



Australian Capital Territory

Dangerous Goods Regulations Amendment

Subordinate Law 2001 No 14

The Australian Capital Territory Executive makes the following regulations under the *Dangerous Goods Act 1975*.

Dated 22 May 2001.

BRENDAN SMYTH
Minister

MICHAEL MOORE
Minister



Australian Capital Territory

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Dangerous Goods Act 1975

Contents

	Page
Part 1	Preliminary
1	Commencement 1
Part 2	Amendments of Dangerous Goods Regulations 1978
2	Regulations amended by pt 2 2
3	Regulation 21 (2) (c) 2
4	Regulation 41, heading 2
5	Regulation 41 (1) 2

Contents

		Page
6	Regulation 41 (2)	2
7	Regulation 41 (7) and (8)	3
8	New regulation 51A	4
9	Regulation 54	4
10	Regulation 55	8
11	Regulation 56	8
12	Part 4, Division 4A, heading	10
13	Part 4, Division 4A, subdivisions 1 to 3	10
14	Part 4, Division 4A, subdivision 4, heading	12
15	Regulation 65L, heading	12
16	Regulation 65L (as amended by these regulations)	12
17	Part 4, Division 5, heading	12
18	Regulation 66 (1) (d)	12
19	Regulation 66 (1), new note	13
20	Regulation 68 (1) (b) (ii)	13
21	Regulation 68 (1), new note	13
22	Regulation 93 (2) (b)	13
23	Regulation 93 (2) (g)	13
24	Regulation 93 (2) (e) and (f)	14
25	New regulation 93 (5) and (6)	14
26	Regulation 94 (5)	14
27	Regulation 185	14
28	Regulation 206	16
29	Regulation 374 (1) (f) and (g)	16
30	Regulation 374 (1) (h), (k) and (l)	16
Part 3	Repeal of Dangerous Goods (Exemption) Regulations 1989	
31	Dangerous Goods (Exemption) Regulations 1989	17
Part 4	Amendment of Occupational Health and Safety Regulations 1991	
32	Regulations amended by pt 4	18
33	Regulation 2, definition of <i>firework</i>	18
34	Regulation 2, definition of <i>permit</i>	18

	Page
Schedule 1	
Consequential and other amendments	19

Part 1 Preliminary

1 Commencement

These regulations commence on the day they are notified in the Gazette.

Part 2 Amendments of Dangerous Goods Regulations 1978

2 Regulations amended by pt 2

This part and schedule 1 amend the *Dangerous Goods Regulations 1978*.

3 Regulation 21 (2) (c)

omit

any public display fireworks

substitute

any fireworks

4 Regulation 41, heading

substitute

41 Sale etc of fireworks—general restrictions

5 Regulation 41 (1)

omit

, sell or expose for sale

substitute

or sell

6 Regulation 41 (2)

substitute

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

-
- (a) the importation of fireworks in accordance with a licence or permit under section 17 (Import licences and permits) of the Act; or
 - (b) the manufacture of fireworks in accordance with a licence under section 19 (Manufacturing licence) of the Act; or
 - (c) the sale of fireworks in accordance with section 22 (Authority to sell) of the Act 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.

7 Regulation 41 (7) and (8)

substitute

- (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.

8 New regulation 51A*insert***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*, pt 4 (Use of explosives).

9 Regulation 54*substitute*

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 s 46 (Determination of fees) of the Act for this regulation.

Note 2 If a form is approved under s 45 (Approved forms) of the Act 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 the *Interpretation Act 1967*, dict.

- (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 s 46 (Determination of fees) of the Act for this regulation.

Note 2 If a form is approved under s 45 (Approved forms) of the Act 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

Regulation 10

- (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.

10 Regulation 55

renumber as regulation 58

11 Regulation 56

substitute

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"> 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 a permit or authorisation issued by the registrar of firearms that authorises the person to buy the safety cartridges
2	regulation 51 (2) or (3)	<ul style="list-style-type: none"> a licence under the Act authorising the keeping or conveyance of the explosives other evidence providing reasonable grounds for belief that the person is authorised to receive the explosives
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—

Regulation 12

- (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 for 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 for the licence or permit.

12 Part 4, Division 4A, heading*substitute***Division 4.4 Purchase and use of fireworks****13 Part 4, Division 4A, subdivisions 1 to 3***substitute***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.

