

# **NORTHERN TERRITORY OF AUSTRALIA**

## **DANGEROUS GOODS REGULATIONS**

As in force at 1 February 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 February 2011

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## DANGEROUS GOODS REGULATIONS

Regulations under the *Dangerous Goods Act*

### Part I                      General

#### Division 1                Preliminary

##### 1                      Citation

These Regulations may be cited as the *Dangerous Goods Regulations*.

##### 2                      Interpretation

(1) In these Regulations:

***above-ground depot*** means a depot that is not an underground depot.

***Australian Code*** means the Australian Code for the Transport of Dangerous Goods by Road and Rail specified in Schedule 1.

***capacity***, in relation to a container, means the total volume of the space enclosed within the container.

***caravan*** means a structure designed or adapted for human habitation, or for use as a shop or workshop, that is capable of being moved from one place to another whether by means of towing or transporting on a vehicle or trailer and includes a vehicle designed or adapted for use as a caravan.

***Class C combustible liquids*** means Class C liquids as specified in AS 1940 "The storage and handling of flammable and combustible liquids".

***Class D combustible liquids*** means Class D liquids as specified in AS 1940 "The storage and handling of flammable and combustible liquids".

**combustible liquids** means Class C and Class D combustible liquids.

**cryogenic liquid** means a gas that, at a pressure of 101.3 kPa absolute can be liquefied only by cooling below minus 150°C, and that is kept as a liquid at or near atmospheric pressure.

**cylinder** includes metal packaging that:

- (a) has a capacity exceeding 0.1 L and not exceeding 500 L;
- (b) is designed to contain compressed or liquefiable gas under pressure; and
- (c) is not a disposable container.

**demountable tank** means a tank designed to be conveyed on a vehicle having no permanent attachment to the chassis of the vehicle.

**depot** means a building, structure, room, compartment, tank, store, area or container in or on which dangerous goods are stored, but does not include a process building.

**detonator** includes a detonating relay and an electric detonator and all adaptations of them.

**Director of Fire Services** means the Director appointed under the *Fire Services Act* and includes a nominee of the Director.

**disposable container** means packaging for Class 2 dangerous goods that is not designed to be refilled and has a capacity not exceeding 1 L.

**explosives** means class 1 dangerous goods.

**flammable gas** means Class 2.1 dangerous goods.

**flammable liquids** means Class 3 dangerous goods, and includes Class 3.1 and Class 3.2 dangerous goods.

**freight container** means a container constructed so as to be suitable for repeated use that is specifically designed to facilitate the transport of goods by one or more modes of transport without the need to reload the goods.

**fuel dispensing unit** means mechanical equipment for the delivery of Class 2.1 or Class 3 dangerous goods directly into the fuel tank of a vehicle, whether a pump is included in the equipment or not.

***fuel gas*** means a gas or mixture of gases that may be burned with air to produce light, heat or power and includes natural gas, L.P. gas and tempered L.P. gas.

***gas-free***, in relation to a tank, hold or space, means that the concentration in the tank, hold or space of:

- (a) flammable gas or vapour from a flammable liquid does not exceed 5% of the lower explosive limit of the gas or vapour; or
- (b) toxic vapour does not exceed the value of the threshold limit value specified in the publication entitled "Approved occupational health guides – Threshold limit values" published by the National Health and Medical Research Council.

***in bulk*** means, in relation to:

- (a) gaseous or liquid goods – that the goods are in a tank; or
- (b) solid goods – that the goods are in quantities exceeding 400 kg.

***inner packaging*** means packaging which is in contact with the goods placed in the packaging and which is for use inside outer packaging.

***intermediate packaging*** means packaging that contains inner packages and which for the purposes of conveyance is placed in outer packaging.

***intoxicated*** means under the influence of alcohol or a drug to the extent that the capacity to exercise proper care and skill is significantly impaired.

***laboratory*** means premises, or a part of premises as specified by the Competent Authority, in or on which dangerous goods are handled for research, analysis or educational purposes.

***licensed depot*** means a depot in or on licensed premises and specified as a depot or magazine in the licence in respect of the premises.

***liquefied gas*** means Class 2 dangerous goods having a critical temperature greater than 10°C, kept as a liquid.

***L.P. gas*** means liquefied petroleum gas that is a mixture of hydrocarbon comprised substantially of propane or butane, or both, in a liquid or gaseous state.

**magazine** means any premises, place, receptacle or ship specified in a licence as a magazine for the storage of explosives.

**MSC** means metric standard conditions of pressure and temperature, being a pressure of 101.3 kPa absolute and a temperature of 15°C.

**natural gas** means a mixture containing hydrocarbons comprised substantially of methane obtained from bore holes or from crude oil other than by thermal or catalytic process.

**occupier** includes a person handling or selling dangerous goods in or on premises and the person to whom a licence in respect of premises is granted.

**on site** means at, or adjacent to, the place of use.

**outer packaging** means packaging which contains one or more inner packages.

**owner**, in relation to a vehicle, means the person:

- (a) described in a certificate of registration issued under the *Motor Vehicles Act*, or under a law of a State or Territory relating to the registration of vehicles, in that State or Territory, as the owner;
- (b) in possession of the vehicle pursuant to a valid and subsisting contract under a hire purchase agreement or the assignee of the right to possession;
- (c) in possession of the vehicle that is subject to a valid and subsisting bill of sale; or
- (d) in possession of the vehicle pursuant to a current contract for hire or lease.

**package** means packaging and its contents.

**packaging** means any device that is designed to contain goods, but does not include a tank, road tank vehicle, demountable tank or a freight container.

**poisonous gas** means Class 2.3 dangerous goods.

**process building** means a building in or on licensed premises in which dangerous goods (other than those for immediate use) are manufactured or are used in any process of manufacture, but does not include a building which under the terms of the licence or of an order in writing by the Competent Authority, is not to be regarded as a process building.

**protected place** means a:

- (a) public place;
- (b) railway or aerodrome;
- (c) waterway used for navigation;
- (d) dock, wharf, pier, jetty, reservoir, river, wall, sea wall or bridge;
- (e) water main or water supply channel, other than an underground main or channel;
- (f) main electrical substation;
- (g) electrical power transmission line having a line voltage of 1 kV or more; or
- (h) radio or television transmitter used in community broadcasting or television services.

**protected work** means a:

- (a) residential building;
- (b) government or public building, church, chapel, college, school, hospital or premises licensed under the *Places of Public Entertainment Act*, or any other premises where the public are accustomed to assemble;
- (c) shop, factory, warehouse, store or other premises, or a yard in which persons are employed or engaged in a trade, business or profession; or
- (d) a depot or process building situated in or on licensed premises.

**public place** means a place other than buildings to which the public has its own right to resort whether or not on payment of money or other consideration and includes a public highway or street.

**pump** includes all apparatus and appliances provided for use in connection with a pump.

**refillable container** means a package of or for Class 2 dangerous goods that is designed to be refilled and that has a capacity not exceeding 0.1 L.

**road tank vehicle** means a vehicle designed or used for the transport of liquid or gases in bulk.

**screen wall** means a wall not less than 2 m high of such material and so constructed and placed as to preclude the penetration of vapour through the wall.

**subsidiary risk** means a risk in addition to that of the class to which the goods are assigned and which is determined by a requirement to have a subsidiary risk label under the provisions of section 3.2.2 of the Australian Code.

**tank** means:

- (a) a container of or for liquid dangerous goods (other than Class 2 dangerous goods) having a capacity exceeding 250 L;  
or
- (b) a container (other than a cylinder, a refillable container or a disposable container) of or for Class 2 dangerous goods and designed to contain gas under pressure.

**tempered L.P. gas** means gas manufactured by mixing liquefied petroleum gas with air.

**town** has the same meaning as in the *Crown Lands Act*.

**underground depot** means a depot that is wholly beneath the level of the ground.

- (2) A reference in these Regulations to the abbreviation "AS" followed by a group of numerals or letters, or numerals and letters, is a reference to the Australian Standard, indicated by that group, published by the Standards Association of Australia.
- (3) Where a standard, rule, code or specification adopted by these Regulations, whether in whole or in part, refers to another document, that document shall be deemed to be incorporated with, and form part of, the standard, rule, code or specification.

- (4) A reference in these Regulations to a standard, rule, code or specification includes a reference to the edition of, and to the amendments to, the standard, rule, code or specification specified in Schedule 1.
- (5) Unless the contrary intention appears, a standard, rule, code or specification referred to in these Regulations shall be read as though:
  - (a) **should** means **shall**;
  - (b) a reference to the **statutory authority** or similar body is a reference to the Competent Authority; and
  - (c) a recommendation is a requirement.
- (6) Where a standard, rule, code or specification adopted by these Regulations is inconsistent with these Regulations, the latter shall prevail and the former shall, to the extent of the inconsistency, be invalid.
- (7) Where there is a discrepancy, conflict or inconsistency between one or more standards, rules, codes or specifications adopted by these Regulations, the Competent Authority shall determine by notice in writing which standard, rule, code or specification shall prevail and the standard, rule, code or specification so determined shall be complied with.
- (8) Unless the contrary intention appears, a reference in these Regulations to:
  - (a) a licence is a reference to a licence that is in force;
  - (b) licensed premises is a reference to premises in relation to which a licence is issued;
  - (c) a licence for a licensed depot is a reference to the licence in relation to the premises in or on which the depot is situated;
  - (d) the kind or quantity of dangerous goods which premises are licensed to contain is a reference to the kind and maximum quantity of dangerous goods that may lawfully be stored in the premises;
  - (f) a depot for cryogenic liquid includes a reference to all pressure regulators, safety devices, vaporizers, manifolds, pipelines and other equipment provided in connection with the depot, but does not include a reference to equipment for the handling of the goods stored in the depot beyond the point at which they enter a pipeline at service pressure; and

- (g) the volume of dangerous goods is a reference to the volume of dangerous goods measured at MSC.
- (9) For the purposes of these Regulations, unless the contrary intention appears:
  - (a) a substance or article is away from another substance or article if:
    - (i) the substance or article is so situated in relation to the other that, in such circumstances as can reasonably be foreseen, one cannot come into contact with the other; and
    - (ii) there is between them:
      - (A) a distance of not less than 5 m; or
      - (B) a wall impervious to liquid, being a brick wall or equivalent, at least as high as the higher of the substances or articles;
  - (b) a substance or article is separated from another substance or article if the substances or articles are sufficiently distant one from the other that they will not react chemically with each other and, in any case, not less than one metre apart;
  - (c) 2 substances are compatible with each other if, when in contact with each other, they will not react chemically with each other;
  - (d) a substance or article is in immediate use if it is:
    - (i) in actual use in a process of manufacture, mixing, blending, degreasing, cleaning, painting or testing;
    - (ii) being placed in vats, mixers or other containers in the course of any such process;
    - (iii) being conveyed within a depot or a process building; or
    - (iv) not stored in or on premises for more than 12 hours continuously,and a substance or article, other than an explosive, is manufactured for immediate use if it is manufactured with the intention that, immediately after it is manufactured, it will be in immediate use; and

- (e) an explosive is manufactured for immediate use if, after its manufacture, it is:
    - (i) stored in or on the premises where it was manufactured for less than 12 hours continuously before it is placed in its position of final use; and
    - (ii) used as soon as practicable after being placed in its position of final use.
- (10) A reference in these Regulations to a class of dangerous goods is a reference to:
  - (a) the class of goods designated by the number or numbers given in column 3 to the substance specified in column 2 of section 9.4 or Table 10.4 of the Australian Code; or
  - (b) where the substance is not specified in section 9.4 or Table 10.4 of the Australian Code, the class that is assigned to the substance by the application of the class definition of section 2.2 of the Australian Code.
- (11) A reference in these Regulations to a packaging group of dangerous goods:
  - (a) is a reference to the packaging group designated by a Roman numeral in column 7, in respect of the substance specified in column 2, of section 9.4 of the Australian Code; or
  - (b) where the substance is not specified in section 9.4 of the Australian Code, to the packaging group that is assigned to the substance by the application of the criteria given in section 5.1.2 of the Australian Code.
- (12) A reference in these Regulations to a United Nations identification number or to "U.N. No. " is a reference to the substance identification serial number specified in the United Nation's publication entitled "Transport of Dangerous Goods".
- (13) Where in these Regulations a reference to explosives is followed by a letter, that letter is a reference to the compatibility group of that explosive so designated by the letter following the class number in column 3 of Table 10.4 of the Australian Code or, where no letter is designated in column 3, the compatibility group as determined by the application of the definition in Table 10.3 of the Australian Code.
- (14) A reference in these Regulations to a prescribed fee is a reference to the fee specified in column 2 of Schedule 2 in respect of the regulation specified in column 1 of that Schedule.

## **Division 2                Licences**

### **Subdivision 1          Requirement for licences**

#### **3                          Manufacture of dangerous goods**

- (1) A person must not manufacture dangerous goods except under and in accordance with the terms and conditions of a licence.

Maximum penalty:        40 penalty units.

- (2) This regulation does not apply in relation to the filling of safety cartridges in the manner prescribed in regulation 81.

#### **4                          Storage of dangerous goods**

- (1) A person must not store dangerous goods on premises except under and in accordance with the terms and conditions of a licence.

Maximum penalty:        40 penalty units.

- (2) A person licensed to manufacture dangerous goods on premises may store on the premises the goods manufactured under the licence.

- (3) Subregulation (1) does not apply if the person is exempt under regulation 91, 144, 208 or 210.

#### **5                          Conveyance of dangerous goods**

A person must not convey any dangerous goods (other than by road or rail transport) except under and in accordance with the terms and conditions of a licence.

Maximum penalty:        40 penalty units.

#### **5A                        Precautions**

A person who is conveying dangerous goods (other than by road or rail transport) must take the precautions that are reasonably necessary to prevent access to the goods being gained by persons who are not authorised by or under these Regulations to gain access to the goods.

Maximum penalty:        40 penalty units.

**5B                      Sale of dangerous goods**

- (1) A person must not sell dangerous goods prescribed in regulation 129 except under and in accordance with the terms and conditions of a licence.

Maximum penalty:        40 penalty units.

- (2) A person must not sell dangerous goods in a public place within the meaning of the *Summary Offences Act*.

Maximum penalty:        40 penalty units.

- (3) Subregulation (1) does not apply if the person is exempt under regulation 127 or 130.

**5C                      Import or export of dangerous goods**

- (1) A person must not import or export dangerous goods prescribed in regulation 84 into or out of the Territory unless he or she has given the Competent Authority the approved notice of his or her intention to import or export the dangerous goods and has received the approval of the Competent Authority to import or export the dangerous goods.

Maximum penalty:        40 penalty units.

- (2) The Competent Authority may approve, with or without conditions, the import or export of dangerous goods prescribed in regulation 84 into or out of the Territory.

- (3) A person must not import or export dangerous goods prescribed in regulation 84 into or out of the Territory without the prior approval of the Competent Authority.

Maximum penalty:        40 penalty units.

- (4) A person who is importing dangerous goods prescribed in regulation 84 into the Territory must, immediately after the dangerous goods arrive in the Territory, serve on the Competent Authority the approved notice of their arriving in the Territory.

Maximum penalty:        40 penalty units.

**5D                      Possession of dangerous goods**

- (1) A person must not have any dangerous goods prescribed in regulation 131 in his or her possession except under and in accordance with the terms and conditions of a licence.

Maximum penalty:        40 penalty units.

- (2) Subregulation (1) does not apply if the person is exempt under regulation 131.

**5E                      Authorised explosives**

- (1) The Competent Authority may, by notice in the *Gazette*, authorise the handling of the explosives or class of explosives specified in the notice in the circumstances and subject to the conditions that are specified in the notice.

- (2) The Competent Authority may, by instrument, authorise a person to handle a specified explosive subject to the conditions specified in the instrument.

- (3) A person must not handle explosives specified under subregulation (1) or (2) except in the circumstances and subject to the conditions specified in the notice or instrument, as the case may be.

Maximum penalty:        40 penalty units.

- (4) A person must not handle an explosive unless authorised to do so.

Maximum penalty:        40 penalty units.

**Subdivision 2        Applications etc.**

**5F                      Applications**

- (1) A person may apply to the Competent Authority for a licence.
- (2) An application under subregulation (1) must be accompanied by the prescribed fee.

**5G                      False or misleading applications**

A person must not make a statement in an application under regulation 5F that is false or misleading in a material particular.

Maximum penalty:        17 penalty units.

## **5H                      Determination of application**

- (1) Subject to these Regulations, the Competent Authority must consider an application made under regulation 5F and may determine it by:
  - (a) granting the licence conditionally or unconditionally; or
  - (b) refusing to grant the licence.
- (2) If the Competent Authority grants a licence subject to conditions, the conditions must be as prescribed in regulation 7 or 8 or as the Competent Authority considers necessary in a particular case.
- (3) A licence must not be granted to a person who is under 18 years of age.

