  
(reg 305 (5))  
remainder exp 31 December 2007 (reg 315 (1))

### **Decision on application for exemption**

reg 306 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

### **Conditions of exemptions**

reg 307 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

### **Term of exemption**

reg 308 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

### **Exemption not transferable**

reg 309 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

### **Form of exemption**

reg 310 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

### **Operation of an exemption**

reg 311 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))



**Compliance with exemptions**

reg 312 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

**Exemption—application to amend by exemption-holder**

reg 313 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

**Cancellation of exemption or imposition etc of conditions on chief executive's initiative**

reg 314 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

**Expiry of div 11.3**

reg 315 om Act 1984 No 4 sch pt 2  
ins SL2003-50 reg 4  
exp 31 December 2007 (reg 315 (1))

**Direction to remove dangerous goods from a wharf**

reg 316 om Act 1984 No 4 sch pt 2

**Precautions against fire**

reg 317 om Act 1984 No 4 sch pt 2

**Watchman for vessels conveying flammable goods**

reg 318 om Act 1984 No 4 sch pt 2

**Ventilation of holds containing flammable goods**

reg 319 om Act 1984 No 4 sch pt 2

**Stowage of flammable goods**

reg 320 om Act 1984 No 4 sch pt 2

**Spillage of flammable liquid in hold**

eg 321 om Act 1984 No 4 sch pt 2

**Flammable goods on wooden vessels**

reg 322 om Act 1984 No 4 sch pt 2

**Oxidizing substances and explosives**

reg 323 om Act 1984 No 4 sch pt 2

**Ammonium nitrate and ammonium nitrate fertilizers**

reg 324 om Act 1984 No 4 sch pt 2

**Toxic materials**

reg 325 om Act 1984 No 4 sch pt 2

**Separation distances**

reg 326 om Act 1984 No 4 sch pt 2

## Endnotes

4 Amendment history

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**Dangerous goods in freight containers**

pt 11 div 4 hdg om LRA

**Application of Division 4**

reg 327 om Act 1984 No 4 sch pt 2

**Gas receptacles and portable tanks**

reg 328 om Act 1984 No 4 sch pt 2

**Limit on quantities in operational areas**

reg 329 om Act 1984 No 4 sch pt 2

**Freight containers at ordinary berths**

reg 330 om Act 1984 No 4 sch pt 2

**Fire protection at container terminals and container depots**

reg 331 am regs gazetted 14 October 1983  
om Act 1984 No 4 sch pt 2

**Dangerous goods of Handling Category A**

reg 332 om Act 1984 No 4 sch pt 2

**Certain freight containers in container terminals**

reg 333 om Act 1984 No 4 sch pt 2

**Keeping of certain dangerous goods at container depots**

reg 334 om Act 1984 No 4 sch pt 2

**Dangerous goods in bulk**

pt 11 div 5 hdg om LRA

**Application of Division 5**

reg 335 om Act 1984 No 4 sch pt 2

**Handling of dangerous goods in fluid form in bulk**

reg 336 am regs gazetted 8 January 1982 reg 12  
om Act 1984 No 4 sch pt 2

**Fixed tanks**

reg 337 om Act 1984 No 4 sch pt 2

**Leakage from tanks**

reg 338 om Act 1984 No 4 sch pt 2

**Person entering a wharf**

reg 339 om Act 1984 No 4 sch pt 2

**Person boarding a vessel**

reg 340 am regs gazetted 14 October 1983  
om Act 1984 No 4 sch pt 2

**Barricades to be erected**

reg 341 om Act 1984 No 4 sch pt 2

**Use of pipelines at night**

reg 342 om Act 1984 No 4 sch pt 2

**Pumping of dangerous goods**

reg 343 om Act 1984 No 4 sch pt 2

**Berthing of certain tankers**

reg 344 om Act 1984 No 4 sch pt 2

**Berthing of vessels conveying flammable liquid or flammable gas**

reg 345 om Act 1984 No 4 sch pt 2

**Watchmen to collect matches etc**

reg 346 om Act 1984 No 4 sch pt 2

**Smoking near pipeline containing flammable liquid or flammable gas**

reg 347 om Act 1984 No 4 sch pt 2

**Use of certain equipment near tank etc containing flammable liquid or flammable gas**reg 348 am regs gazetted 14 October 1983  
om Act 1984 No 4 sch pt 2**Boiler fires**