14 Part 4, Division 4A, subdivision 4, heading

omit

15 Regulation 65L, heading

substitute

65L Classification of shopgoods fireworks for sale**16 Regulation 65L (as amended by these regulations)**

relocate as regulation 41A

17 Part 4, Division 5, heading

substitute

Division 5 Records of sale and receipt of explosives**18 Regulation 66 (1) (d)**

substitute

- (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;

19 Regulation 66 (1), new note

insert

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

20 Regulation 68 (1) (b) (ii)

substitute

- (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;

21 Regulation 68 (1), new note

insert

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

22 Regulation 93 (2) (b)

substitute

- (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;

23 Regulation 93 (2) (g)

renumber as regulation 93 (2) (h)

24 Regulation 93 (2) (e) and (f)*substitute*

- (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;

25 New regulation 93 (5) and (6)*insert*

- (5) If, at the commencement of this subregulation, a person had not more than 1t of shopgoods fireworks in or on premises that were not licensed under the Act, section 8 (Licensing of premises) for the keeping of the fireworks, subregulation 93 (2) (g) does not apply in relation to the fireworks until 1 July 2001.
- (6) Subregulation (5) and this regulation expire on 1 July 2001.

26 Regulation 94 (5)*omit*

or detonating fuse

substitute

, detonating fuse or fireworks

27 Regulation 185*substitute*

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 100.

Carriage of dangerous goods in public passenger vehicles

column 1 description of dangerous goods	column 2 maximum quantity
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

28 Regulation 206

substitute

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.

29 Regulation 374 (1) (f) and (g)

renumber as paragraphs 374 (e) and (f)

30 Regulation 374 (1) (h), (k) and (l)

substitute

- (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).

Part 3

**Repeal of Dangerous Goods
(Exemption) Regulations 1989**

31 Dangerous Goods (Exemption) Regulations 1989

repeal

Part 4 **Amendment of Occupational Health and Safety Regulations 1991**

32 Regulations amended by pt 4

This part amends the *Occupational Health and Safety Regulations 1991*.

33 Regulation 2, definition of *firework*

substitute

firework—see the Dangerous Goods Regulations, dictionary.

34 Regulation 2, definition of *permit*

omit

in force

Schedule 1 Consequential and other amendments

(see reg 2)

[1.1] New regulations 2 to 6

insert

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 *Interpretation Act 1967*, s 11F and s 11G).

3 Notes

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

Note See *Interpretation Act 1967*, s 12 (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.

[1.2] Regulation 4 (1), definitions of *aerosol, depot, explosive rivet, fire resistance rating, fire-resisting, fuel dispensing unit, gas-free, gun licence, HE, licensed capacity, M/M, ME, MFH, MSC, magazine keeper, main electrical substation, methylated spirits, NME, NOS, NSR, pail, pistol licence, protected place, protected work, public display fireworks permit, public reservoir, purchaser's permit, railway fog signal, self-service fuel dispensing unit, separate store, Standard Fire Test, the Act and vapour path*

omit

[1.3] Regulation 4 (1), remaining definitions

relocate to the dictionary

[1.4] Regulation 4, remainder

omit

[1.5] Regulations 6 and 7

substitute

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 s 45 (Approved forms) of the Act for applications, the form must be used.

[1.6] Regulations 9A and 9B

renumber as regulations 9 and 10

[1.7] Regulation 9B (3) (a) and (b)

omit

clause 65L

substitute

regulation 41A

[1.8] Regulation 9B (3) (c)

omit

purchaser's permit

substitute

shopgoods fireworks purchasers permit

[1.9] Regulations 10 and 11

substitute

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.

[1.10] Regulations 15A to 16A

renumber as regulations 14 to 16

[1.11] Regulation 17 (2)

omit

[1.12] Regulation 17 (3)

renumber as subregulation 17 (2)

[1.13] New regulation 25 (4)

insert

(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.

[1.14] Regulation 28, heading

substitute

28 Breach of regulations caused by emergency etc**[1.15] Regulation 31**

omit

\$2,000

substitute

10 penalty units

[1.16] Regulation 35 (b)

omit

clause 16

substitute

regulation 15

[1.17] Regulation 41 (4) and (5)

omit

permit under clause 54

substitute

public display fireworks permit

[1.18] Regulation 43 (6A)

omit

commissioner

substitute

chief inspector

[1.19] Regulation 43 (6A)

renumber as subregulation 43 (7)

[1.20] Regulation 43 (6B)

substitute

- (8) A person who, without reasonable excuse, fails to comply with subregulation (7) commits an offence.