## **5J                      Form of licence**

A licence must be in accordance with the approved form and must specify the premises, ship or aircraft in relation to which it is issued.

## **5K                      Variation etc. of conditions of licence**

- (1) The Competent Authority may serve on a licensee notice that a condition of his or her licence is varied or revoked or that a new condition has been added to his or her licence.
- (2) The variation, revocation or addition of a condition takes effect on service of the notice under subregulation (1).
- (3) The licensee must, within 21 days of receiving a notice under subregulation (1), produce his or her licence to the Competent Authority for the variation, revocation or addition of the condition to be endorsed on it.
- (4) A licensee may apply to the Competent Authority for a condition of his or her licence to be varied or revoked or for a new condition to be added to his or her licence.
- (5) An application under subregulation (4) must:
  - (a) be in writing; and
  - (b) specify details of the condition in respect of which the variation or revocation is applied for or the condition that is to be added to the licence, as the case may be; and
  - (c) be accompanied by the licence to which the application relates and the prescribed fee.

- (6) The Competent Authority, after receiving an application under subregulation (4), may vary, revoke or add the condition as specified in the application and must endorse the licence accordingly.

## **5L            Cancellation or suspension of licence**

- (1) The Competent Authority may, by instrument served on a licensee:
- (a) cancel; or
  - (b) suspend for a period specified in the instrument,
- a licence if:
- (c) the licensee has been found guilty of an offence against the Act or these Regulations;
  - (d) the licensee has contravened or failed to comply with:
    - (i) a condition of the licence; or
    - (ii) the written directions of an officer; or
  - (e) the Competent Authority is of the opinion that, in the interests of any person, the licence should be cancelled or suspended.
- (2) If a licence is cancelled under subregulation (1), the licensee must return the licence to the Competent Authority within 14 days of being notified that the licence has been cancelled.

Maximum penalty:       17 penalty units.

## **5M            Appeals**

- (1) A person who is dissatisfied with a decision of the Competent Authority under this Subdivision may appeal to the Local Court against the decision.
- (2) An appeal under subregulation (1) must:
- (a) be made within 28 days after the date on which the person received notice of the decision; and
  - (b) be in writing setting out the grounds on which the person makes the appeal.
- (3) A copy of the application must be served on the Competent Authority.

- (4) The Local Court must conduct a hearing, in the manner it thinks fit, into the reasons for the Competent Authority having made the decision appealed against.
- (5) The Local Court hearing an appeal has all the powers, duties and functions of the Competent Authority in relation to the matter to which the appeal relates.
- (6) The Local Court must determine the appeal by:
  - (a) confirming the decision of the Competent Authority;
  - (b) varying the decision of the Competent Authority in any manner as it thinks fit;
  - (c) substituting the Local Court's own decision for the decision of the Competent Authority; or
  - (d) disallowing the decision of the Competent Authority.
- (7) A determination under subregulation (6) takes effect:
  - (a) on the date specified in the determination; or
  - (b) if no date is specified – on the date of the determination.

## **5N Replacement licence**

- (1) If a licence is lost, defaced or destroyed, the licensee may apply to the Competent Authority for a replacement licence.
- (2) An application under subregulation (1) must be in the approved form and accompanied by:
  - (a) a statutory declaration by the licensee setting out details of the loss, defacing or destruction; and
  - (b) the prescribed fee.
- (3) A replacement licence must be in the same terms and subject to the same conditions as the original licence.

## **6 Particulars, &c., in applications**

- (1) Subject to subregulation (4), an application for a licence shall be accompanied by drawings of, and specifications and calculations relating to, the premises or vehicle to which the application relates.

- (2) The drawings, specifications and calculations referred to in subregulation (1) shall:
- (a) be such as to enable the Competent Authority to determine whether the premises or vehicle conform to the Act and these Regulations; and
  - (b) in the case of premises in or on which it is proposed that a depot be situated, show the distance from the depot to:
    - (i) all occupied buildings or buildings to be occupied in or on the premises;
    - (ii) all other depots or proposed depots in or on the premises;
    - (iii) each depot and protected work outside the premises within twice the separation distance specified in these Regulations in respect of the proposed depot; and
    - (iv) all sources of ignition and similar hazards in or on premises and places adjacent to the premises to which the application relates.
- (3) The Competent Authority may require an applicant to furnish drawings, specifications or calculations, additional to those required by subregulation (2).
- (4) This regulation does not apply to an application for:
- (a) a renewal of a licence;
  - (b) an addition, variation or revocation of a condition of a licence which does not relate to the physical specifications of the licensed premises or vehicle; or
  - (c) a replacement licence.

## **7                      General conditions**

A licence:

- (a) is not transferable;
- (b) is valid only in respect of:
  - (i) the premises or vehicle in relation to which it is issued;
  - (ii) the activity, nature, type and quantity of dangerous goods specified in it; and

- (iii) the person named in it or, where specified in the licence, the employee, agent or person under the direct supervision of the licensee; and
- (c) commences on the date of grant and remains in force until the expiry date specified in the licence unless sooner cancelled or suspended in accordance with these Regulations.

## **8                      Conditions that may apply**

A licence is subject to the conditions specified in it which may include conditions relating to:

- (a) the formulation of rules by the licensee to ensure:
  - (i) compliance with the Act and these Regulations by his employees or persons under his direct supervision;
  - (ii) the safety of employees or persons under his control; or
  - (iii) the safety of the public;
- (b) the type and maximum quantity of dangerous goods that may be handled at any one time;
- (c) the processes to be used in the manufacture of dangerous goods;
- (d) the construction and fitting out of premises;
- (e) the use and display of warning signs;
- (f) the types of tools, implements, machinery or devices to be used in the handling of dangerous goods;
- (g) safety measures, protective equipment, fire protection equipment and emergency equipment to be used;
- (h) training to be provided to employees and other persons in relation to the measures and equipment provided in accordance with paragraph (g);
- (j) the use of equipment for measuring or monitoring the atmospheric concentration of dangerous goods together with the frequency of testing;
- (k) records to be maintained;
- (m) conditions of entry of persons to premises and vehicles;
- (n) security measures; and

- (p) repair and maintenance methods to be used in respect of premises, vehicles and equipment used in the handling of dangerous goods.

## **9            Alteration to premises**

A licensee shall not make a substantial alteration to licensed premises in relation to which a licence is issued unless the alteration has been approved in pursuance of an application made under regulation 5.

## **10          Inspection, &c., of dangerous goods**

- (1) A person may request an officer to:
  - (a) carry out an inspection, examination, test or analysis of;
  - (b) dispose of; or
  - (c) perform any other service in relation to,dangerous goods.
- (2) Subject to subregulation (3), a request under subregulation (1) shall be made to the Competent Authority in an approved form accompanied by the prescribed fee.
- (3) No fee shall be charged in respect of an inspection relating to the grant or renewal of a licence.

## **11          Design approval fees**

Where designs are submitted under the Act or these Regulations to the Competent Authority for approval, they shall be accompanied by the prescribed fee.

# **Division 3            General Precautions**

## **13          General precautions to be observed**

Except in accordance with the Act or these Regulations, a person shall not, in respect of dangerous goods, do any act that may cause fire, explosion, spillage or the escape of dangerous goods, or do any act that is not reasonably necessary for the purposes of, or incidental to, the handling of the dangerous goods.

**14                      Placing of notices by officer**

- (1) Where, under section 18(1)(k) or (3)(e) of the Act an officer has given a direction or, under section 21, takes an action authorised by that section, he or she may, for the purposes of that direction or action, place a notice on the dangerous goods or on or in any premises, vehicle, equipment or container used in the handling of the dangerous goods, to which the direction or action relates.
- (2) A notice under subregulation (1) may specify actions that are prohibited or measures to be taken in handling the dangerous goods to which the notice relates.
- (3) An action that is prohibited by a notice under this regulation remains prohibited until such time as the notice is removed.
- (4) A person, other than an officer or a person authorized by an officer, shall not remove a notice placed in accordance with subregulation (1) on dangerous goods or on or in any premises, vehicle, equipment or container used in the handling of dangerous goods.

**15                      Dangerous goods in unsafe condition not to be handled**

A person shall not:

- (a) manufacture dangerous goods that are unsafe; or
- (b) import into the Territory, sell, or handle dangerous goods that are not in good condition or are unsafe.

**16                      Equipment for use with dangerous goods**

A person shall not sell or supply equipment for use with dangerous goods that:

- (a) is unsafe for use with those dangerous goods; and
- (b) where these Regulations prescribe requirements in relation to the equipment when so used, does not conform to those requirements.

**17                      Restriction on age of employees, &c.**

- (1) A person who has not attained the age of 16 years shall not be employed or permitted to sell or handle dangerous goods.

- (2) Subregulation (1) does not apply to the handling of:
- (a) Classes 3, 4, 5, 6 and 8 dangerous goods in unopened packages each having a maximum content of dangerous goods not exceeding 10 kg; and
  - (b) Class 2 dangerous goods in disposable containers.

**18                      Restriction of entry of persons under 16 years**

A licensee shall not permit a person who has not attained the age of 16 years to enter or remain in a depot or process building situated in or on his licensed premises unless that person is accompanied by another person who has attained the age of 18 years.

**19                      Intoxicating liquor or drugs**

- (1) A licensee shall not permit:
- (a) intoxicating liquor or drugs to be taken or received into a depot or process building situated in or on his licensed premises except if permitted by and in accordance with a condition of his licence; or
  - (b) a person under the influence of intoxicating liquor or drugs to:
    - (i) enter or remain in or on a depot or process building situated in or on his licensed premises; or
    - (ii) handle dangerous goods.
- (2) A person shall not take or receive intoxicating liquor or drugs into or onto a depot or process building situated in or on licensed premises except if permitted by and in accordance with a condition of the licence relating to the premises.
- (3) A person who is under the influence of intoxicating liquor or drugs shall not enter or remain in or on a depot or process building.

**20                      Supply of liquid and gaseous fuels**

- (1) The occupier of premises in or on which there is a fuel dispensing unit for the delivery of flammable gas or flammable liquid shall:
- (a) not deliver, or permit the delivery of, those goods by means of the unit, into the fuel tank of a vehicle while the engine of the vehicle is operating;

- (b) take all practicable steps to ensure that, while those goods are being delivered into the fuel tank of a vehicle by means of the unit, no person lights matches or uses any other form of ignition, or smokes, within 3 m of the vehicle; and
  - (c) display prominently at all times on or near the unit a sign bearing the words "STOP ENGINE – NO SMOKING" in letters not less than 50 mm high conforming to Type B of AS 1744 "Forms of letters and numerals for road signs", in such a position that the sign will be clearly legible by persons at the unit for the purpose of obtaining those goods.
- (2) A person shall not deliver flammable gas or flammable liquid into the fuel tank of a vehicle by means of a fuel dispensing unit while:
  - (a) the engine of the vehicle is operating; and
  - (b) any person is lighting matches or using another source of ignition, or is smoking, within 3 m of the vehicle.
- (3) A person shall not light a match or use any other form of ignition, or smoke, within 3 m of a vehicle into which flammable gas or flammable liquid are being delivered from a fuel dispensing unit.

## **23                      Interference with signs and labels**

Except in accordance with the Act or these Regulations a person shall not pull down, erase, mutilate or otherwise interfere with any notice, sign, label or marking erected, affixed or made in pursuance of these Regulations.

## **24                      Notification of theft, &c., of dangerous goods**

A person shall immediately notify an officer or a member of the Police Force upon becoming aware of the theft, loss of, or unauthorized interference with, dangerous goods.

# **Division 4                      Dangerous occurrence**

## **27                      Competent Authority or officer may inquire and report**

- (1) The Competent Authority or an officer nominated by the Competent Authority, may inquire as he considers necessary into the circumstances of a dangerous occurrence with a view to establishing its cause and shall make a written report of his findings which, in the case of an officer other than the Competent Authority, shall be given to the Competent Authority.

- (2) In discharging his duty under subregulation (1), the Competent Authority or an officer may require a person to inform him of what that person knows concerning a dangerous occurrence and the person shall comply with that requirement.

## **28                      Availability of report on dangerous occurrence**

- (1) A person may apply to the Competent Authority, in an approved form and accompanied by the prescribed fee, for a copy of a report made under regulation 27.
- (2) The Competent Authority may determine an application under subregulation (1):
  - (a) by giving a copy of the report to the applicant, where the applicant satisfies the Competent Authority that he is
    - (i) a person who has suffered a lost-time injury in the dangerous occurrence to which the report relates;
    - (ii) a spouse or de facto partner of a person who was killed or suffered a lost-time injury in or as a result of the dangerous occurrence to which the report relates;
    - (iii) the solicitor, or the solicitor of a spouse or de facto partner, of a person who was killed or suffered a lost-time injury in or as a result of the dangerous occurrence to which the report relates;
    - (iv) the employer, or the solicitor of the employer, of a person who was killed or suffered a lost-time injury in or as a result of the dangerous occurrence to which the report relates; or
    - (v) a person, other than a person referred to in subparagraph (i), (ii), (iii) or (iv), who should have access to the report; or
  - (b) in any other case – by refusing to give a copy of the report.
- (3) Where the Competent Authority makes a determination in accordance with subregulation (2)(b), he shall refund to the applicant to which that determination relates the fee tendered in accordance with subregulation (1).

**29                      Repair, &c., after dangerous occurrence**

Licensed premises or a vehicle in which there has been a dangerous occurrence:

- (a) shall not be used for handling dangerous goods; and
- (b) where substantial damage has been caused to the premises or vehicle, shall not be reconstructed or repaired, except to such an extent as necessary to prevent danger to the public or a person,

without the approval of the Competent Authority.

**Division 5                      National standards**

**30                      National standard for storage and handling of dangerous goods**

The *National Standard for the Storage and Handling of Workplace Dangerous Goods* [NOHSC:1015(2001)] is incorporated into and forms part of these Regulations.

**31                      National standard for control of major hazard facilities**

The *National Standard for the Control of Major Hazard Facilities* [NOHSC:1014(2002)] is incorporated into and forms part of these Regulations.

**Division 6                      Conveyance of dangerous goods**

**51                      Definitions**

In this Division:

***driver***, in relation to a vehicle in which dangerous goods are conveyed means the person in control of the vehicle.

***prime contractor*** means a person who contracts with the owner of dangerous goods to convey those goods.

***sub-contractor*** means a person who contracts with a prime contractor to convey dangerous goods.

**52                      General obligations relating to conveyance of dangerous goods**

Where a duty to observe a requirement of this Division is not, but for this Regulation, specifically imposed on a person, it is a duty of:

- (a) the driver;
- (b) the prime contractor; and
- (c) the sub-contractor,

to observe the requirement.

**53                      Regulations to apply whether vehicle stationary or in motion**

The requirements of these Regulations relating to the conveyance of dangerous goods apply to a vehicle conveying dangerous goods, whether the vehicle is stationary or in motion.

**62                      Wharf areas**

Where dangerous goods are being handled on or at a wharf other than in the Port within the meaning of the *Darwin Port Corporation Act*, the handling shall be carried out in accordance with:

- (a) the requirements contained in the publication entitled "Rules for the safe transport, handling and storage of dangerous substances and oils in port areas" published by the Association of Australian Port and Marine Authorities; or
- (b) the requirements of the Competent Authority.

**63                      Identification of pipelines**

A pipeline used for the conveyance of dangerous goods shall be identified in accordance with AS 1345 "Identification of the contents of piping, conduits, and ducts".

**Division 7                      Marking and labelling of packages of dangerous goods**

**64                      Marking of packages**

All packaging containing dangerous goods shall be marked in accordance with sections 3.2 and 3.3 of the Australian Code.

**65                      Markings for freight containers and demountable tanks**

A freight container or a demountable tank containing dangerous goods shall be marked in accordance with sections 3.4 and 3.5 of the Australian Code.

**66                      Certain labels and writing prohibited**

Unless in compliance with a requirement of these Regulations or of an Act, any packaging, freight container or demountable tank containing dangerous goods shall not have on it a label or writing that contradicts a label or marking required by these Regulations to be on it.

**67                      Cumulative requirements for labelling**

The requirements under these Regulations for labelling or marking or labelling and marking of:

- (a) any packaging or freight container, are additional to each other;
- (b) an inner packaging, wrapping or case, shall be observed whether or not it is in a packaging or container required under these Regulations to be labelled or marked; or
- (c) any packaging or freight container, shall be observed whether or not anything in it is required to be labelled or marked.

**Division 8                      Packaging of dangerous goods**

**68                      Packaging of dangerous goods**

- (1) Subject to subregulation (2) and to regulation 69, dangerous goods shall be packaged:
  - (a) where they are not explosives, to conform to the specifications in section 5 of the Australian Code for the packaging method given in column 8 for the substance specified in column 2 in section 9.4 of that Code;
  - (b) where they are explosives, to conform to the specifications in sections 10.3 and 10.4 of the Australian Code for the packaging method given for the substances listed in section 10.4 of that Code; or
  - (c) as approved.