reg 349 om Act 1984 No 4 sch pt 2

**Controlling of tankers**

reg 350 om Act 1984 No 4 sch pt 2

**Mooring of vessels**

reg 351 om Act 1984 No 4 sch pt 2

**Flammable liquids in tanks**

reg 352 om Act 1984 No 4 sch pt 2

**Scuppers to be plugged**

reg 353 om Act 1984 No 4 sch pt 2

**Pumping of dangerous goods of Class 3**

reg 354 om Act 1984 No 4 sch pt 2

**Flexible hoses**

reg 355 om Act 1984 No 4 sch pt 2

**Electrical bonding of pipelines**

reg 356 om Act 1984 No 4 sch pt 2

**Cleaning of pipelines**

reg 357 om Act 1984 No 4 sch pt 2

**Loading of flammable liquid**

reg 358 om Act 1984 No 4 sch pt 2

## Endnotes

4 Amendment history

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**Conveyance of flammable gases**

reg 359 om Act 1984 No 4 sch pt 2

**Supervision of flammable gas pipelines**

reg 360 om Act 1984 No 4 sch pt 2

**Operation of flammable gas pipelines**

reg 361 om Act 1984 No 4 sch pt 2

**Pumping of liquefied flammable gas**

reg 362 om Act 1984 No 4 sch pt 2

**Vessel conveying flammable gas to leave port without undue delay**

reg 363 om Act 1984 No 4 sch pt 2

**Handling of poisonous or corrosive dangerous goods in bulk**

reg 364 am regs gazetted 8 January 1982 reg 12  
om Act 1984 No 4 sch pt 2

**Handling of anhydrous ammonia in bulk**

reg 365 om Act 1984 No 4 sch pt 2

**Pipelines and flexible hoses used for the handling of dangerous goods**

pt 11 div 6 hdg om LRA

**Application of Division 6**

reg 366 om Act 1984 No 4 sch pt 2

**Compliance with this Division**

reg 367 om Act 1984 No 4 sch pt 2

**Installation of new pipelines**

reg 368 om Act 1984 No 4 sch pt 2

**Anhydrous ammonia pipelines**

reg 369 om Act 1984 No 4 sch pt 2

**Liquefied flammable gas pipelines**

reg 370 om Act 1984 No 4 sch pt 2

**Pipelines used to handle dangerous goods of Class 3**

reg 371 om Act 1984 No 4 sch pt 2

**Closing of rising spindle valve**

reg 372 am regs gazetted 14 October 1983  
om Act 1984 No 4 sch pt 2

**Inspector's receipt**

reg 373 sub Act 1984 No 4 sch pt 2  
am Ord 1989 No 38 sch 2 pt 2; Act 1994 No 60 sch 2; 1999  
No 7 reg 15  
om 1999 No 20 sch

**Review**

reg 374 sub Act 1984 No 4 sch pt 2  
am Ord 1989 No 38 s 57; Act 1994 No 60 sch 2; 1999 No 7  
reg 16; 1999 No 20 sch; 2001 No 14 reg 29, reg 30;  
SL2003-50 reg 5

reg 375 om Act 2001 No 44 amdt 1.1041

**Certificate—prescribed officers**

reg 376 am regs gazetted 8 January 1982 reg 13  
sub Act 1984 No 4 sch pt 2

**Classification of dangerous goods**

sch 1 am regs gazetted 8 January 1982 reg 14; regs gazetted 14  
October 1983; 2001 No 14 amdt 1.56

**Schedule 2**

sch 2 om Act 1984 No 4 sch pt 2  
Form 1 am regs gazetted 14 October 1983  
om Act 1984 No 4 sch pt 2  
Form 7 am regs gazetted 14 October 1983  
om Act 1984 No 4 sch pt 2  
Form 29 am regs gazetted 14 October 1983  
om Act 1984 No 4 sch pt 2  
Form 17A ins regs gazetted 23 April 1982 reg 2  
om Act 1984 No 4 sch pt 2  
Form 17B ins regs gazetted 23 April 1982 reg 2  
om Act 1984 No 4 sch pt 2  
Form 29 am regs gazetted 14 October 1983  
om Act 1984 No 4 sch pt 2

**Permanency test for labels**

sch 3 om regs gazetted 8 January 1982 reg 14

**Class labels**

sch 4 om regs gazetted 8 January 1982 reg 14

**Handling categories of dangerous goods**

sch 5 am regs gazetted 8 January 1982 reg 14  
om Act 1984 No 4 sch pt 2

**Maximum quantities of dangerous goods permitted on board a vessel berthed at an ordinary wharf**

sch 6 om Act 1984 No 4 sch pt 2

**Dictionary**

dict ins 2001 No 14 amdt 1.57  
am Act 2002 No 30 amdt 3.201  
def **above-ground depot** reloc from s 4 2001 No 14 amdt 1.3  
def **amorces** sub Act 1984 No 4 sch pt 2

