

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

DANGEROUS GOODS (AMENDMENT) ORDINANCE 1988

ORDINANCE NO. 91 OF 1988

The Dangerous Goods (Amendment) Ordinance 1988 (the Ordinance) amends Part 2 of the Schedule to the Dangerous Goods Ordinance 1984 (the Principal Ordinance).

Part 2 of the Schedule to the Principal Ordinance modifies the Dangerous Goods Regulation of New South Wales in its application in the ACT (the Regulation). The amendment by the Ordinance of Part 2 of the Schedule will therefore have the effect of further modifying the Regulation.

The Ordinance adopts in Part V, Division 4 of the Regulation, the new Australian Standard 1940-1988 entitled 'The Storage and Handling of Flammable and Combustible Liquids' (AS 1940-1988).

The amendments require compliance with AS 1940-1988 in relation to the keeping of dangerous goods of class 3 status. Included within this class of goods are such liquids as petrol and distillate. The adoption of AS 1940-1988, in substitution for AS 1940, permits the operation of credit card operated bowsers at service stations in the ACT. The industry is increasingly moving toward the installation of self service credit card operated bowsers and the adoption of the new Standard brings the ACT into line with NSW whilst ensuring the maintenance of the highest standards of safety.

Details of the Ordinance are included in the Attachment.

**ISSUED BY THE AUTHORITY OF THE
MINISTER OF STATE FOR THE ARTS AND
TERRITORIES**

Dangerous Goods (Amendment) Ordinance 1988

Section 1 cites the short title of the Ordinance as the Dangerous Goods (Amendment) Ordinance 1988.

Section 2 defines the "Principal Ordinance" as the Dangerous Goods Ordinance 1984.

Section 3 amends Part 2 of the Schedule to the Principal Ordinance by inserting a number of items which have the effect of amending the Regulation in its application in the Territory.

Paragraph 3(a) inserts after item 57 items 57A to 57D inclusive which make the following amendments:

Item 57A amends clause 128, which details those dangerous goods which are not required to be kept in or on licensed premises, by omitting from paragraph 5(a) the reference to AS 1940 entitled 'The SAA Flammable and Combustible Liquid Code' and substituting AS 1940-1988 entitled 'The Storage and Handling of Flammable and Combustible Liquids'.

Item 57B amends clause 129 by:

- (a) omitting from subclause (1) 'AS 1940' and substituting 'AS 1940-1988' the effect of which requires compliance with the new Standard; and
- (b) omitting subclause (2) as this is no longer appropriate as AS 1940-1988 will classify dangerous goods using the same class structure as the Regulation, whereas AS 1940 classifies dangerous goods using a different class structure and subclause (2) defines those classes in the terms used by the Regulation.

Items 57C and 57D omit clause 130 and subclauses 131(1) to (15) respectively, which deal with fuel dispensing units. This brings into operation section 5 of AS 1940-1988 which comprehensively sets out standards in relation to the dispensing of fuel, including those to apply to units designed to operate by means of a credit card.

Paragraph 3(b) inserts after item 58 item 58A, which makes a referential amendment to clause 133, which concerns drainage requirements in relation to flammable liquids at a licensed depot, by omitting 'AS 1940' (wherever occurring) and substituting 'AS 1940-1988'.

Paragraph 3(c) inserts before paragraph (a) in the third column of item 59 paragraph (aa) to make a referential amendment to clause 134, which deals with the fire protection of tanks of more than 500 cubic metres. Paragraph (aa) omits references in paragraph (1)(b) to sections 9.8 and 9.9 of AS 1940 and substitutes Rules 9.10 and 9.11 of AS 1940-1988 which concern above ground tank storage of the corresponding capacity.

Paragraph 3(d) inserts after item 59 items 59A and 59B which make amendments of a referential nature to clauses 138 and 141 respectively.

Clause 138 is amended by omitting the reference to section 8.7.8 of AS 1940 and substituting a reference to the corresponding Rule 8.7.8 of AS 1940-1988, which requires a person abandoning an underground tank to comply with that Rule.

Clause 141 requires conformity with Rule 3.4.9 of AS 1940 which concerns mechanical ventilation in indoor storage rooms and compartments. The clause is amended by omitting the reference to that Rule and by substituting a reference to Rule 3.4.9 of AS 1940-1988, which is the corresponding Rule in the new Standard.

Paragraph 3(e) inserts after item 77 item 77A, which makes a referential amendment to clause 288 to require compliance with AS 1940-1988; by omitting from subclause (2) a reference to AS 1940 and substituting a reference to AS 1940-1988.