- (2) Subregulation (1) does not apply to or in relation to the placing into packaging of dangerous goods that are for the time being in immediate use.

**69                      Packaging for single sales in minor quantities**

- (1) Regulation 68 shall not apply to or in relation to:
- (a) a sale of less than the quantity of dangerous goods referred to in subregulation (2); or
  - (b) the placing of dangerous goods in packaging in the course of, or for the purposes of, a sale referred to in paragraph (a),
- where they are in, or for the purpose of paragraph (b) placed in, substantial packaging referred to in subregulation (2).

- (2) For the purposes of subregulation (1):
- (a) the quantity of dangerous goods is:
    - (i) liquid – 20 L; and
    - (ii) solid – 20 kg;
  - (b) packaging is substantial if it appears from a reasonable inspection that it is soundly constructed and, in such circumstances as may 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.

**Part II                      Class 1 dangerous goods (explosives)**

**Division 1                  Preliminary**

**70                      Interpretation**

- (1) In this Part, unless the contrary intention appears:

***ammonium nitrate explosive mixture*** means a substance consisting of a mixture of ammonium nitrate with some other substance (other than an explosive) and which is impregnated with mineral oil or some other carbonaceous substance.

**authorized explosive** means an explosive the handling of which is authorized under regulation 5E.

**blasting explosive** means an explosive that is adapted and intended for blasting, and includes a detonator.

**charge** means explosives that are placed in a drill hole or other place of use or the act of placing explosives in a drill hole or other place of use.

**containing its own means of ignition** means having a device, whether attached to an explosive or forming part of it, that is adapted to explode or fire such explosive by heat, friction or percussion.

**distress signals** means signalling and similar devices being Class 1.2G, 1.3G or 1.4G explosives required, intended or adapted for equipping a ship, vehicle or aircraft for emergency use and includes highway flares, marine distress flares, line-carrying rockets, anti-hail rockets, signal rockets, smoke generators and landing flares.

**drill hole** means a hole made for the purpose of placing explosives in position for use.

**firearm** has the same meaning as in the *Firearms Act*.

**keeper** means the licensee of a magazine or a person appointed under regulation 104 as a keeper.

**misfire** means a charge or part of a charge that, upon firing or attempted firing, fails to explode or function.

**nitro-compound explosives** means all compounds or mixtures containing nitro-glycerine or nitro-glycol or nitro-glycerine and nitro-glycol that are used for blasting.

**permit to conduct a fireworks display** means a permit to conduct a fireworks display granted under regulation 141.

**permit to handle explosives for special effects** means a permit to handle explosives for special effects granted under regulation 143.

**propellant for firearms** means propellant explosives adapted or intended for exclusive use as a propelling charge in safety cartridges.

**safety cartridges** means cartridges of Class 1.4S explosives for use in firearms.

**shopgoods fireworks** means fireworks that are Classes 1.4G and 1.4S explosives containing not more than 40 g of explosive or firework composition.

**shotfirer** means a person who is the holder of a shotfirer's certificate granted under regulation 133.

- (2) Unless the contrary intention appears, where in this Part there is a requirement to use letters, the lettering shall conform to Type B of AS 1744 "Forms of letters and numerals for road signs" and shall be used on a contrasting background.

## **72                      Application**

This Part shall not apply to the handling or sale of:

- (a) amorces containing not more than 7.5 g of explosive for every 1,000 dots of explosive;
- (b) snaps for bonbons containing not more than 2 g of explosives for every 1,000 bonbons;
- (c) streamer cones or confetti bombs each containing not more than 30 mg of explosives;
- (d) sparklers;
- (e) model rocket propellant devices each containing not more than 20 g of explosives; and
- (f) other approved devices containing small amounts of explosives.

## **Division 2                      Manufacture of explosives**

### **73                      Manufacture of explosives subject to conditions of licence**

- (1) Subject to these Regulations, the manufacture of explosives shall be in accordance with and subject to the conditions of a licence.
- (2) For the purpose of subregulation (1), a licence includes a shotfirer's certificate which authorizes the holder to manufacture ammonium nitrate explosive mixture for immediate use.

**74                      Records of manufacture**

- (1) In addition to any other requirement contained in these Regulations, the holder of a licence authorizing the manufacture of explosives shall keep and maintain at the premises referred to in his licence a record in an approved form containing particulars of:
  - (a) the quantities of explosives manufactured and the date of manufacture;
  - (b) the quantity of explosives sold or used and the date of sale or use;
  - (c) the place where explosives are used and the purpose for which used; and
  - (d) the signature of the purchaser or user.
- (2) The record referred to in subregulation (1) shall be retained for 2 years after the date on which the entry is made.

**Division 3                      Manufacture of ammonium nitrate explosive mixture**

**75                      Quantity of ammonium nitrate explosive mixture manufactured**

- (1) Where ammonium nitrate explosive mixture is manufactured on site, the quantity manufactured and the quantities of ammonium nitrate and any other ingredient for use in the manufacture shall be not greater than that required for immediate use.
- (2) Where by reason of unusual circumstances it is not possible to immediately use the quantity of ammonium nitrate explosive mixture referred to in subregulation (1), the mixture shall be stored in a magazine.

**76                      Containers for ammonium nitrate explosive mixture**

A person shall not store or convey ammonium nitrate explosive mixture unless the mixture is stored or conveyed in closed leak-proof containers constructed of plastic, black-iron, black steel or other approved material and the containers are marked in accordance with regulation 89.

**77            Conditions of manufacture of ammonium nitrate explosive mixture**

Ammonium nitrate explosive mixture shall not be manufactured unless:

- (a) at the place of manufacture, in a prominent place, a notice is displayed bearing:
  - (i) the words "DANGER – EXPLOSIVES – NO SMOKING – KEEP FIRE AWAY" in red capital letters not less than 150 mm in height on a white background; and
  - (ii) the class label for Class 1.1D explosives as specified in sections 3.2.6 and 3.2.7 of the Australian Code;
- (b) the design and construction of a mechanical mixer, injector or other device used in the manufacture is approved;
- (c) any mechanical mixer, injector or other device used in the manufacture is effectively bonded to provide a continuous electrical path to earth;
- (d) a building in which the manufacture is carried out:
  - (i) is open on not less than one side;
  - (ii) has a floor of concrete or other approved material;
  - (iii) is constructed with the least practicable quantity of timber or other combustible material; and
  - (iv) is equipped with not less than one fire hose reel or portable fire extinguisher of a water type with a rating not less than 2A and not less than one portable fire extinguisher of a dry chemical, vaporizing liquid or foam type, with a rating not less than 40B and in addition, where the quantity of ammonium nitrate explosive mixture at any one time is more than one tonne, not less than 2 fire hydrants installed at locations determined by the Director of Fire Services;
- (e) a vehicle in which the ammonium nitrate explosive mixture is manufactured conforms to the requirements specified in regulation 80 or is otherwise approved in accordance with that regulation; and

- (f) the manufacture complies with section 4 of Part 2 of AS 2187 "Explosives – Storage, transport and use", where the manufacture includes the use of ammonium nitrate and a fuel oil mixture, with or without any other approved substance.

**78                      Spillage of ammonium nitrate or ammonium nitrate explosive mixture**

A person who spills any ammonium nitrate or ammonium nitrate explosive mixture shall immediately dispose of the spillage in such a manner as to minimize the risk of fire.

**79                      Separation distances**

- (1) A building or place used for the manufacture of ammonium nitrate explosive mixture shall, unless otherwise approved, be separated from an exposure referred to in column 1 of Table 2 by the distance specified in column 2 of that table.

TABLE 2

Separation Distances from Buildings and Places used for the Manufacture of Ammonium Nitrate Explosive Mixture

Column 1	Column 2
Exposure	Separation distance in metres
Protected works, other than the store for the ammonium nitrate used in the manufacture	180
Protected place	45
Naked flame or other source of ignition	10
Combustible material, other than that required for the manufacture of the ammonium nitrate explosive mixture	15
Combustible liquids in quantities greater than 250 L	45

- (2) A person who manufactures ammonium nitrate explosive mixture for immediate use shall ensure that all detonators, priming charges and detonating cords are stored in strong, secure receptacles not less than 10 m from the mixture until such time as they are to be used with the mixture.

**80            Manufacture of ammonium nitrate explosive mixture in vehicles**

- (1) Subject to subregulation (2), ammonium nitrate explosive mixture shall not be manufactured in a vehicle unless:
- (a) the vehicle is powered by a compression ignition engine, utilizing fuel having a flash point not less than 61°C;
  - (b) the exhaust system of the vehicle:
    - (i) discharges away from any tanks or accessories at a level not lower than the top of the highest part of the vehicle; and
    - (ii) is separated from the vehicle along its vertical length by a shield not less than 100 mm larger in diameter than the exhaust pipe, which shield has the front side left open or perforated to the extent of not less than 60% for one-third of its circumference;
  - (c) where the engine or exhaust system other than the vertical section, extends beyond, or is exposed at the rear of the cabin, the engine and exhaust is shielded from overhead spillage by a metal shield which provides not less than 500 mm separation distance between the shield and any hot portion of the engine or exhaust system, and a separation distance of not less than 75 mm between the shield and any portion of the vehicle used for carrying ingredients for use in the manufacture of the ammonium nitrate explosive mixture;
  - (d) all electrical equipment is located to the rear of the cabin of the vehicle in accordance with Part 1 of AS 1076 "Code of practice for selection, installation and maintenance of electrical apparatus and associated equipment for use in explosive atmospheres (other than mining applications)".
  - (e) the injector or other device for loading, fitted to the vehicle, is electrically continuous with the vehicle and has a resistance of not more than 2 ohm for its total length;
  - (f) all wiring outside and to the rear of the cabin of the vehicle is enclosed in conduit and each circuit is protected by a fuse or manual reset circuit breaker which shall be not more than the rated current carrying capacity of the conductor; and

- (g) any battery in the vehicle is firmly secured to prevent movement in the event of the overturn of the vehicle and is fitted with an insulated cover and a cut-off switch which is located in a position that is easily accessible and clearly labelled.
- (2) Notwithstanding subregulation (1), the Competent Authority may approve the manufacture of ammonium nitrate explosive mixture in a vehicle which does not comply with the requirements of subregulation (1).
- (3) A vehicle used for the manufacture of ammonium nitrate explosive mixture shall not be used for the storage or conveyance of detonators or other explosives.

## **Division 4                      Filling of safety cartridges for firearms**

### **81                      Filling of safety cartridges in premises**

- (1) Where the filling of safety cartridges with explosives is carried out it shall be carried out in a room:
  - (a) to which the public does not have access;
  - (b) in which only work connected with the filling of the safety cartridges shall be carried on;
  - (c) in which no more than 10 kg of explosives is stored at any one time;
  - (d) from which materials of a highly combustible nature, flammable liquids, naked flames or other source of ignition or any item likely to cause fire or explosion are excluded;
  - (e) the work area of which shall not contain exposed iron or steel and shall be free from grit;
  - (f) in which is installed not less than one fire hose reel or one portable fire extinguisher of the water type with a rating of not less than 2A; and
  - (g) which is approved where the filling is for the purpose of the sale of the safety cartridges.
- (2) The requirements of subregulation (1) are the prescribed manner for the purposes of regulation 3(1).

## **Division 5                      Authorized explosives**

### **82                      Request for authorization of explosives**

- (1) A person may request the Competent Authority to authorize, in accordance with regulation 5E, the handling of an explosive or class of explosive.
- (2) Where a person makes a request in accordance with subregulation (1) he shall supply to the Competent Authority:
  - (a) as far as is practicable particulars of:
    - (i) the composition of the explosive, including the percentage by mass or volume that each ingredient bears to the whole;
    - (ii) the substance or substances which it is desired shall be approved as a substitute or substitutes for a specified ingredient;
    - (iii) the physical description of the explosive, including packaging;
    - (iv) the manufacture's recommended method of use of the explosive; and
    - (v) the performance characteristics of the explosive, including velocity of detonation, any unusual decomposition products and estimated shelf life; and
  - (b) samples of the explosive when requested by the Competent Authority.
- (3) A request in accordance with subregulation (1) shall be in writing and accompanied by the prescribed fee.

### **83                      Dealing with unauthorized explosives**

A person shall not import or export from the Territory an explosive which is not an authorized explosive.

### **84                      Import or export of prescribed explosives**

- (1) For the purposes of regulation 5C, all explosives (other than safety cartridges and distress signals) are prescribed dangerous goods.

- (2) A person who imports or exports explosives (other than safety cartridges and distress signals) into or out of the Territory shall notify the Competent Authority in accordance with regulation 5C of:
  - (a) his intention to import or export explosives; and
  - (b) the arrival into the Territory of explosives.

**85                      Record of imports**

- (1) A person who imports explosives (other than safety cartridges and distress signals) into the Territory shall maintain in respect of those explosives a record in an approved form containing particulars of:
  - (a) the date and means of importation;
  - (b) the type and quantity of explosives imported;
  - (c) the name of the manufacturer and the date of manufacture; and
  - (d) the name and address of the consignor.
- (2) The record referred to in subregulation (1) shall be retained for 2 years after the date on which the entry is made.

**86                      Record of exports**

- (1) A person who exports explosives (other than safely cartridges and distress signals) out of the Territory shall maintain a record in an approved form containing particulars of:
  - (a) the date of receipt of, and the name of the person who supplied, the explosives to be exported;
  - (b) the date of export;
  - (c) the type and quantity of explosives exported;
  - (d) the place of loading and the means of export; and
  - (e) the name and address of the consignee.
- (2) The record referred to in subregulation (1) shall be retained for 2 years after the date on which the entry is made.

## **Division 6                      Packaging of explosives**

### **87                      Additional packaging requirement for explosives**

- (1) The requirements of this Division are in addition to those contained in Division 8 of Part I.
- (2) Packaging used for explosives shall conform with the following:
  - (a) the outer packaging shall not contain explosives in excess of 25 kg;
  - (b) the interior of all packaging shall be kept clean and free from grit; and
  - (c) unless otherwise approved, iron or steel shall not be used in the construction of any packaging unless it is covered or guarded in such a manner as to prevent the exposure of the iron or steel.

### **88                      Packaging not to contain different explosives, &c.**

- (1) Subject to subregulation (2), packaging containing explosives shall not be used to store, at the same time, a different class or compatibility group of explosive, or be used to store any other article or substance other than material used for packaging.
- (2) Regulation (1) shall not prohibit:
  - (a) the placing in one outer packaging of inner packaging containing one kind of propellant for firearms together with inner packaging containing another kind of propellant for firearms; or
  - (b) the placing of an article that is not of a flammable or explosive nature or likely to cause fire or explosion with Class 1.4S, 1.3G or 1.4G explosives.

## **Division 7                      Marking and labelling for explosives**

### **89                      Marking of packaging for explosives**

- (1) The requirements of this Division are in addition to those contained in Division 7 of Part I.

- (2) All outer and intermediate packaging containing explosives shall be marked with:
- (a) the word "EXPLOSIVES" in capital letters not less than 25 mm in height or if that is not possible having regard to the size of the packaging as large as is practicable;
  - (b) the class label specified in sections 3.2.6 and 3.2.7 of the Australian Code for the class and compatibility group of the explosives, with the label having sides not less than 100 mm in length or if that is not possible having regard to the size of the packaging as large as is practicable; and
  - (c) letters not less than 15 mm high, showing:
    - (i) the technical name of the explosives or the name approved for the explosives;
    - (ii) the United Nations identification number for the explosives;
    - (iii) the name of the manufacturer;
    - (iv) the date of manufacture; and
    - (v) the weight of the explosives contained in the package.

## **90                      Marking of blasting explosives**

- (1) An individual cartridge, canister or bag of blasting explosives not containing its own means of ignition (other than detonators) shall be marked with the word "EXPLOSIVE" in capital letters not less than 7 mm in height together with the name of the explosive.
- (2) The outside of a detonator, not being a detonating relay, shall be clearly marked with the words "DETONATOR" or "BLASTING CAP" and "EXPLOSIVE DANGER" in capital letters not less than 3 mm in height.
- (3) The outside of a detonating relay shall be clearly marked with the words "EXPLOSIVE DANGER" in capital letters not less than 3 mm in height.
- (4) In the case of shopgoods fireworks, the immediate packaging, or individual fireworks if sold singly, shall be marked with directions, written in English, for the safe use and ignition of the fireworks.