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reloc from s 4 2001 No 14 amdt 1.3  
am Act 2002 No 30 amdt 3.202  
def ***anhydrous ammonia*** reloc from s 4 2001 No 14 amdt 1.3  
def ***approved*** reloc from s 4 2001 No 14 amdt 1.3  
def ***AS*** ins 2001 No 14 amdt 1.57  
def ***asbestos*** ins SL2003-50 reg 6  
def ***asbestos product*** ins SL2003-50 reg 6  
def ***Australian Code*** ins regs gazetted 8 January 1982 reg 3  
am regs gazetted 24 December 1982 reg 3  
reloc from s 4 2001 No 14 amdt 1.3  
sub SL2003-50 reg 7  
def ***authorised activity*** ins SL2003-50 reg 8  
def ***authorised activity condition*** ins SL2003-50 reg 8  
def ***away*** ins 2001 No 14 amdt 1.57  
def ***blasting explosives*** reloc from s 4 2001 No 14 amdt 1.3  
def ***carrying section*** reloc from s 4 2001 No 14 amdt 1.3  
def ***chief inspector*** ins Act 1994 No 98 sch pt 2  
sub Act 2001 No 11 amdt 3.113  
reloc from s 4 2001 No 14 amdt 1.3  
def ***chief inspector of machinery*** ins Act 1994 No 98 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3  
def ***chrysotile product*** ins SL2003-50 reg 8  
exp 31 December 2007 (reg 315 (2))  
def ***city*** sub Act 1984 No 4 sch pt 2; Act 2001 No 11  
amdt 3.114  
reloc from s 4 2001 No 14 amdt 1.3  
def ***class*** ins 2001 No 14 amdt 1.57  
def ***class 4.1*** ins 2001 No 14 amdt 1.57  
def ***class 5.1*** ins 2001 No 14 amdt 1.57  
def ***class 6.1*** ins 2001 No 14 amdt 1.57  
def ***collector's permit*** reloc from s 4 2001 No 14 amdt 1.3  
def ***combustible liquid*** am regs gazetted 8 January 1982  
reg 3  
reloc from s 4 2001 No 14 amdt 1.3  
def ***compatibility group*** ins 2001 No 14 amdt 1.57  
def ***compatible*** ins 2001 No 14 amdt 1.57  
def ***compressed gas*** reloc from s 4 2001 No 14 amdt 1.3  
def ***confetti bomb*** ins regs gazetted 23 April 1982 reg 2  
sub Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3  
am Act 2002 No 30 amdt 3.202  
def ***convey*** ins Act 2002 No 30 amdt 3.203  
def ***correctly packed and labelled*** ins SL2003-50 reg 8  
def ***cryogenic liquid*** reloc from s 4 2001 No 14 amdt 1.3  
def ***cylinder*** reloc from s 4 2001 No 14 amdt 1.3  
def ***dangerous goods*** ins 2001 No 14 amdt 1.57  
def ***depot*** ins 2001 No 14 amdt 1.57

sub Act 2002 No 30 amdt 3.204

def **detonating fuse** reloc from s 4 2001 No 14 amdt 1.3  
am Act 2002 No 30 amdt 3.205

def **detonator** am Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3

def **director** ins 2001 No 14 amdt 1.57

def **disposable container** reloc from s 4 2001 No 14 amdt 1.3

def **drum** reloc from s 4 2001 No 14 amdt 1.3

def **en masse** ins 2001 No 14 amdt 1.57

def **executive officer** ins 2001 No 14 amdt 1.57

def **exemption** ins SL2003-50 reg 8  
exp 31 December 2007 (reg 315 (2))

def **explosive substance** reloc from s 4 2001 No 14 amdt 1.3

def **exposure** am Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3

def **external magazine** reloc from s 4 2001 No 14 amdt 1.3

def **factory area** reloc from s 4 2001 No 14 amdt 1.3

def **fire-resisting** ins 2001 No 14 amdt 1.57

def **fire-resistance rating** ins 2001 No 14 amdt 1.57

def **firework** sub Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3

def **flammable gas** reloc from s 4 2001 No 14 amdt 1.3

def **flammable liquid** am regs gazetted 8 January 1982 reg 3  
reloc from s 4 2001 No 14 amdt 1.3

def **freight container** reloc from s 4 2001 No 14 amdt 1.3

def **gas-free** ins 2001 No 14 amdt 1.57

def **general public display fireworks permit** ins 2001 No 14  
amdt 1.57

def **general store** reloc from s 4 2001 No 14 amdt 1.3

def **gunpowder** reloc from s 4 2001 No 14 amdt 1.3

def **hazard** ins SL2003-50 reg 8

def **holder** sub Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3

def **immediate package** reloc from s 4 2001 No 14 amdt 1.3

def **in bulk** reloc from s 4 2001 No 14 amdt 1.3

def **in immediate use** ins 2001 No 14 amdt 1.57

def **inner package** reloc from s 4 2001 No 14 amdt 1.3

def **inspector** ins Act 1994 No 97 sch pt 2  
sub Act 2001 No 11 amdt 3.116  
reloc from s 4 2001 No 14 amdt 1.3