Maximum penalty: 10 penalty units.

[1.21] Regulations 48 to 50

omit

[1.22] Part 4, division 3, heading

substitute

Division 4.3 Authority to receive explosives

[1.23] Regulation 51 (1)

substitute

- (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.

[1.24] Regulation 51 (2) and (3)

omit

Subject to clause 56

substitute

Subject to regulation 59

[1.25] Regulation 52 (5)

omit

subject to clause 56

substitute

subject to regulation 59 (Production of evidence of authority to receive explosives)

[1.26] Regulation 52 (6)

omit

[1.27] Regulation 53 (5)

Subject to clause 56

substitute

Subject to regulation 59 (Production of evidence of authority to receive explosives)

[1.28] Regulation 53 (6)

omit

[1.29] Regulation 66

omit

or supply

[1.30] Regulation 66

omit

or supplied

[1.31] Regulation 68

omit

or supply

[1.32] Regulation 68

omit

or supplied

[1.33] Regulation 68 (1)

omit

under the authority of the licence or are supplied by him or on his behalf to any person

[1.34] Regulation 68 (5)

omit

importation, sale or supply

substitute

importation or sale

[1.35] New regulation 70 (3)

substitute

- (3) This part applies subject to part 10 (Special requirements for certain goods).

[1.36] Regulation 85 (1)

substitute

- (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.

[1.37] Regulation 121 (1)

substitute

(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 the dictionary.

[1.38] Regulation 122 (3) (b)

omit

entitled “Atmospheric Contaminants” issued by the National Health and Medical Research Council

substitute

‘National Exposure Standards for Atmospheric Contaminants in the Occupational Environment’ published by the National Occupational Health and Safety Commission

[1.39] Regulation 124 (8) (a)

omit

in use;

substitute

in use; and

[1.40] Regulation 124 (8) (b)

omit

approved;

substitute

approved; and

[1.41] Regulation 125 (3)

omit

sites

substitute

sides

[1.42] Regulation 125 (4)

substitute

- (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.

[1.43] Regulation 131

omit

[1.44] Regulation 160 (2)

substitute

- (2) Goods must be kept in closed packages.

[1.45] Regulation 160 (4)

substitute

- (4) If only goods are kept in a store, the goods must be located at least 12m from any other building.

[1.46] Regulation 173 (2) and (3)

substitute

- (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).

[1.47] Regulation 205 (1)

omit

- (1)

[1.48] Regulation 205 (2)

substitute

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.

[1.49] Regulation 207 (4) (b) (ii)

omit

in a city

substitute

in the city area

[1.50] Regulation 219 (3) and (4)

substitute

- (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.

[1.51] Regulation 220

omit

[1.52] Regulation 230 (3)

omit

[1.53] Regulation 233 (1)

substitute

- (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.

[1.54] Regulation 235 (4)

substitute

- (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.

[1.55] Regulation 236 (b)

omit

wireless transmission

substitute

electromagnetic energy

[1.56] Schedule 1, insertion

insert after the heading 'Schedule 1'

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.

[1.57] New dictionary

insert

Dictionary

(see reg 2)

AS—see regulation 6 (Australian Standards).

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.

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.

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.

dangerous goods—

- (a) for the Act—see regulation 16 (Prescription of dangerous goods); or

-
- (b) for section 3 (6) of the Act—see regulation 16A (Transport of dangerous goods by road).

depot—

- (a) means a building, structure, room, compartment, tank, store, area or receptacle in or on which 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).

director—see the Act, dictionary.

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.

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.

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’.

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.

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.

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.

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.

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.

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 1 kV 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 section 8 (Licensing of premises) or 19 (Manufacturing licence) of the Act 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.

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).

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 purchasers permit means a permit issued under regulation 57.

special public display fireworks permit means a special public display fireworks permit issued under regulation 54.

Endnote

Regulations amended

- 1 Republished as in force on 1 January 1996. (Republication No 1). See also Acts 1998 Nos 16 and 36; SL 1999 Nos 7 and 20; Acts 1999 Nos 66 and 79; 2000 Nos 66 and 80; 2001 No 11.

Notification

- 2 Notified in Gazette 2001 No S28 on 23 May 2001.