## **Division 8                      Storage of explosives**

### **91                      Quantity of explosives stored without licence**

- (1) For the purposes of regulation 4(1), a person is exempt from the requirement of that subregulation to store explosives in accordance with the terms and conditions of a licence in respect of:
- (a) the storage of explosives that are not stored for sale, where the quantity is not more than that specified in column 2 of Table 3 opposite to the explosive specified in column 1 of that table:

TABLE 3

Column 1	Column 2
Safety cartridges	50 kg
Propellant for firearms	10 kg
Distress signals	10 kg

- (b) the storage of explosives where the quantity does not exceed that specified in column 2 of Table 4 opposite to the explosive specified in column 1 of that table, by a shotfirer on land owned by him and outside of a town provided the explosives are stored in a secure place not less than 50 m from a building used for habitation and the explosives are used for a lawful purpose by the shotfirer within 3 months after the date of purchase:

TABLE 4

Column 1	Column 2
Blasting explosives, other than detonators	5 kg
Detonators	110 (in number)
Detonating cord	350 m
Igniters/safety fuse	50 kg

- (c) the storage in an approved place of explosives for sale where the quantity does not exceed that specified in column 2 of Table 5 opposite to the explosive specified in column 1 of that table:

TABLE 5

Column 1	Column 2
Safety cartridges	100 kg
Propellant for firearms	100 kg
Distress signals	50 kg
Shopgoods fireworks	200 kg

- (2) A person who stores shopgoods fireworks that are not stored for sale is exempt from regulation 4(1) during the approved period under regulation 139 or 140.

## **92                      Conditions of storage**

- (1) Where explosives are stored in or on premises in accordance with regulation 91, they shall be stored in accordance with this regulation.
- (2) Propellant for firearms, blasting explosives (other than detonators) and detonating cord shall be stored in a securely locked container accessible only to the person storing the explosive and no fuse-lighters or matches shall be stored in the container.
- (3) Detonators shall be stored in a securely locked container containing only detonators, located in a building which is kept securely locked at all times except when a person is in the building exercising supervision and the detonators are stored away from all other explosives.
- (4) Shopgoods fireworks and distress signals, stored otherwise than for sale, shall be stored in a spark proof container which shall not contain matches.
- (5) Safety cartridges, stored otherwise than for sale, and safety fuses, shall be stored in a secure, dry place away from other explosives.
- (6) Where shopgoods fireworks are stored for sale:
- (a) they shall not be displayed, stored or exposed in any window, unenclosed place or space, or on a floor other than the ground floor;

- (b) where displayed for sale, they shall be stored in a spark-proof container or display counter which is:
  - (i) conspicuously labelled on the outside with the word "FIREWORKS" in letters not less than 50 mm in height;
  - (ii) not accessible to the public; and
  - (iii) kept closed except when fireworks are being placed in or removed from it;
- (c) when stored in a room to which the public does not have access, they shall be stored in their original outer packaging or in a spark-proof container with the words "FIREWORKS" in letters not less than 50 mm in height on the outside of the container and the entrance to the room shall be marked with the words "EXPLOSIVES – FIREWORKS" in letters not less than 75 mm in height;
- (d) not more than 25 kg of them shall be stored in an outer packaging or spark-proof container at any one time;
- (e) not more than 50 kg of them shall be stored in a display counter at any one time;
- (f) artificial lighting, matches or similar materials shall not be placed in a spark-proof container or a display cabinet containing shopgoods fireworks;
- (g) all outer packaging, spark-proof containers and display cabinets containing them shall be located away from exits and other areas where their location could impede the free movement of persons in the premises;
- (h) all outer packaging, spark-proof containers and display cabinets containing them, shall be located away from other dangerous goods and combustible material;
- (j) at least one notice bearing the words "DANGER – FIREWORKS – NO SMOKING" in letters not less than 75 mm in height shall be conspicuously displayed on the outside of each spark-proof container or display cabinet in which they are displayed for sale;
- (k) all areas in which they are stored or sold shall have installed a fire hose reel or water type portable fire extinguisher with a rating of not less than 2A; and
- (m) all areas in which they are stored or sold shall be approved by an officer or by the Director of Fire Services.

- (7) Where distress signals are stored for sale:
- (a) they shall be stored in a room which is:
    - (i) constructed of non-combustible material;
    - (ii) not accessible to the public; and
    - (iii) not attached to a building used or partly used for habitation;
  - (b) they shall not be stored within 3 m of other dangerous goods;
  - (c) a notice bearing the words "EXPLOSIVES – DISTRESS SIGNALS" in letters not less than 50 mm in height shall be displayed in a conspicuous place at the entrance to the room in which they are stored;
  - (d) they shall be stored in their original outer packaging or a spark-proof container marked with the words "DISTRESS SIGNALS" in letters not less than 50 mm in height on the outside of the container;
  - (e) not more than 25 kg of them shall be stored in an outer packaging or spark-proof container at any one time; and
  - (f) a fire hose reel or a water type portable fire extinguisher with a rating not less than 2A shall be installed in the room in which they are stored.
- (8) Where safety cartridges are stored for sale, they shall be stored:
- (a) in premises that are kept securely locked at all times when unattended:
    - (i) in a locked room in their original outer packaging in which they were received; or
    - (ii) in intermediate packaging in or on a shelf, cupboard or similar receptacle provided:
      - (A) the safety cartridges are located so that unauthorized persons are prevented from having access to them;
      - (B) the maximum quantity of safety cartridges exposed for sale at any one time does not exceed 5 kg; and
      - (C) the safety cartridges are not located in or near a window or on a sales counter in the premises; and

- (b) so that they are separated from other dangerous goods by a partition or by distance or both sufficient to prevent a fire or explosion in either the safety cartridges or the other dangerous goods being communicated to the other.

**93                      Place for storage of explosives**

Explosives stored in or on premises other than in accordance with regulation 92 shall be stored in:

- (a) a magazine;
- (b) a government explosives magazine; or
- (c) premises specified in a licence which authorizes the manufacture or storage of explosives.

**Division 8A                Explosives reserves and government magazines**

**94A                      Government explosives reserves and magazines**

- (1) The Minister may, by notice in the *Gazette*, declare Crown land within the meaning of the *Crown Lands Act* to be a government explosives reserve.
- (2) The Competent Authority may establish government explosives magazines in the places, buildings or other structures that the Competent Authority thinks fit.

**94B                      Magazines**

- (1) A person may apply to the Competent Authority for approval to:
  - (a) keep a magazine on a government explosives reserve; or
  - (b) store explosives in a government explosives magazine.
- (2) An application must be accompanied by the prescribed fee.
- (3) The Competent Authority must consider the application and may:
  - (a) grant the approval, either conditionally or unconditionally; or
  - (b) refuse to grant the approval.

**94C            Terms of approval to be observed**

A person who is granted an approval under regulation 94B must comply with and not contravene the terms and conditions of the approval.

Maximum penalty:        40 penalty units.

**Division 8B            Dangerous goods disposal sites**

**94D            Definitions**

In this Division:

***disposal site*** means land declared under regulation 94E(1).

***approved place*** means a place approved under regulation 94E(2).

**94E            Establishment of disposal sites**

- (1) The Minister may, by notice in the *Gazette*, declare land to be a dangerous goods disposal site for the disposal of dangerous goods.
- (2) The Competent Authority may approve a place that is not a disposal site to be a place for the disposal of dangerous goods.

**94F            Directions as to disposal etc.**

- (1) In relation to disposing of dangerous goods at a disposal site or an approved place, the Competent Authority may give directions as to:
  - (a) the type and quantity of dangerous goods that may be disposed of;
  - (b) the method of disposing, destroying or rendering safe of dangerous goods; and
  - (c) rules of management to be applied in disposing, destroying or rendering safe of dangerous goods.
- (2) The Competent Authority may give directions to the owner, occupier or user of a disposal site or approved place as to the measures required to be taken to prevent:
  - (a) the escape of dangerous goods from; and
  - (b) the spillage of dangerous goods in,the disposal site or approved place.

**94G              Disposal of dangerous goods**

A person must not dispose of dangerous goods:

- (a) in a place that is not a disposal site or an approved place;
- (b) in contravention of these Regulations; or
- (c) in contravention of the directions of the Competent Authority under regulation 94F.

Maximum penalty:        40 penalty units.

**Division 8C              Trespass in respect of reserves, magazines,  
licensed premises etc.**

**94H              Trespass in respect of reserves, magazines, licensed premises  
etc.**

A person must not enter or remain without lawful authority in a government explosives reserve, a government magazine, premises specified in a licence or a vehicle, ship or aircraft conveying dangerous goods.

Maximum penalty:        40 penalty units.

**94J              Precautions to be observed**

A person on a government explosives reserve, government explosives magazine, a place specified in a licence or a vehicle, ship or aircraft conveying dangerous goods must not do any act which would tend to cause an explosion or fire or the release or spillage of dangerous goods in or about the reserve, magazine, place, vehicle, ship or aircraft.

**94K              Arrest without warning**

An officer, a member of the Police Force or the owner, occupier, driver or person in charge of any premises, vehicle, ship or aircraft referred to in regulation 94H or 94J, or a person authorised by any of those persons, may arrest without warrant any person found committing an offence against regulation 94H or 94J in respect of the premises, vehicle, ship or aircraft.

## Division 9                      General requirements for magazines

### 94                      Portable magazine

- (1) Subject to this regulation, a portable magazine shall be designed in accordance with the AS 2188 "Magazines for the storage of explosives".
- (2) Notwithstanding subregulation (1), a portable magazine shall be constructed so that:
  - (a) the number and location of ventilation openings shall be in accordance with Table 6:

TABLE 6

Number and Location of Ventilation Openings for Portable Magazines

Portable magazine capacity Kg	Number of vents on each side wall		Number of rear wall vents	
	Bottom	Top	Bottom	Top
Not more than 50	1	—	—	1
Not more than 100	1	—	—	2
Not more than 500	1	—	2	2
Not more than 1,000	2	—	2	2
Not more than 2,000	2	2	2	2
Not more than 5,000	4	4	2	2

- (b) particleboard used in the construction of an inner box in accordance with section 3.8 of AS 2188 is of a waterproof grade;
  - (c) it is painted white with a red door and have marked on the door, in red letters against a white background not less than 150 mm in height, the word "EXPLOSIVES" or, in the case of a magazine containing detonators, the word "DETONATORS"; and
  - (d) it is fitted with a shade roof.
- (3) The Competent Authority may approve a design that does not comply with subregulation (1) on being supplied with plans and specifications of the design.

**95                      Movement of portable magazine**

A portable magazine shall not be moved from one location to another unless an officer has been notified and has approved of the moving of the portable magazine.

**96                      Magazine other than portable magazine**

- (1) A magazine, other than a portable magazine, shall be designed and constructed in accordance with this regulation.
- (2) The external walls of a magazine shall be constructed of:
  - (a) steel plates not less than 5 mm thick;
  - (b) reinforced concrete not less than 125 mm thick;
  - (c) bricks not less than 225 mm thick set in cement mortar; or
  - (d) cement blocks not less than 190 mm thick set in cement mortar.
- (3) The roof of a magazine shall be constructed of:
  - (a) steel plate not less than 5 mm thick with a shade roof; or
  - (b) reinforced concrete not less than 75 mm thick;
- (4) The inside of the walls, doors, ceiling and floor of a magazine shall be lined in accordance with subregulation (9);
- (5) The internal volume of a magazine shall be not less than 0.4 m<sup>3</sup> for each 100 kg of explosives that may be stored in the magazine with sufficient additional internal volume to permit free circulation of air and easy access to the explosives.
- (6) Ventilation of a magazine shall be by means of wall vents that are constructed so as to prevent the entry of water and insects into the magazine.
- (7) The external doors of a magazine shall:
  - (a) be constructed of steel plate not less than 5 mm thick;
  - (b) have external hinges of steel welded to the door and to the frame of the magazine;
  - (c) open outwards and, when closed, shall fit tightly into an angle-iron frame; and
  - (d) be fitted with a lock of the dead lock type.

- (8) The internal doors of a magazine shall:
  - (a) be made of wood; and
  - (b) have locks and fittings made of non-ferrous metal.
- (9) Where a magazine is constructed of steel it shall have an internal lining:
  - (a) constructed of:
    - (i) close-fitting boards joined together by tongue and groove joints;
    - (ii) marine plywood;
    - (iii) waterproof grade particleboard; or
    - (iv) other approved material,not less than 10 mm thick on the walls, door or doors and ceiling and 18 mm thick on the floor;
  - (b) constructed so that no steel is exposed;
  - (c) secured by non-ferrous fastenings or unexposed nailing to bearers so that there is an air space of not less than 75 mm between the lining and the walls, ceiling, floor and doors of the magazine; and
  - (d) supported above the floor by joists spaced at intervals not exceeding 0.5 m centres.
- (10) Where a magazine is constructed with an annexe, the annexe:
  - (a) shall be of the same construction as the magazine;
  - (b) shall be used solely for the purpose of:
    - (i) storing tools or implements used in connection with the magazine; or
    - (ii) changing clothing or footwear,or both; and
  - (c) may have an inner door opening into the interior of the magazine.

**97                      Mounding of magazine**

Unless otherwise approved, a magazine shall be surrounded by a substantial mound that:

- (a) is constructed of earth or other approved material;
- (b) extends to a height not less than the height of the eaves of the magazine; and
- (c) is not less than one metre wide at the top.

**98                      Security of magazine**

- (1) A magazine shall be kept securely locked, except when it is required to be open for purposes relating to its use or management.
- (2) The keys to a magazine shall be kept in the charge of the keeper of the magazine.
- (3) Unless otherwise approved, a magazine shall be surrounded by an approved fence not less than 1.8 m in height, constructed of galvanized chain mesh with both selvages twisted and barbed, capped with 3 rows of barbed wire at 150 mm spacing.

**99                      Lightning protection**

- (1) Subject to subregulation (3), a magazine shall not be used for the storage of explosives unless it is protected by lightning protection.
- (2) Lightning protection shall be designed and constructed in accordance with AS 1768 "Lightning protection".
- (3) The Competent Authority may, where he is of the opinion that a magazine is situated in an area where the incidence of lightning is not significant, waive the requirement of subregulation (1).

**100                    Separation distances for magazines**

Unless otherwise approved, a magazine shall be separated from a place specified in sections 3.7.1, 3.7.2 and 3.7.3 of Part 1 of AS 2187 "Explosives – Storage, transport and use" by not less than the distance specified in those sections in respect of that place.

**101                    Repairs or alterations to magazine**

The repair or material alteration of a magazine, an annexe to a magazine or an article in a magazine or annexe shall not be carried out unless:

- (a) all explosives have been removed from the magazine;

- (b) prior written approval of an officer has been obtained; and
- (c) the repair or alteration complies with the approval referred to in paragraph (b).

#### **102            Compatibility of storage**

- (1) Subject to subregulations (2) and (3), a person shall not store explosives of different compatibility groups in the same room, magazine or receptacle at any one time.
- (2) Blasting accessories which contain no exposed iron or steel and are not explosives of compatibility group B may be stored with Class 1.1D blasting explosives.
- (3) Detonators and capped fuses shall be stored in a separate room, magazine, receptacle or other place exclusively appropriated for that purpose, situated at a safe distance from other explosives.

#### **103            Fire protection equipment**

The licensee of a magazine shall install in the magazine fire protection equipment of the number, type and capacity and in locations as specified by an officer or by the Director of Fire Services.

### **Division 10            Duties relating to use of magazines**

#### **104            Appointment of magazine keeper**

- (1) There shall be a keeper for each magazine who shall be:
  - (a) the licensee; or
  - (b) the person appointed in accordance with this regulation as the keeper.
- (2) An applicant for a licence to store explosives in a magazine may in his application nominate a person to be the keeper of the magazine.
- (3) A licensee of a magazine may nominate a person to be the keeper of the magazine.
- (4) Where a person is nominated in accordance with subregulation (2) or (3) the Competent Authority may appoint or refuse to appoint that person as keeper of the magazine.

- (5) An appointment of a person as a keeper under subregulation (4) is of no force or effect until the name of that person is endorsed by the Competent Authority on the licence relating to the magazine.

## **105                      Duties of magazine keeper**

A keeper shall:

- (a) superintend the receipt, storage, sampling, examination, repacking and issue of explosives into, in or from a magazine;
- (b) maintain a magazine book containing in respect of all explosives received into or issued from the magazine:
  - (i) the date of receipt or issue;
  - (ii) the type;
  - (iii) the weight or numbers; and
  - (iv) the name of the person to whom any explosives are issued; and
- (c) ensure that:
  - (i) the magazine and all equipment in his charge is maintained in good order;
  - (ii) no repairs or material alterations to the magazine are made without the approval of an officer;
  - (iii) the magazine is used solely for the storage of explosives specified in the licence as explosives permitted to be stored in the magazine;
  - (iv) a person who has not attained the age of 18 years is not allowed in the magazine;
  - (v) no explosives are received or permitted to be in the magazine unless packaged and marked or labelled in accordance with these Regulations;
  - (vi) only authorized explosives are received or permitted to be in the magazine;
  - (vii) where explosives of different compatibility groups are stored in the magazine, the different groups are separated in accordance with regulation 102; and
  - (viii) the Act and the Regulations are complied with in their application to or in relation to the magazine.