def **internal magazine** reloc from s 4 2001 No 14 amdt 1.3

def **kind** ins 2001 No 14 amdt 1.57

def **licence** ins 2001 No 14 amdt 1.57

def **licensed capacity** ins 2001 No 14 amdt 1.57

def **licensed depot** reloc from s 4 2001 No 14 amdt 1.3

def **licensed magazine** reloc from s 4 2001 No 14 amdt 1.3

def **licensed premises** am regs gazetted 23 April 1982 reg 2

## Endnotes

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reloc from s 4 2001 No 14 amdt 1.3  
def **licensed transport container** ins regs gazetted 24  
December 1982 reg 3  
reloc from s 4 2001 No 14 amdt 1.3  
def **liquefied gas** reloc from s 4 2001 No 14 amdt 1.3  
def **magazine** am regs gazetted 23 April 1982 reg 2  
reloc from s 4 2001 No 14 amdt 1.3  
def **magazine keeper** ins 2001 No 14 amdt 1.57  
def **manufactured for immediate use** ins 2001 No 14  
amdt 1.57  
def **manufactured product** reloc from s 4 2001 No 14  
amdt 1.3  
def **marine distress firework** ins Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3  
def **model rocket propellant device** ins 2001 No 14 amdt  
1.57  
def **non-combustible** reloc from s 4 2001 No 14 amdt 1.3  
def **outer package** reloc from s 4 2001 No 14 amdt 1.3  
def **package** reloc from s 4 2001 No 14 amdt 1.3  
def **percussion cap** reloc from s 4 2001 No 14 amdt 1.3  
def **poisonous gas** am regs gazetted 8 January 1982 reg 3  
reloc from s 4 2001 No 14 amdt 1.3  
def **pool chlorine** reloc from s 4 2001 No 14 amdt 1.3  
def **premises** ins Act 2002 No 30 amdt 3.206  
def **process building** am Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3  
def **propellant powder** reloc from s 4 2001 No 14 amdt 1.3  
def **protected place** ins 2001 No 14 amdt 1.57  
def **protected work** ins 2001 No 14 amdt 1.57  
def **public display fireworks permit** ins 2001 No 14 amdt  
1.57  
def **public place** am Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3  
def **pump** reloc from s 4 2001 No 14 amdt 1.3  
def **quantity** ins 2001 No 14 amdt 1.57  
def **refillable container** reloc from s 4 2001 No 14 amdt 1.3  
def **risk** ins SL2003-50 reg 8  
def **rural industry** sub Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3  
def **safety cartridge** ins Act 2002 No 30 amdt 3.206  
def **safety fuse** reloc from s 4 2001 No 14 amdt 1.3  
def **screen wall** reloc from s 4 2001 No 14 amdt 1.3  
def **sell** ins 2001 No 14 amdt 1.57  
def **separated** ins 2001 No 14 amdt 1.57  
def **shopgoods fireworks** sub regs gazetted 23 April 1982  
reg 2; Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3



def **shopgoods fireworks purchasers permit** ins 2001 No 14  
amdt 1.57

def **shotfirer's permit** reloc from s 4 2001 No 14 amdt 1.3

def **snap for bonbon crackers** sub Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3

def **sparkler** reloc from s 4 2001 No 14 amdt 1.3  
am Act 2002 No 30 amdt 3.207

def **special public display fireworks permit** ins 2001 No 14  
amdt 1.57

def **sprinklered** reloc from s 4 2001 No 14 amdt 1.3

def **starting pistol cap** ins Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3  
am Act 2002 No 30 amdt 3.208

def **streamer cone** sub regs gazetted 23 April 1982 reg 2; sub  
Act 1984 No 4 sch pt 2  
reloc from s 4 2001 No 14 amdt 1.3  
am Act 2002 No 30 amdt 3.208

def **substance** ins SL2003-50 reg 8

def **tank** sub regs gazetted 23 April 1982 reg 2  
reloc from s 4 2001 No 14 amdt 1.3

def **trade name** reloc from s 4 2001 No 14 amdt 1.3

def **transport container** ins regs gazetted 24 December 1982  
reg 3  
reloc from s 4 2001 No 14 amdt 1.3

def **underground depot** reloc from s 4 2001 No 14 amdt 1.3

def **vehicle** ins SL2003-50 reg 8

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord 1989 No 38	31 May 1993
2	Act 1994 No 97	31 January 1996
3	Act 2001 No 44	12 September 2001
4*	Act 2001 No 62	12 December 2001

## Endnotes

5 Earlier republishings

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Republication No	Amendments to	Republication date
5	Act 2002 No 30	3 October 2002
5 (RI)	A2002-30	11 June 2003
6	SL2003-50	24 December 2003

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