

AUSTRALIAN CAPITAL TERRITORY

No. 2 of 1980

An Ordinance to amend the *Flammable Liquids Ordinance 1976*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twenty-sixth day of February 1980.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

FLAMMABLE LIQUIDS (AMENDMENT) ORDINANCE 1980

Short title

1. This Ordinance may be cited as the *Flammable Liquids (Amendment) Ordinance 1980*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Flammable Liquids Ordinance 1976*.²

Commencement

3. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice in the *Gazette*.

4. After section 3 of the Principal Ordinance the following section is inserted:

Crown to be bound

"3A. This Ordinance binds the Crown."

Interpretation

5. Section 5 of the Principal Ordinance is amended—

(a) by inserting before the definition of "carriage" in sub-section (1) the following definition:

- “‘Australian Standard’ means a standard published by, or on behalf of, the Standards Association of Australia;”;
- (b) by inserting after the definition of “Secretary” in sub-section (1) the following definition:
- “‘Standards Association of Australia’ means the body incorporated by Royal Charter under that name;”;
- (c) by adding at the end thereof the following sub-section:
- “(5) A reference in this Ordinance consisting of the words ‘Australian Standard’ followed by a number is a reference to the Australian Standard published under that number.”.

Delegation by Secretary

6. Section 9A of the Principal Ordinance is amended by inserting “or the regulations” after “Ordinance” (wherever occurring).

7. After Part III of the Principal Ordinance the following Part is inserted:

“PART IIIA—PRECAUTIONS TO BE TAKEN IN DISPENSING ZONES

Interpretation

“20A. In this Part—

‘dispensing pump’ means mechanical equipment that—

- (a) is operated by a motor; and
- (b) is used, or intended to be used, for the purpose of transferring flammable liquid directly into the fuel tanks of vehicles or vessels or into other receptacles;

‘dispensing zone’, in relation to premises in or on which there is installed a dispensing pump, means the zone that consists of

- (a) every part of the premises, and of the space above the premises, that is within 3 metres, measured in any plane, of the pump; and
- (b) where flammable liquid is being transferred by means of the pump into the fuel tank of a vehicle or vessel or any other receptacle—every part of the premises, and of the space above the premises, that is within 3 metres, measured in any plane, of that vehicle, vessel or receptacle;

‘heater’ means an article used, or intended to be used, for the purpose of heating the atmosphere;

‘vehicle’ means a carriage that is equipped with a fuel tank;

‘vessel’ means a ship or boat that is equipped with a fuel tank.

Application of part

“20B. This Part has effect notwithstanding any other provision of this Ordinance or of the regulations.

Precautions to be observed in handling flammable liquid

“20C. (1) A person shall not, in a dispensing zone—

- (a) remove the cap of the fuel tank of a vehicle or vessel while the engine of the vehicle or vessel is running; or
- (b) open or close an electrical switch in or on a vehicle or vessel unless the cap of the fuel tank of the vehicle or vessel is fitted to the tank in the closed position.

“(2) A person shall not, in a dispensing zone, transfer flammable liquid into the fuel tank of a vehicle or vessel while the engine of the vehicle or vessel is running.

“(3) A person shall not, in a dispensing zone, transfer flammable liquid into the fuel tank of a vehicle or vessel, or into any other receptacle, while there is, within the dispensing zone—

- (a) a naked fire or flame;
- (b) a lighted cigarette, cigar or pipe;
- (c) any burning or smouldering substance;
- (d) a heater, or any other article or substance, that is in a condition in which it is capable of igniting flammable liquid or vapour from flammable liquid; or
- (e) any article or substance that is capable of igniting spontaneously.

“(4) A person shall not, in a dispensing zone—

- (a) strike a match or operate any device that is capable of producing a flame or spark or causing ignition of any substance;
- (b) ignite any substance; or
- (c) have in his possession, a lighted cigarette, cigar or pipe.

“(5) A person shall not take into a dispensing zone—

- (a) a naked fire or flame;
- (b) any burning or smouldering substance;
- (c) a heater, or any other article or substance, that is in a condition in which it is capable of igniting flammable liquid or vapour from flammable liquid; or
- (d) any article or substance that is capable of igniting spontaneously.

Effect of failure to comply with section 20C

“20D. (1) Where, in respect of premises in or on which there is installed a dispensing pump, a requirement of section 20C is not complied with—

- (a) the occupier of the premises; and
- (b) a person who contravened or failed to comply with the requirement,

are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$500.

“(2) In a prosecution of an occupier of premises for an offence against sub-section (1) it is a defence that—

- (a) the contravention or failure to comply was done without his knowledge; or
- (b) he took reasonable steps to prevent the contravention or failure to comply.

Display of sign

“20E. (1) The occupier of premises in or on which there is installed a dispensing pump shall ensure that at all times there is clearly visible to any person entering the premises a sign in accordance with sub-section (2) bearing the following, and no other, words and figures:

NO SMOKING
PENALTY \$500
SWITCH OFF ENGINE
BEFORE OPENING
FUEL TANK

Penalty: \$500.

“(2) The words of a sign for the purpose of sub-section (1) shall—

- (a) be printed in letters not less than 50 millimetres high; and
- (b) be displayed in white on a red background.

Keeping of fire extinguishers

“20F. Notwithstanding any other provision of this Ordinance or of the regulations, the occupier of premises in or on which there is installed a dispensing pump shall keep on the premises fire extinguishers in accordance with the requirements of Rule 9.4 of Australian Standard 1940 as published on 1 September 1976.

Penalty: \$500.

This Part not to detract from operation of other provisions of this Ordinance

“20G. Compliance by the occupier of premises in or on which there is installed a dispensing pump with a provision of this Part does not excuse the occupier from compliance with any other provision of this Ordinance not inconsistent with this Part.”.

Regulations

8. Section 35 of the Principal Ordinance is amended by omitting sub-section (5).

NOTES

- 1. Notified in the *Commonwealth of Australia Gazette* on 28 February 1980.
- 2. Ordinance No. 2, 1976 as amended by No. 33, 1976; No. 46, 1978.

[The following text is extremely faint and largely illegible, appearing to be a series of notes or a list of items.]