**106            Entry to magazine**

- (1) A person shall not enter a magazine except with the permission of the keeper or an officer and in the company of the keeper or an officer.
- (2) A keeper or an officer who accompanies a person in accordance with subregulation (1) shall ensure that all due precautions are observed while that person is in the magazine.

**107            Precautions to be observed at magazine**

- (1) A person shall not enter a magazine having in his possession any fire, light, matches or other thing liable to cause an explosion or fire.
- (2) A person, before entering a magazine, shall, when required by a keeper or by an officer, satisfy the keeper or officer that he does not have in his possession any fire, light, matches or other thing liable to cause an explosion or fire.
- (3) A person in or in the vicinity of a magazine shall not:
  - (a) smoke; or
  - (b) do an act that is not reasonably necessary for the purpose of handling explosives.

**108            Fire precautions, &c.**

A keeper shall ensure that:

- (a) a magazine is kept clean and free from gravel, sand and grit;
- (b) all practicable precautions are taken to ensure that dampness is excluded from the magazine;
- (c) immediately before and during a thunderstorm, no receiving, delivering, examining, loading or unloading of explosives is commenced or continued and that the magazine is kept closed;
- (d) the area within 15 m of a magazine is kept clear of grass, vegetation and any other combustible material; and
- (e) such other steps as are necessary are taken to protect the magazine from the dangers of fire.

## **109            Checking of packages**

- (1) A keeper shall, before permitting a package of explosives to be placed in a magazine, satisfy himself that the packaging is in sound condition and that there is no:
  - (a) exposed iron or steel;
  - (b) dirt or grit;
  - (c) trace of explosive; or
  - (d) other dangerous substance,in or on the packaging.
- (2) Where explosives are, or are proposed to be, stored in a magazine, the keeper shall, if any of the explosives have deteriorated or are damaged, repack or destroy the explosives under the supervision of an officer and in accordance with such directions, if any, as the officer gives him.

## **110            Storage procedures**

- (1) Where packages of explosives are, or are proposed to be, stored in a magazine, the keeper shall ensure the packages are:
  - (a) carefully carried or passed from place to place and that no package is thrown, slid or rolled;
  - (b) received into and removed from the magazine one at a time except where approved mechanical handling equipment is used; and
  - (c) stacked:
    - (i) to a height not more than 2 m or two-thirds of the height of the magazine;
    - (ii) in a manner so as to leave not less than 150 mm of air space adjacent to the walls;
    - (iii) so that spaces facilitating the free circulation of air are left between storage stacks of packages and, so far as is possible, between packages; and
    - (iv) so as to allow access to all stacks of packages.
- (2) Explosives that are or include nitro-compound explosives shall not be stored so as to be exposed to the direct rays of the sun.

- (3) A tool or implement used to open a package containing explosive shall be constructed of wood, copper, brass, or soft metal or material, or shall be covered with an approved material.

**111            Notices to be fixed to magazine**

The licensee of a magazine shall cause to be affixed and maintained on:

- (a) the outside of the magazine, a notice containing a statement as to the maximum quantity of explosives that may be stored in the magazine and an approved form of identification of the magazine; and
- (b) the inside of the magazine, a copy of his licence.

**Division 11            Storage in government explosives magazine**

**112            Keeper of government explosives magazine**

- (1) The Competent Authority shall appoint a keeper for each government explosives magazine.
- (2) Division 10 applies to and in relation to the keeper of a government explosives magazine as if he were a keeper of a magazine.
- (3) The keeper of a government explosives magazine shall report to the Competent Authority on all matters relating to the handling of explosives in the government explosives magazine for which he is appointed.

**113            Operation of government explosives magazine**

Division 10 applies to and in relation to a government explosives magazine as if it were a magazine.

**114            Fees for government explosives magazine**

- (1) A person keeping a magazine on a government explosives reserve or storing explosives in a government explosives magazine shall pay the prescribed fee.
- (2) Where a person referred to in subregulation (1) fails to pay the prescribed fee, the Competent Authority may, at the expiration of 28 days after written notice of his intention to do so is given to that person, sell by auction such quantity of explosives owned by that person and stored at the government explosive reserve or in the government explosives magazine, as the case may be, as is necessary to satisfy the amount of the outstanding fee.

**115                      Delivery and collection of explosives**

- (1) A person shall not deliver explosives to, or be entitled to receive explosives from, a government explosives magazine, unless he has given prior notice in accordance with subregulation (2) to the keeper.
- (2) Where a person wishes to receive explosives from a government explosives magazine, the notice under subregulation (1) shall include:
  - (a) particulars and the quantity of the explosives required;
  - (b) if the explosives are to be consigned to a person, the name of the consignee;
  - (c) the address of the place to which the explosives are to be conveyed and a description of the mode of conveyance to that place; and
  - (d) the name of the person appointed to assist in the delivery of the explosives and who is authorized to give a receipt for the explosives received.

**116                      Transfer of ownership of explosives**

The owner of explosives stored in a government explosives magazine who sells or transfers his property in all or part of the explosives shall, within 14 days after the sale or transfer, give notice of that fact, including particulars of the name and address of the new owner, to the keeper.

**Division 13                      Sale, purchase or possession of explosives**

**127                      Exemption from requirement to be licensed**

A person selling safety cartridges or distress signals is exempt from regulation 5B(1).

**128                      Sales book**

A licensee who sells explosives (other than safety cartridges, distress signals and shopgoods fireworks) shall maintain an approved sales book containing in respect of each sale of explosives:

- (a) particulars of:
  - (i) the type and quantity of explosives sold;

- (ii) the name and address of the purchaser;
  - (iii) the date of the sale; and
  - (iv) the address or location at which the explosives are to be used; and
- (b) the signature of the purchaser of the explosives or the person taking possession of the explosives on behalf of the purchaser.

## **129        Sale of explosives**

- (1) A licensee must not sell explosives (other than safety cartridges, distress signals and propellant for firearms) unless:
- (a) the purchaser:
    - (i) holds:
      - (A) a licence to possess explosives; or
      - (B) a permit to conduct a fireworks display; or
      - (C) a permit to handle explosives for special effects; or
    - (ii) is purchasing shopgoods fireworks during the approved period under regulation 139; and
  - (b) if the purchaser holds a licence or permit mentioned in paragraph (a)(i):
    - (i) the purchaser supplies the particulars required to be recorded in the sales book; and
    - (ii) the purchase does not constitute a contravention of the licence or permit.
- (2) A person must not sell an explosive unless the explosive is an authorised explosive.
- (3) A person must not sell an explosive (other than a safety cartridge) to a person who is under the age of 18 years.
- (4) It is a defence to a prosecution for an offence against subregulation (3) if the defendant proves that:
- (a) immediately before the sale, the person who sold the explosive was shown photographic identification indicating the purchaser was over the age of 18 years; and

- (b) a reasonable person would have had no reason to suspect that the photographic identification was false or related to another person.
- (5) A person must not sell a safety cartridge or propellant for a firearm unless the purchaser holds a licence under the *Firearms Act*.
- (6) A person must not sell an explosive to a person who is intoxicated.
- (7) It is a defence to a prosecution for an offence against subregulation (6) if the defendant proves that a reasonable person would have had no reason to suspect that the person was intoxicated.

### **130                      Approval of single sale without licence**

- (1) For the purposes of regulation 5B(1), the Competent Authority may in respect of a single sale of explosives, exempt a person from the requirement of that subregulation to sell explosives only in accordance with the terms and conditions of a licence.
- (2) A person may apply to the Competent Authority for an exemption under subregulation (1) and the Competent Authority may grant or refuse to grant the exemption applied for.
- (3) Where the Competent Authority grants an exemption under subregulation (2) he may grant it subject to such conditions as he thinks fit.
- (4) A person granted an exemption under subregulation (2) shall comply with any conditions to which the exemption is subject.

### **131                      Possession of certain explosives**

- (1) For the purpose of regulation 5D(1), explosives (other than safety cartridges, propellant for firearms and distress signals) are prescribed dangerous goods.
- (2) A person who possesses shopgoods fireworks that are not intended for sale is exempt from regulation 5D(1) during the approved period under regulation 139 or 140.
- (3) The holder of a licence to possess explosives shall not purchase or be in possession of explosives:
  - (a) that he is not permitted by his licence to possess; or
  - (b) in a quantity greater than that permitted by his licence.

- (4) The holder of a licence to possess explosives, or a person acting on his behalf, shall at the time of purchasing the explosives:
  - (a) upon request by the person selling the explosives, produce his licence, or the licence of the person on whose behalf he is acting;
  - (b) state his name and address or the name and address of the person on whose behalf he is acting;
  - (c) state the address or location at which the explosives are to be used; and
  - (d) sign his name in the sales book.
- (5) A person shall not make a false or misleading statement in respect of a matter referred to in subregulation (4).

#### **Division 14            Use of blasting explosives**

##### **132            Shotfirer's certificate required for blasting explosives**

- (1) A person shall not fire a charge of blasting explosives unless he is a shotfirer.
- (2) A person shall not assist in the preparation of a charge of blasting explosives unless he is:
  - (a) a shotfirer; or
  - (b) has attained the age of 18 years and is under the supervision of a shotfirer.

##### **133            Application for shotfirer's certificate**

- (1) A person may apply in an approved form to the Competent Authority for a shotfirer's certificate.
- (2) An application under subregulation (1) shall contain particulars of:
  - (a) the purpose for which the certificate is required; and
  - (b) details of the applicant's experience in the handling of blasting explosives,and shall be accompanied by:
  - (c) a recent photograph approximately 40 mm x 50 mm in size, of passport type, of the applicant; and

- (d) a specimen signature of the applicant; and
  - (e) a statutory declaration by the applicant that he is not suffering from defective hearing, defective vision or a physical infirmity likely to interfere with the efficient and safe discharge of his duties as a shotfirer; and
  - (f) the prescribed fee.
- (3) The Competent Authority shall not grant a shotfirer's certificate unless he is satisfied that the applicant:
- (a) has attained the age of 18 years;
  - (b) is sufficiently fluent in the English language to be able to understand directions relating to the use of blasting explosives;
  - (c) has a sound knowledge of the theory of the use of blasting explosives;
  - (d) has not been convicted of a criminal offence which in the opinion of the Competent Authority would make the applicant unsuitable to be a shotfirer;
  - (e) has demonstrated his practical ability to use blasting explosives for the purpose for which he intends to use them and to fire blasting explosives by the method or methods that he intends to use; and
  - (f) is not suffering from defective hearing, defective vision or a physical infirmity likely to interfere with the efficient and safe discharge of his duties as a shotfirer.

#### **134                      Shotfirer's certificate**

- (1) A shotfirer's certificate shall be in an approved form and shall specify:
  - (a) the type of work for which the shotfirer may use blasting explosives;
  - (b) the method of firing blasting explosives that the shotfirer may use; and
  - (c) such other conditions as the Competent Authority thinks fit.
- (2) A shotfirer's certificate may authorize a shotfirer to manufacture ammonium nitrate explosive mixture for immediate use.

**135                      Shotfirer to observe conditions of certificate**

A shotfirer shall:

- (a) use blasting explosives only for the type of work specified in his shotfirer's certificate;
- (b) use only the method of firing a charge of blasting explosive as specified in his shotfirer's certificate;
- (c) observe the conditions specified in his shotfirer's certificate; and
- (d) manufacture ammonium nitrate explosive mixture only if authorized by his shotfirer's certificate.

**136                      Use of blasting explosives**

- (1) Subject to these Regulations, the use of blasting explosives shall be in accordance with Part 2 of AS 2187 "Explosives – Storage, transport and use" with the exception that the minimum length of safety fuse which may be used shall be 1.25 m.
- (2) A person who conveys blasting explosives (other than in a vehicle) from a storage place or magazine shall convey them in a container of a type approved by an officer.
- (3) A person who uses blasting explosives shall return all surplus in excess of that required for immediate use to the storage place or magazine specified in his licence.

**137                      Additional precautions**

- (1) A shotfirer in charge of blasting shall, before firing an explosive charge, ensure that:
  - (a) to prevent the entry of a person or vehicle to the place of blasting:
    - (i) all points of access to the place are guarded or locked; or
    - (ii) where the blasting is to be carried out in a public street or on a highway persons and approved warning devices are employed on approaches to the place of blasting;

- (b) there is prominently displayed at each point of access to and approaches to the site of the blasting:

- (i) a sign not less than 1,000 mm x 1,000 mm in size with the words:

"DANGER  
BLASTING  
OBEY SIGNALS"

in white capital letters not less than 150 mm in height on a red background;

- (ii) where electric detonators are to be used to fire blasting explosives, a sign not less than 1,000 mm x 1,000 mm in size with the words:

"DANGER  
BLASTING  
SWITCH OFF  
RADIO  
TRANSMITTERS"

in white capital letters not less than 150 mm in height on a red background;

- (c) the owners or occupiers of properties adjoining the site of the blasting are advised of the intention to undertake blasting;
- (d) an approved audible warning signal is given in accordance with section 8.1 of Part 2 of AS 2187 "Use of explosives"; and
- (e) where there is a possibility of injury or damage being caused to a person or property by flying rock or other material, the charge is covered with blasting mats or other method of covering approved by an officer.
- (2) The Competent Authority may require a shotfirer to monitor, in an approved manner, the intensity of ground vibrations arising from blasting, where blasting is carried out in the proximity of a building or other structure and the shotfirer shall monitor the ground vibrations accordingly.

## **138                      Responsibilities during blasting**

- (1) A person in charge of works for which blasting explosives are used shall ensure that these Regulations are complied with and that the firing of blasting explosives is carried out by a shotfirer.

- (2) A shotfirer who uses blasting explosives shall ensure that all unexploded explosives are removed from the blasting site or made safe in accordance with section 9 of Part 2 of AS 2187 "Explosives – Storage, transport and use".
- (3) A person shall not use blasting explosives in a municipality or town except with the permission of an authorized person and in accordance with directions, if any, given by that authorized person.
- (4) In this regulation:

**authorized person** means:

- (a) an officer; or
- (b) where the council of a municipality has designated in respect of its municipality an authorized person for the purpose of this regulation, that designated person.

**municipality** means a municipality constituted and in existence under the *Local Government Act*.

## **Division 15                Fireworks**

### **139                Purchase of shopgoods fireworks**

The Minister may, by *Gazette* notice, approve a period of time (the **approved period**) during which a person may purchase shopgoods fireworks.

### **140                Possession and ignition of fireworks**

- (1) The Minister may, by *Gazette* notice, approve a period of time (the **approved period**) during which a person may possess, throw, ignite or explode shopgoods fireworks.
- (2) A person (other than a permit holder under regulation 141 or 143) may only throw, ignite or explode a firework:
  - (a) if the firework is a shopgoods firework; and
  - (b) during the approved period.
- (3) A person must not throw, ignite or explode a firework in a way likely to damage property or injure a person or animal.

#### **140A       Provisions relating to approval under regulation 139 or 140**

- (1) An approval may be made subject to conditions specified in it, including a condition the approval does not apply to a place specified in it for all or part of the relevant approved period.

*Note for subregulation (1)*

*This subregulation does not limit section 42 of the Interpretation Act.*

- (2) To remove doubt, a provision of By-laws is not a duplication of, and does not overlap with, this regulation, regulation 139 or 140 or an approval only because the provision generally prohibits a person throwing or igniting relevant fireworks in a public place even if, on a particular day specified in the By-laws, a person is allowed to ignite relevant fireworks other than at a specified place.

- (3) In this regulation:

**approval** means either of the following:

- (a) an approval under regulation 139 in relation to an approved period under that regulation;
- (b) an approval under regulation 140 in relation to an approved period under that regulation.

**at**, in relation to a specified place, includes in and on the specified place.

**By-laws** means By-laws of a local government constituted under the *Local Government Act* whether made before or after the commencement of this regulation.

**permit holder** means the holder of a permit granted under regulation 141 or 143.

**relevant approved period**, in relation to an approval, means an approved period relating to the approval.

**relevant fireworks** means:

- (a) shopgoods fireworks; or
- (b) things (however described) that include shopgoods fireworks.

**specified place** means a place specified in an approval as mentioned in subregulation (1).

**141            Permit for fireworks display**

- (1) A person may apply to the Competent Authority, in an approved form, for a permit to conduct a fireworks display.
- (1A) An application under subregulation (1) must be accompanied by the prescribed fee.
- (2) The Competent Authority on receipt of an application under subregulation (1) may grant the application subject to such conditions as he thinks fit or may refuse to grant the application.
- (3) The holder of a permit to conduct a fireworks display may throw, ignite or explode fireworks in accordance with these Regulations and the conditions, if any, specified in the permit.
- (4) The Competent Authority shall not grant a permit under this regulation unless he is satisfied that:
  - (a) the fireworks display will be organized and conducted with due regard to the safety of persons and property; and
  - (b) the approval of the Director of Fire Services, the Commissioner of Police and, where applicable, the council of the municipality in which it is proposed the fireworks display takes place, has been obtained.

**142            Requirements in respect of public fireworks display**

The holder of a permit to conduct a fireworks display in a public place shall ensure that:

- (a) barriers or other restraining mechanisms are constructed at a safe distance from the place where the fireworks are to be ignited and only persons engaged in igniting the fireworks are allowed inside the barriers or restraining mechanisms;
- (b) warnings, by means of notices and clearly audible public announcement, are given of the danger of approaching within the vicinity of the place where the fireworks are to be ignited;
- (c) the place where the fireworks are to be ignited and the direction of firing of aerial fireworks is separated from a protected place, protected work or combustible material so as to eliminate the danger of fire or damage to the protected place, protected work or the combustible material;
- (d) fire extinguishers and other fire protection equipment as required by the permit, an officer or by the Director of Fire Services, are provided;

- (e) equipment to be used in the ignition of the fireworks is of sufficient strength and used in a safe manner;
- (f) the fireworks display ceases where there is any danger to the public or property and that the display does not resume until all such danger is removed; and
- (g) all fireworks that fail to ignite are made safe and removed from the display area on completion of the display.

**143        Permit to handle explosives for special effects**

- (1) A person may apply to the Competent Authority for a permit to handle explosives for the purpose of special effects as specified in his application.
- (1A) An application under subregulation (1) must be accompanied by the prescribed fee.
- (2) The Competent Authority on receipt of an application under subregulation (1) may grant the application subject to such conditions as he thinks fit, or may refuse to grant the application.
- (3) The holder of a permit to handle explosives for special effects may, in accordance with these Regulations and conditions, if any, specified in his permit, handle explosives.

**Part III            Class 2 dangerous goods (gases)**

**Division 1        Preliminary**

**144        Exemption from requirement to be licensed**

- (1) For the purposes of regulation 4(1)(b), a person is exempt from the requirement of that subregulation to store Class 2 dangerous goods in accordance with the terms and conditions of a licence where the goods are in quantities not greater than, and are stored in accordance with, any conditions, if any, specified in subregulation (2).
- (2) For the purposes of subregulation (1), the quantities and conditions are:
  - (a) liquefied flammable gas (other than liquefied flammable gas referred to in paragraphs (b), (c) or (j)) – 200 kg;
  - (b) liquefied flammable gas stored for sale in containers each containing not more than 5 kg of liquefied flammable gas – 25 kg;

- (c) liquefied flammable gas in disposable containers – 500 kg;
- (d) flammable gas (other than liquefied gas) – 60 m<sup>3</sup>;
- (e) Class 2.2 dangerous goods, being a cryogenic liquid, except in buildings where the potential in displacement may cause an oxygen deficiency – 300 m<sup>3</sup>;
- (f) Class 2.2 dangerous goods, other than cryogenic liquid) – no limit;
- (g) liquefied poisonous gas – 50 kg;
- (h) poisonous gas (other than liquefied poisonous gas) – 20 m<sup>3</sup>; and
- (j) anhydrous ammonia and L.P. gas stored:
  - (i) for use (other than for sale) by the person storing the goods in or on the premises where they are stored;
  - (ii) not within a town; and
  - (iii) at a distance of not less than 30 m from any public place or protected work,2,500 kg.

## **Division 2      Depots for the storage of class 2 dangerous goods**

### **145      Storage of class 2 dangerous goods**

- (1) Flammable gas and Class 2.2 dangerous goods shall be stored in:
  - (a) cylinders in accordance with subregulations (3) and (4); or
  - (b) a depot tank as prescribed in regulation 146.
- (2) Poisonous gas shall be stored in:
  - (a) cylinders in accordance with subregulations (3) and (4);
  - (b) a depot tank as prescribed in regulation 146;
  - (c) a depot building as prescribed in regulation 147, in tanks not exceeding 2 m<sup>3</sup> capacity; or
  - (d) a depot area as prescribed in regulation 148 in tanks not exceeding 2 m<sup>3</sup> capacity.

- (3) Subject to subregulation (4), cylinders containing flammable gas, poisonous gas or Class 2.2 dangerous goods shall be stored in:
  - (a) a depot building as prescribed in regulation 147; or
  - (b) a depot area as prescribed in regulation 148.
- (4) Cylinders containing acetylene, vinyl chloride or ethylene oxide shall be stored in a depot building.
- (5) A depot shall not, except with the approval in writing of the Competent Authority, be used for the storage of flammable gas below ambient temperature.

#### **146 Depot tank**

- (1) In this regulation, **depot tank** means a tank that is a depot for storing of flammable gas, poisonous gas or Class 2.2 dangerous goods other than liquid oxygen.
- (2) A depot tank shall:
  - (a) where it is used for the storage of a gas:
    - (i) under pressure – be a pressure vessel conforming to a code, standard or specifications approved by the Competent Authority;
    - (ii) at a temperature below ambient temperature – be a storage vessel for refrigerated gas conforming to a code, standard or specifications approved by the Competent Authority; and
    - (iii) under other conditions – be an approved tank;
  - (b) be above-ground, unless otherwise approved;
  - (c) be fitted with an approved safety relief device placed so that any flame or gas issuing from the device will not impinge on the tank or any other depot for dangerous goods;
  - (d) have in all openings, other than openings for safety relief devices, valves fitted so that they are within the tank or as close to the shell of the tank as possible;

- (e) unless the premises in or on which it is situated are fenced so that the public is effectively excluded from the area of the tank:
  - (i) be surrounded by a fence not less than 1.8 m high and not less than 1.5 m from the tank, which has 2 gates on opposite sides of, and opening only in the direction away from, the tank; or
  - (ii) the valves and fittings of the tank are contained in a locked enclosure;
- (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 not less than 4 hours;
- (g) if it is to remain in position for less than 6 months, be set on firm foundations so that movement of the tank cannot occur which may impose strain on piping connected to it; and
- (h) be readily accessible to persons having duties in relation to it and to equipment for the conveyance of goods to and from it.

#### **147 Depot building**

- (1) In this regulation, **depot building** means a building that is a depot for storing flammable gas, poisonous gas or Class 2.2 dangerous goods.
- (2) A depot building shall:
  - (a) have a:
    - (i) framework of steel, hardwood or other approved material covered with non-combustible sheeting material; or
    - (ii) walls of concrete or masonry with hardwood battens fitted on the inside of the walls to prevent cylinders of gas from striking the walls;
  - (b) have a floor of hardwood or concrete with any space below the floor completely filled with solid material or constructed so that gas cannot accumulate below the floor;
  - (c) be constructed with at least half the wall area 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 approved method;

- (d) have a roof of steel, fibro-cement, tiles, or other approved non-combustible material designed and constructed so that gas cannot accumulate beneath the roof and so that cylinders in the building are protected from direct sunlight; and
- (e) be made secure against entry by unauthorized persons.

#### **148 Depot area**

- (1) In this regulation, **depot area** means an area that is a depot for storing flammable gas, poisonous gas or Class 2.2 dangerous goods.
- (2) A depot area shall be:
  - (a) paved; and
  - (b) subject to subregulation (4), be surrounded by a fence not less than 1.8 m high, which has not less than one gate capable of being locked and of opening outwards from the area.
- (3) The licensee of a depot shall ensure that:
  - (a) dangerous goods are not placed or stored within 300 mm of a surrounding fence; and
  - (b) only equipment necessary for the operation of the depot is stored in the area.
- (4) Where the Competent Authority is satisfied that the premises or place in which a depot area is situated is fenced and that the area is not accessible to the public, he may approve the depot area notwithstanding it is not fenced in accordance with subregulation (2)(b).

#### **149 Segregation for storage of different classes of gases**

- (1) For the purposes of this regulation, separation may be provided by:
  - (a) a screen wall; or
  - (b) a distance of not less than 3 m,  
between each class of dangerous goods stored.
- (2) Where stored in the same depot separation shall be provided between:
  - (a) flammable gases, poisonous gases and Class 2.2 dangerous goods that are oxidizing substances;

- (b) flammable gases that are liquefied or dissolved gases and flammable gases that are compressed permanent gases; and
- (c) poisonous gases that are flammable and poisonous gases that are oxidizing substances.

**150 Storage of empty cylinders**

A cylinder used for the storage of Class 2 dangerous goods, when empty, shall be stored:

- (a) with the valve closed; and
- (b) away from a public place or protected place.

**151 Fire protection**

- (1) A depot used to store Class 2 dangerous goods shall have:
  - (a) hose reels in such numbers and located in such places as determined by an officer or by the Director of Fire Services so that water from the hose reels is able to reach every part of the depot;
  - (b) where more than 4,000 kg of liquefied or dissolved flammable gas or more than 500 m<sup>3</sup> of compressed flammable gas is stored, not less than 2 water hydrants located in places as determined by an officer or the Director of Fire Services; and
  - (c) where there is located a tank capable of holding more than 10,000 kg of liquefied or dissolved flammable gas or 1,500 m<sup>3</sup> of compressed flammable gas:
    - (i) fixed water sprays capable of supplying water at a rate of not less than 10 L per minute for each m<sup>2</sup> of tank surface; and
    - (ii) sufficient reticulated or stored water, or both, to ensure that water sprays will supply water at the rate specified in subparagraph (i) for not less than 3 hours to all tanks or where there are more than 3 tanks located in or on the same depot, to the 3 tanks with the greatest capacities.
- (2) A licensee of premises in or on which a depot is situated shall cause the water sprays referred to in subregulation (1) to be tested each week and records of the tests to be maintained.

- (3) The records referred to in subregulation (2) shall:
  - (a) include the date and results of each test and details of maintenance carried out on the water sprays and monitors; and
  - (b) be kept for not less than 2 years.
- (4) A licensee shall, upon request, allow an officer to inspect the records referred to in subregulation (2).

#### **152 Containers having common connections**

- (1) Subject to subregulation (2), where 2 or more containers used to store flammable gas, poisonous gas or Class 2.2 dangerous goods have common connections for the passage of vapour or liquid, or both, the containers shall be supported so that their maximum liquid levels are in the same horizontal plane.
- (2) Subregulation (1) shall not apply where approved valving or piping, to prevent uncontrolled liquid levelling, has been installed.

#### **153 Depot for flammable gas – separation distances**

Unless otherwise approved, the minimum separation distances from a depot used to store flammable gas shall be that specified for LP gas in AS 1596 "The storage and handling of liquefied petroleum gases".

#### **154 Storage of disposable containers for flammable gas**

Liquefied flammable gas in disposable containers, if stored in a quantity exceeding 100 kg, shall be stored:

- (a) in groups of containers, each group containing not more than 100 kg of flammable gas and with not less than 6 m separating each group; and
- (b) in a place directly ventilated to the open air and separated by not less than 3 m from any combustible material.

#### **155 Depot for poisonous gas – general requirements**

- (1) Where poisonous gas is stored in a tank or cylinder situated in a building:
  - (a) a space of not less than 750 mm in width shall be left surrounding the area in which the tank or cylinder is situated or, if more than one tank or cylinder, the area in which the tanks or cylinders are stored; and

- (b) the space referred to in paragraph (a) shall be:
- (i) marked by a yellow paint line on its outer border; and
  - (ii) kept clear at all times to allow convenient and unrestricted access to and movement around the area.
- (2) Where poisonous gas is stored in a tank or cylinder otherwise than in a building, adequate provision shall be made for access to and movement around the tank or cylinder or, if more than one tank or cylinder, around the area in which the tank or cylinders are stored.

### 156 Depot for poisonous gas – separation distances

- (1) Subject to this regulation, the prescribed separation distance in respect of a depot used to store poisonous gas is the distance, expressed in metres, specified in the appropriate column of Table 8 opposite to the exposure referred to in column 1 of that table.

#### Separation Distances for Depots for Poisonous Gas

TABLE 8

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Exposure	Cylinders – not exceeding 800 m <sup>3</sup> compressed gas or 2,500 kg of liquefied gas	Cylinders – exceeding amounts specified in column 2	Cylinders connected to a system – not exceeding 80 m <sup>3</sup> compressed gas or 250 kg of liquefied gas	Cylinders connected to a system – not exceeding amounts specified in column 4	Tanks – not exceeding 600 m <sup>3</sup> compressed gas of 2,000 kg of liquefied gas	Tanks – exceeding amounts specified in column 6
	(metres)	(metres)	(metres)	(metres)	(metres)	(metres)
Public place	3	8	3	15	15	25
Protected work (other than a depot)	8	15	8	25	25	50
Another depot	3	8	3	15	15	25

- (2) Subject to subregulation (3), where a screen wall is between a depot and an exposure referred to in subregulation (1), the distance between the depot and the exposure shall be taken to be the distance between them measured around the screen wall.
- (3) Subregulation (2) does not apply to or in relation to the distance between tanks containing poisonous gas.

- (4) The prescribed separation distance between 2 tanks containing poisonous gas is the distance equal to the diameter of the larger tank or, if they are of equal diameter, that diameter, or 3 m, whichever is the lesser.

#### **157 Depot for liquid oxygen – general requirements**

- (1) Liquid oxygen shall be stored in a tank situated in:
  - (a) the open air; or
  - (b) a building of fire-resisting construction that is adequately ventilated and used only for the purpose of storing liquid oxygen.
- (2) A tank used to store liquid oxygen shall be:
  - (a) readily accessible at ground level to persons having duties in relation to the tank and to equipment for its use and maintenance; and
  - (b) on higher ground than a depot for the storage of flammable liquids if such goods escaping from that depot might, if the tank were not so situated, reach the tank.
- (3) Subject to subregulation (4), the area surrounding a tank on which liquid oxygen is liable to fall when being placed in or taken from the tank 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 surfacing material.
- (5) A tank in which liquid oxygen is stored shall:
  - (a) be approved by the Competent Authority;
  - (b) be insulated with a non-combustible material;
  - (c) be fitted with approved safety relief devices so located that moisture cannot collect and freeze so as to interfere with their operation;
  - (d) have relief devices fitted to any insulation casings;
  - (e) be mounted on substantial non-combustible supports having firm non-combustible foundations;
  - (f) be installed by or under the supervision of a person familiar with its manner of construction and the proper procedures to be adopted in its installation and use;

- (g) be tested, otherwise than with flammable liquids or substances containing oil, after installation and shown to be free of gas leaks at maximum operating pressure; and
  - (h) when installed in or on premises where the liquid oxygen stored is to be used, be:
    - (i) inspected at intervals not exceeding 6 months; and
    - (ii) maintained,  
  
by a competent person acting on behalf of the supplier of the liquid oxygen.
- (6) Piping, tubing, regulators, gauges, valves and other fittings of or connected to a tank in which liquid oxygen is stored 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;
  - (b) conform to the requirements of Part 1 of AS CB18 "Rules for the design, fabrication, installation and inspection of pressure piping" or have been approved; and
  - (c) where the operating temperature is or may be less than minus 30°C, be fabricated from materials that conform to Rule 2.6 of AS 1210 "Unfired pressure vessels", 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.
- (7) An oxygen vaporizer used in connection with a tank in which liquid oxygen is stored shall be anchored and its connecting piping shall be sufficiently flexible to provide for the effects of expansion and contraction due to temperature changes.
- (8) An oxygen vaporizer and its piping shall be protected on the oxygen and heating-medium sections with safety relief devices.
- (9) Heat used in an oxygen vaporizer shall be supplied only through a medium such as steam, air or water, or a water solution that does not react with oxygen.
- (10) Where an electric heater is used for supplying heat to the heating medium, the oxygen vaporizer shall be electrically bonded and earthed.

- (11) Where the mode of use of the tank 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.
- (12) All practical measures shall be taken to protect a tank and piping, tubing, regulators, gauges, valves and other fittings of or connected to it from damage.
- (13) Electrical wiring and equipment shall not be installed in, or used in close proximity to, a tank:
  - (a) unless it is necessary for the operation of, or is used in connection with, the tank; and
  - (b) where the tank is situated in the open air, it is weatherproof.
- (14) Any enclosure in which oxygen control equipment or operating equipment is situated shall be adequately ventilated.

**158 Depot for liquid oxygen – separation distances**

- (1) For the purposes of this regulation a screen wall shall have a fire-resistance rating of not less than 4 hours.
- (2) Subject to this regulation, the prescribed separation distance in relation to a tank for the storing of liquid oxygen is:
  - (a) where the tank is situated in a building:
    - (i) 1.5 m from a wall that has a fire-resistance rating of not less than 3 hours; and
    - (ii) 5 m measured horizontally and 3 m measured vertically from any opening in such a wall;
  - (b) where the tank is in the open air:
    - (i) 8 m from a building that:
      - (A) has non-combustible walls; or
      - (B) is equipped with a sprinkler system that, if the building is in or on licensed premises, conforms to these Regulations or, in any other case, is approved; or
    - (ii) a distance equal to the height of the wall of the building, whichever is the greater;

- (c) where paragraphs (a) and (b) do not apply, 15 m from a wall or building; or
- (d) the relevant distance specified in Table 9 from another depot which is an above-ground depot for the storing of flammable liquids:

TABLE 9

Capacity of above-ground depot for flammable liquids (in litres)	Separation distance where there is a screen wall between the depots (in metres)	Separation distance in every other case (in metres)
Not more than 5, 000	3	10
More than 5, 000	6	15

- (e) the relevant distance specified in Table 10 from another depot which is an above-ground depot for combustible liquids:

TABLE 10

Capacity of above-ground depot for combustible liquids (in litres)	Separation distance where there is a screen wall between the depots (in metres)	Separation distance in every other case (in metres)
Not more than 5, 000	3	5
More than 5, 000	6	8

- (f) the relevant distance specified in Table 11 from another depot which is a depot for liquefied flammable gas:

TABLE 11

Capacity of depot for liquefied flammable gas liquids (in litres)	Separation distance where there is a screen wall between the depots (in metres)	Separation distance in every other case (in metres)
Not more than 6, 000 (tank capacity)	3	10
More than 6, 000 (tank capacity)	3	15

- (g) the relevant distance specified in Table 12 from another depot which is a depot for acetylene or compressed flammable gas:

TABLE 12

Capacity of that other depot (in m <sup>3</sup> )	Separation distance where there is a screen wall between the depots (in metres)	Separation distance in every other case (in metres)
Not more than 1,000	3	10
More than 1,000	3	15

- (h) one metre from an underground depot for flammable liquids and 3 m from every fill point or vent of such a depot;
- (j) 15 m from a place where solid materials that burn rapidly, such as wood shavings or paper, are stored;
- (k) 8 m from a place where solid materials that burn slowly, such as coal or timber, are stored;
- (m) 5 m from an electrical substation or transformer;
- (n) 4 m from an opening to an underground drain;
- (p) 8 m 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;
- (q) 15 m from a public place, other than a public highway or street;
- (r) 3 m from a public highway or street;
- (s) 15 m from an area occupied by non-ambulatory patients in a hospital; and
- (t) 1.5 m from the boundary of the premises in or on which the depot is situated.

### 159 Depot for cryogenic liquids other than oxygen

- (1) Dangerous goods being a cryogenic liquid (other than liquid oxygen) shall be stored in a tank.

- (2) A tank referred to in subregulation (1) shall:
- (a) be approved by the Competent Authority;
  - (b) if situated in:
    - (i) the open air – be not less than one metre from an opening to a building; or
    - (ii) a building – the walls of the building surrounding the area in which the tank is situated shall have vents to the outside of the building located not less than 1 m from any other opening to the building; and
  - (c) be capable of being operated in accordance with operating conditions and procedures specified in AS 1894 "Code of practice for the safe handling of cryogenic liquids".

### **Division 3            Miscellaneous**

#### **160            Containers for gases**

- (1) A container (other than a tank) used to store Class 2 dangerous goods shall be:
- (a) a cylinder complying with AS 2030 "Rules for the approval, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases";
  - (b) an approved welded steel drum;
  - (c) a refillable container designed and manufactured to withstand a pressure of not less than 7,000 kPa above atmospheric pressure 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 not less than twice the vapour pressure of the contents at 55°C.
- (2) A cylinder used for the storage of Class 2 dangerous goods shall be deemed to contain those goods until it is gas-free.
- (3) Where a cylinder used for the storage of Class 2 dangerous goods is fitted with a cap to protect the valve, the cap shall be kept in place so as to protect the valve at all times other than when the cylinder is being filled or connected to a consuming device.

**161        Valves**

- (1) The valve of a container in which Class 2 dangerous goods are stored shall be kept closed at all times unless the container is –
  - (a) connected to a consuming device; or
  - (b) being filled or goods are being taken from it.
- (2) Where, in pursuance of these Regulations, a pipeline is equipped with one or more excess flow valves, a person shall not convey Class 2 dangerous goods 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.

**162        Filling of cylinders**

- (1) A person shall not fill a cylinder with Class 2 dangerous goods:
  - (a) to a pressure greater than the maximum designed pressure of the cylinder;
  - (b) unless the cylinder is stamped in accordance with AS 2030 "Rules for the approval, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases", so as to indicate:
    - (i) that the cylinder has been inspected at a test station approved under the terms of AS 2337 "Gas cylinder test stations"; and
    - (ii) that it has been inspected within the period specified in AS 2030 as the maximum period that may elapse between inspections; and
  - (c) if the cylinder is of a kind required by AS 2030 to be fitted with a valve and a safety device, the cylinder is fitted with a valve and a safety device that conform to, and are protected as required by, that standard.
- (2) A person shall not fill a cylinder with Class 2 dangerous goods unless he is the owner of the cylinder or is authorized by a person who is, or appears to be, the owner of the cylinder.
- (3) A person shall not fill a cylinder with flammable gas, poisonous gas or Class 2.2 dangerous goods that is different from the composition of the dangerous goods identified:
  - (a) or shown on a label affixed to the cylinder; or

- (b) by a cylinder colour code in accordance with AS 1942 "Refrigerant gas cylinders identification", AS 1943 "Industrial gas cylinder identification" or AS 1944 "Medical gas cylinders identification".

**163            Positioning of cylinders for liquefied gas**

A person shall not handle a cylinder containing Class 2 dangerous goods, being liquefied or dissolved gas, unless the cylinder is positioned in place so that the safety relief device communicates directly with the vapour space in the cylinder.

**164            Acetylene**

- (1) Acetylene shall not be compressed for filling into a cylinder unless the compression is carried out by means of equipment that has been approved in writing.
- (2) A person shall not convey acetylene by pipeline if, in any part of the pipeline where its internal diameter exceeds 12 mm, the pressure exceeds 100 kPa above atmospheric pressure.

**165            Anhydrous ammonia**

A person shall not:

- (a) store;
- (b) convey; or
- (c) fill a cylinder or tank with,

anhydrous ammonia except in accordance with AS 2022 "Anhydrous ammonia – Storage and handling".

**166            Chlorine**

A person shall not handle chlorine except in accordance with the "Code of Practice for the Storage and Handling of Chlorine" published by the Department of Mines and Energy of the Northern Territory.

**167            Unodorized liquefied petroleum gas**

Unodorized liquefied petroleum gas shall not be handled except in accordance with the approval in writing of the Competent Authority.

**168            Filling of balloons, &c.**

A person shall not, unless approved:

- (a) fill a balloon or other collapsible container with flammable, poisonous or anaesthetic gas; or
- (b) handle or sell a balloon or other collapsible container which contains flammable, poisonous or anaesthetic gas.

**169            Reticulation of compressed gas**

Where Class 2 dangerous goods (other than fuel gas, chlorine or ammonia) are conveyed within premises by a pipeline, the design and construction of the pipeline shall:

- (a) be approved; or
- (b) where the dangerous goods conveyed in the pipeline are or are to be used for medical purposes, comply with AS 1169 Part 2 of "SAA Medical agents and gases safety code".

**Part IV            Fuel gas**

**Division 1        Preliminary**

**170            Interpretation**

- (1) In this Part, unless the contrary intention appears:

**autogas certificate** means an autogas certificate granted under regulation 201 and includes a renewal of an autogas certificate.

**autogas system** means a fuel gas system which is fitted to a vehicle, ship or machine and which is designed for use with fuel gas to be consumed by an internal combustion engine which is installed in, or forms part of, that vehicle, ship or machine.

**burner** means a device for the final conveyance of fuel gas, a mixture of fuel gas and air or oxygen, to the combustion zone.

**certificate** means a gasfitting certificate granted under regulation 173 and includes a renewal of a gasfitting certificate.

**fuel gas system** means an assembly of equipment consisting of a gas container or connection to a gas main and devices, including relief valves, excess flow valves, pressure regulators, gas appliances and pipes, connecting such devices.

**gas appliance** means a device that uses fuel gas to produce light, heat or power.

**gas container** means a storage vessel used for fuel gas and includes a gas cylinder or gas tank.

**gas cylinder** means a welded or brazed steel pressure vessel used for the storage of fuel gas having a capacity not more than 500 L.

**gasfitting** means work of installing, repairing removing, altering or other work in connection with any fuel gas system, gas appliance, gas container, gas main, pipe, flue or other fitting used, designed or intended for use in or in connection with the supply, use or distribution of fuel gas, but does not include the connection or disconnection of a gas cylinder which is not filled on the premises or work of installing, repairing, removing, altering or other work in connection with an autogas system.

**gas main** means a pipe conveying fuel gas for supply to 2 or more consumers.

**gas supplier** means a person approved as a gas supplier in accordance with regulation 187.

**gas tank** means a gas container that is not a gas cylinder.

**provisional certificate** means a provisional certificate granted under regulation 174 and includes a renewal of a provisional certificate.

**Registrar of Motor Vehicles** means the Registrar of Motor Vehicles appointed under the *Motor Vehicles Act*.

- (2) In this Part, the methods of test identified by:
- (a) the prefix letters AG followed by a group of numerals or letters, or numerals and letters, is a reference to the Code published jointly by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association, indicated by that group, together with all additions and amendments;
  - (b) the prefix letters BS followed by a group of numerals or letters, or numerals and letters, is a reference to the standard published by the British Standards Institution, indicated by that group, together with all additions and amendments;

- (c) the prefix letters ASTM followed by a group of numerals or letters, or numerals and letters, is a reference to the test procedures published by the American Society for Testing and Materials, indicated by that group, together with all additions and amendments; and
- (d) the prefix letters NGPA followed by a group of numerals or letters, or numerals and letters, is a reference to the test procedures published by the Natural Gas Processors Association, indicated by that group, together with all additions and amendments.

## **171 Application of Act**

Division 5 of Part III of the Act, with the necessary changes, applies to a certificate, provisional certificate or autogas certificate as if the certificate, provisional certificate or autogas certificate were a licence under the Act.

## **Division 2 Gasfitting**

### **172 Gasfitter to hold certificate**

- (1) A person shall not carry out gasfitting unless he is the holder of a certificate or a provisional certificate and:
  - (a) the gasfitting is of a type authorized by the certificate or provisional certificate; and
  - (b) where the gasfitting is being carried out by the holder of a provisional certificate, he is under the supervision of the holder of a certificate.
- (2) The Competent Authority may for a period of 2 years from the date of commencement of these Regulations, on the application of a holder of a provisional certificate, exempt the holder from the requirement of subregulation (1)(b) and where such exemption is given, the holder shall be deemed to be the holder of a certificate for such period as the exemption remains in force.

### **173 Application for gasfitting certificate**

- (1) A person may apply to the Competent Authority for a gasfitting certificate.
- (2) The holder of a certificate may, at any time before the expiration of his certificate, apply to the Competent Authority for a renewal of his certificate.

- (3) An application under subregulation (1) or (2) shall be in an approved form and shall be accompanied by the prescribed fee.
- (4) Subject to this regulation, the Competent Authority may grant or renew, or refuse to grant or renew, a certificate under this regulation.
- (5) The Competent Authority shall not grant a certificate under this regulation unless he is satisfied that the applicant:
  - (a) has:
    - (i) completed an apprenticeship in plumbing and gasfitting; and
    - (ii) had not less than 2 years' practical experience in gasfitting since the completion of his apprenticeship;
  - (b) has:
    - (i) completed an apprenticeship in plumbing or other approved trade;
    - (ii) completed an approved course in gasfitting and passed the course; and
    - (iii) had at least 3 years' practical experience in gasfitting; or
  - (c) is the holder of a current certificate, licence or other qualification which satisfies the Competent Authority that the applicant has training and experience equivalent to that referred to in paragraph (a) or (b).
- (6) The Competent Authority shall not renew a certificate under this regulation unless he is satisfied that the applicant remains competent in gasfitting.

**174      Application for provisional gasfitting certificate**

- (1) A person who does not hold the qualifications or experience required by regulation 173(5), may apply to the Competent Authority for a provisional certificate.
- (2) The holder of a provisional certificate may, at any time before the expiration of his provisional certificate, apply to the Competent Authority for the renewal of his provisional certificate.
- (3) An application under subregulation (1) or (2) shall be in an approved form and shall be accompanied by the prescribed fee.

- (4) Subject to this regulation, the Competent Authority may grant or renew, or refuse to grant or renew, a provisional certificate.
- (5) The Competent Authority shall not grant a provisional certificate under this regulation unless the applicant has an undertaking signed by his employer stating:
  - (a) that the applicant will be engaged in gasfitting; and
  - (b) that the applicant when engaged in gasfitting will be under the supervision of the holder of a certificate and will be engaged in gasfitting only of a type authorized by the provisional certificate.
- (6) The Competent Authority shall not renew a provisional certificate under this regulation unless he is satisfied the applicant:
  - (a) remains competent in gasfitting; and
  - (b) when engaged in gasfitting, is under the supervision of the holder of a certificate and engages in gasfitting only of a type authorized by the provisional certificate.

#### **175      Gasfitting certificate**

- (1) A certificate or a provisional certificate:
  - (a) shall be in an approved form;
  - (b) is not transferable;
  - (c) is valid only in respect of the type of gasfitting for which it is endorsed; and
  - (d) is subject to such conditions as the Competent Authority determines and endorses on the certificate or provisional certificate.
- (2) A certificate shall continue in force for a period not exceeding 5 years from the date of grant or last renewal, as determined by the Competent Authority and endorsed on the certificate.
- (3) A provisional certificate shall continue in force for a period not exceeding 12 months from the date of grant or last renewal, as determined by the Competent Authority and endorsed on the certificate.

## **176 Commencement of work**

- (1) Subject to subregulations (2) and (3), the holder of a certificate shall, not later than 24 hours before the commencement by him of:
  - (a) the installation of a fuel gas system;
  - (b) the connection of a gas appliance; or
  - (c) the repair (other than minor repair) or alteration to or removal of an existing fuel gas system,submit a commencement of work notice:
  - (d) to the Competent Authority; and
  - (e) where the work to be carried out is to a fuel gas system connected to a gas main – to the gas supplier or the owner of the gas container supplying fuel gas to the gas main.
- (2) A commencement of work notice is not required to be submitted in accordance with subregulation (1) to the Competent Authority where:
  - (a) the quantity of fuel gas stored in a gas container or gas containers, connected to, or to be connected to, the fuel gas system or systems, if more than one, does not, or will not, be more than 200 kg; or
  - (b) the fuel gas system is connected to a gas main, the total energy consuming ability of the fuel gas system, or systems, if more than one, does not, or will not, be more than 200 MJ per hour.
- (3) Where, by reason of the urgent nature of the work to be done, it is not possible to submit a commencement of work notice within the period referred to in subregulation (1), the commencement of work notice shall be submitted as soon as practicable.
- (4) A commencement of work notice shall contain:
  - (a) the name, address and certificate number of the person carrying out the work;
  - (b) the location of the premises or caravan where the work is to be carried out;
  - (c) the name and address of the owner of the premises or caravan; and

- (d) details as to whether the work relates to:
  - (i) a new installation;
  - (ii) an addition to, repairs to, removal of, alteration to or other work in connection with, an existing installation;
  - (iii) the installation of gas containers; or
  - (iv) the installation or repair of gas appliances;
- (e) details of the purposes for which the fuel gas system is to be used; and
- (f) details as to whether the fuel gas system is:
  - (i) low pressure vapour withdrawal;
  - (ii) high pressure vapour withdrawal and, if so, details of the working pressure; or
  - (iii) liquid withdrawal,

and shall be signed by the person submitting the notice.

- (5) In addition to the particulars required under subregulation (4), where the work to be carried out relates to the installation:

- (a) of a fuel gas system that includes a gas container; or
- (b) of a gas container,

the commencement of work notice shall include particulars of:

- (c) the name and address of the owner of the gas container;
- (d) the capacity of the gas container;
- (e) in relation to a gas container (other than a gas cylinder which is not filled on the premises):
  - (i) the manufacturer's name;
  - (ii) the identification number;
  - (iii) the date of manufacture; and
  - (iv) the test date or last date of re-testing; and

- (f) particulars of any public places, protected works and ignition sources, adjacent or near to, and their distance from, the gas container.

**177      Installation, &c., to conform to standards**

- (1) The installation, operation and maintenance of a fuel gas system (other than an autogas system) shall conform to the requirements specified in:
  - (a) AS 1596 "The storage and handling of liquefied petroleum gases"; and
  - (b) AG 601 "Installation code for gas burning appliances and equipment".
- (2) The installation, operation and maintenance of gas mains shall conform to the requirements specified in:
  - (a) AS 1697 "Gas transmission and distribution systems"; and
  - (b) AG 603 "Gas distribution code".

**178      Notification of work in respect of gas main**

- (1) Subject to subregulation (3), a person who constructs in whole or in part or who carries out any repairs to a gas main shall not less than 7 days before commencing the construction or repair of the gas main notify the Competent Authority.
- (2) A notification referred to in subregulation (1) shall be in writing and shall contain:
  - (a) the person's full name, address and telephone number;
  - (b) the location or proposed location of the gas main;
  - (c) the name and address of the person responsible for carrying out the construction or repair;
  - (d) full details of the construction work or repair work; and
  - (e) the proposed date of commencement of the construction work or repair work.
- (3) Subregulation (1) shall not apply to:
  - (a) emergency repairs;
  - (b) minor repairs; or

- (c) routine maintenance.

**179      Certificate of compliance**

- (1) The holder of a certificate who:

- (a) installs;
- (b) modifies; or
- (c) carries out repairs (other than minor repairs) to,

a fuel gas system in or on premises or a caravan shall, on completion, issue a certificate of compliance to the owner of the premises or caravan.

- (2) The holder of a certificate may issue a certificate of compliance in respect of a fuel gas system if, after an inspection of the fuel gas system, he is satisfied that it complies with these Regulations.

- (3) The holder of a certificate who issues a certificate of compliance shall, not later than 7 days after the completion or inspection referred to in subregulation (1) or (2), as the case may be, deliver to:

- (a) the Competent Authority; and
- (b) where the premises are connected to a gas main, to the gas supplier or the owner of the gas container supplying fuel gas to the gas main,

a copy of the certificate of compliance.

- (4) The holder of a certificate who issues a certificate of compliance shall retain a copy for not less than 2 years after the date it is issued and shall produce the copy to an officer on request.

- (5) A certificate of compliance shall specify:

- (a) the name, address and certificate number of the person issuing it;
- (b) the location of the premises or caravan in or on which the work or inspection was carried out;
- (c) the name and address of the owner of the premises or caravan;
- (d) in respect of a caravan, the registration number, chassis number, if any, and the make and model;

- (e) the capacity of any gas cylinder;
  - (f) in respect of a gas container (other than a gas cylinder which is not filled on the premises):
    - (i) the manufacturer's name;
    - (ii) the identification number; and
    - (iii) the test date or last date of re-testing;
  - (g) particulars of whether the gas fuel system is liquid or vapour withdrawal;
  - (h) details of each gas appliance installed or inspected, including the model and maker's name;
  - (j) details of pipework;
  - (k) a declaration in the following form:

"This is to certify that the installation described in this certificate has been installed / removed / modified / repaired / inspected and that the gas containers, gas appliances and other fittings comprising the installation comply with the *Dangerous Goods Regulations*"; and
  - (m) the date of completion or inspection of the work,
- and shall be signed by the person issuing the certificate.

**180 Fuel gas compliance plate to be attached to fuel gas system**

- (1) Where the holder of a certificate issues a certificate of compliance to the owner of a fuel gas system he shall attach a fuel gas compliance plate in a conspicuous place at or near the control valve or other point at which the fuel gas system is designed to be connected to a gas container or gas main.
- (2) Where a fuel gas system has a fuel gas compliance plate already affixed to it, the holder of a certificate who attaches a compliance plate in accordance with subregulation (1) shall remove the first-mentioned compliance plate.

**181 Fuel gas compliance plate**

A fuel gas compliance plate shall:

- (a) be constructed from approved material;
- (b) be not less than 70 mm by 50 mm by 0.5 mm in size; and

- (c) specify:
  - (i) that the fuel gas system complies with these Regulations;
  - (ii) the certificate number of the person who carried out the installation, modification, repair or inspection;
  - (iii) the date on which the installation, modification, repair or inspection was carried out; and
  - (iv) in respect of a caravan, the chassis number, if any.

**182      Offence in respect of compliance plate**

Except in accordance with these Regulations, a person shall not:

- (a) attach to or remove from a fuel gas system;
  - (b) interfere with; or
  - (c) alter,
- a fuel gas compliance plate.

**183      Standards of work**

The holder of a certificate or provisional certificate shall:

- (a) carry out all gasfitting in a thorough and workmanlike manner and in accordance with these Regulations; and
- (b) ensure that all practicable precautions are taken on site to prevent an accident, damage or injury to any person or property.

**184      Defective work**

- (1) This regulation is in addition to and does not derogate from any right available under any other law in force in the Territory.
- (2) Where, within a period of 3 months after the completion of any gasfitting, an officer considers the gasfitting to be defective on the grounds of:
  - (a) faulty workmanship;
  - (b) defective materials; or
  - (c) failure to comply with these Regulations,

the officer may deliver to the person who carried out the work or his employer a notice in writing specifying the defect and requiring the person or his employer, as the case may be, at his cost and within 14 days after receipt of the notice, to remedy the defect to the satisfaction of the officer.

- (3) Where a person to whom a notice under subregulation (2) is delivered fails to remedy the defect as required by that notice, the officer may have the defect remedied and the cost incurred in so doing shall be a debt due and payable by that person to the Territory.

#### **185      Liability of owner**

The owner and occupier of premises or a caravan in or on which an L.P. gas cylinder or tank is stored shall take all practicable measures to ensure that the area surrounding the L.P. gas cylinder or tank, to the distances specified in AS 1596 "The storage and handling of liquefied petroleum gases", is kept free of combustible materials, flammable liquids, other classes of dangerous goods, naked flames and any other source of ignition.

#### **186      Gas fitting at specified premises**

- (1) Notwithstanding anything elsewhere contained in this Division, the Competent Authority, may by notice in the *Gazette*, declare that gasfitting, or a class of gasfitting, may be carried out in specified premises in a manner and in accordance with any conditions, as are specified in the notice.
- (2) Where a notice under subregulation (1) is in force in respect of any premises, gas fitting or the class of gas fitting specified in the notice may be carried out in the manner and in accordance with the conditions specified in the notice, notwithstanding that the gas fitting or class of gas fitting is not otherwise in accordance with this Division.
- (3) The conditions referred to in subregulation (1) may include:
- (a) a requirement that all gasfitting be carried out only by persons who have completed:
    - (i) an apprenticeship in an approved trade; and
    - (ii) an approved course for the installation and repair of fuel gas systems of the type installed in the specified premises;

- (b) specifications of standards for the installation, repair and maintenance of fuel gas systems of the type installed in the specified premises;
- (c) safe working practices for the installation, repair and maintenance of fuel gas systems of the type installed in the specified premises; and
- (d) restrictions, if any, on the type and scope of gasfitting that may be carried out in the specified premises.

### **Division 3            Gas supply and equipment**

#### **187            Gas supplier**

- (1) The Competent Authority may approve, in writing, a person to be a gas supplier.
- (2) The approval of a gas supplier is valid only in respect of the gas supply or operation endorsed in the approval.
- (3) A person shall not supply fuel gas to a gas main or a gas container:
  - (a) unless he is an approved gas supplier or an employee of an approved gas supplier; and
  - (b) except in accordance with the endorsement referred to in subregulation (2).

#### **188            Supply of gas**

- (1) This regulation applies to the supply of fuel gas including the supply through a gas main or the filling of a gas container but does not apply to the supply of fuel gas in disposable containers.
- (2) The supply of L.P. gas shall be carried out in accordance with AS 1596 "The storage and handling of liquefied petroleum gases".
- (3) A gas supplier shall not supply fuel gas to a gas container or a fuel gas system where:
  - (a) the gas container or the fuel gas system does not comply with these Regulations;
  - (b) a notice has been attached to the gas container or fuel gas system by an officer stating that the gas container is not to be filled or the fuel gas system is not to be supplied with gas; or

- (c) the gas container is fitted to a vehicle, ship or machine as part of an autogas system and the vehicle, ship or machine is not fitted with an autogas compliance plate.

## **189        Gas appliances to be approved**

- (1) A person shall not sell or install a gas appliance or component which is not approved for use in a fuel gas system.
- (2) For the purpose of subregulation (1) approved means:
  - (a) approved by the Australian Gas Association, the Australian Liquefied Petroleum Gas Association or the Competent Authority; or
  - (b) complying with AS 2658 "Liquefied petroleum (LP) gas – Portable and mobile appliances".
- (3) Where a gas appliance has been approved by the Australian Gas Association or the Australian Liquefied Petroleum Gas Association or complies with AS 2658, a person shall not sell or install the gas appliance unless it has a notice affixed to it showing:
  - (a) the approval of the association or compliance with AS 2658; and
  - (b) the type of fuel gas for which approval is given.
- (4) An application for an approval under this regulation when made to the Competent Authority shall be:
  - (a) in an approved form and accompanied by the prescribed fee; and
  - (b) accompanied by:
    - (i) unless otherwise exempted by the Competent Authority, a specimen of; and
    - (ii) full dimensional drawings and specifications, detailing the pattern, construction and nature of,

the gas appliance or component for which approval is sought.

## **190        Meters**

- (1) All fuel gas systems supplied by gas mains shall be equipped with a meter, installed between the gas main and the consuming devices, for determining the quantity of fuel gas supplied.
- (2) A meter shall be approved.

- (3) A person shall not install or use a meter which is not approved.
- (4) A meter referred to in subregulation (1) shall be tested by such means and methods and at such times as the Competent Authority directs.

## **Division 4      Gas quality**

### **191      Odour of fuel gas**

- (1) Fuel gas shall have an odour which is distinct, unpleasant and non-persistent, and of an intensity which indicates the presence of fuel gas down to one-fifth of the lower flammability limit for gases containing less than 5% by volume of carbon monoxide, and down to one-eighth of the lower flammability limit for fuel gases containing 5% or more by volume of carbon monoxide.
- (2) The odour of L.P. gas shall exist throughout its vaporization range from the liquid state.
- (3) The odour intensity of fuel gas shall, for the purpose of subregulation (1), be determined by using equipment of the type in which a stream of the fuel gas is mixed with pure air and the proportion of the fuel gas to air is determined at threshold odour level.
- (4) Subregulations (1), (2) and (3) shall not apply where a gas supplier satisfies the Competent Authority that the odour of fuel gas would be harmful in the further processing of such gas or would interfere unduly with the use of such fuel gas in connection with a manufacturing process.
- (5) A substance added to fuel gas for the purpose of providing it with an odour shall be a substance that is suitable for odour purposes for the particular type of fuel gas.

### **192      Toxicity**

Unless otherwise approved, fuel gas shall not contain a component in such concentration as to render it toxic to humans when used for any rational purpose.

### **193      Freedom from contamination**

Fuel gas for supply into a gas container or to a gas main shall be free from dust, gums or gum forming substances and for fuel gases (other than L.P. gas) shall be free of hydrocarbons liquefiable at temperatures in excess of 0°C and at pressures not more than 1.5 times the maximum pressure employed in the reticulation

system.

**194      Corrosive compounds**

- (1) Fuel gas for supply into a gas container or to a gas main shall be free of substances which may be corrosive to the gas container, gas main or any appliances or fittings connected to the gas container or gas main.
- (2) Fuel gas shall contain not more than 0.060 g of hydrogen sulphide per volume of fuel gas of total heat content of 100 MJ, nor more than 0.070 g of ammonia per standard cubic metre, and for all fuel gases (other than L.P. gas) not more than 0.230 g of sulphur per standard cubic metre.
- (3) The hydrogen sulphide content and the total sulphur content of fuel gas shall be determined in accordance with BS3156; Part 2 "Methods for the analysis of fuel gases, special determinations".
- (4) The ammonia content in fuel gas shall be determined in accordance with BS3156; Part 2.

**195      LP gas**

- (1) L.P. gas shall:
  - (a) be free of corrosive compounds as determined by A.S.T.M. Method D1838 – "Standard test method for copper strip corrosion by liquefied petroleum (LP) gases"; and
  - (b) not contain volatile sulphur in excess of 0.34 g per cubic metre at 10°C, 101.3 kPa absolute, as determined by ASTM Method D2784 – "Standard test method for sulphur in liquefied petroleum gases (oxy-hydrogen burner or lamp)", and of this not more than 0.05 g shall be mercaptan sulphur as determined by BS2000, Part 104 "Mercaptan sulphur content of liquid hydrocarbon products (silver nitrate method)".
- (2) The residue on complete evaporation shall be not more than 2 mg per 100 mL as determined by an approved method.

**196      LP gas (commercial propane)**

- (1) L.P. gas composed predominantly of propane as determined by ASTM Method D2163 – "Standard test method for analysis of liquefied petroleum (LP) gases and propane by gas chromatography" (in this regulation call ***the product***), shall conform with this regulation in addition to all other requirements specified in this Division.

- (2) The gross heating value of the vaporized product shall be not less than 48.8 MJ/kg measured at 101.3 kPa absolute and 10°C, as determined by gas chromatography as specified by ASTM Method D2163.
- (3) The vapour pressure at 40°C as determined by ASTM Method D1267 – "Standard test method for vapour pressure of liquefied petroleum (LP) gases (LP gas method)" or BS3324 "Method for determination of vapour pressure of liquefied petroleum gases (LPG method)" shall be not greater than 1,530 kPa above atmospheric pressure.
- (4) The temperature at which 95% by volume of the product has evaporated, as determined by ASTM Method D1837 – "Standard test method for volatility of liquefied petroleum (LP) gases", shall be not greater than minus 30°C, when corrected to a pressure of 101.3 kPa absolute.
- (5) The product shall be dry as determined by the Commercial Propane Dryness Test (Dew Point Method) described in N.G.P.A. Publication 2140.

**197      LP gas (commercial butane)**

- (1) L.P. gas composed predominantly of butanes as determined by ASTM Method D2163 – "Standard test method for analysis of liquefied petroleum (LP) gases and propane by gas chromatography" (in this regulation called ***the product***), shall conform with this regulation in addition to all other requirements specified in this Division.
- (2) The gross heating value of the vaporized product shall be not less than 47.7 MJ/kg measured at 101.3 kPa absolute and 15°C as determined by gas chromatography as specified by ASTM Method D2163.
- (3) The vapour pressure at 40°C as determined by ASTM Method D1267 – "Standard test method for vapour pressure of liquefied petroleum (LP) gases (LP gas method)" or BS3324 "Method for determination of vapour pressure of liquefied petroleum gases (LPG method)" shall be not greater than 520 kPa above atmospheric pressure.
- (5) The temperature at which 95% by volume of the product has evaporated, as determined by ASTM Method D1837 – "Standard test method for volatility of liquefied petroleum (LP) gases", shall be not greater than minus 2°C, when corrected to a pressure of 101.3 kPa absolute.

- (6) The product shall not contain free entrained water as determined by visual inspection.

**198        Heating value of fuel gas supplied by gas main**

- (1) The minimum gas heating value of fuel gas supplied through a gas main shall be declared by the gas supplier and approved of by the Competent Authority.
- (2) Where a gas supplier proposes to supply more than one type of fuel gas through a gas main, he shall declare and have approved in accordance with subregulation (1) the minimum gross heating value of each type of fuel gas that he proposes to supply.
- (3) Each type of fuel gas declared and approved in accordance with subregulation (1) shall be restricted to particular consumers or classes of consumers, or to designated areas, as determined by the Competent Authority and shall only be supplied to fuel gas systems and gas appliances designed and adjusted for the use of the particular type of fuel gas.

**Division 5        Autogas system**

**199        Standard of installation**

The installation or repair of an autogas system shall conform with:

- (a) AS 1425 "LP gas fuel systems for vehicle engines"; and
- (b) such requirements as are determined by the Registrar of Motor Vehicles.

**200        Autogas system – installation or repair**

A person shall not install, remove, alter or carry out repairs (other than minor repairs) or perform any other work on an autogas system he is:

- (a) the holder of an autogas certificate; or
- (b) under the immediate supervision of a person who is the holder of an autogas certificate.

**201        Application for autogas certificate**

- (1) A person may apply to the Competent Authority for an autogas certificate.

- (2) The holder of an autogas certificate may, at any time before the expiration of his autogas certificate, apply to the Competent Authority for a renewal of his autogas certificate.
- (3) An application under subregulation (1) or (2) shall be in an approved form and shall be accompanied by the prescribed fee.
- (4) Subject to this regulation, the Competent Authority may grant or renew, or refuse to grant or renew, an autogas certificate.
- (5) The Competent Authority shall not grant an autogas certificate under this regulation unless he is satisfied that the applicant:
  - (a) has:
    - (i) completed an apprenticeship as a motor mechanic or in another approved trade;
    - (ii) completed an approved course for the installation of autogas systems; and
    - (iii) had not less than 3 months' practical experience in the installation of autogas systems; or
  - (b) is the holder of a current certificate, licence or other qualification which satisfies the Competent Authority that the applicant has training and experience equivalent to that referred to in paragraph (a).

## **202      Autogas certificate**

- (1) An autogas certificate:
  - (a) shall be in an approved form;
  - (b) is not transferable; and
  - (c) is subject to such conditions as the Competent Authority determines and endorses on the certificate.
- (2) An autogas certificate shall remain in force for not more than 5 years from the date of grant as determined by the Competent Authority and endorsed on the certificate.

## **203        Autogas certificate of compliance**

- (1) Where the holder of an autogas certificate installs, modifies or carries out repairs (other than minor repairs) to an autogas system, he shall:
  - (a) upon completion of the installation, modification or repair, issue a certificate of compliance to the owner of the autogas system; and
  - (b) not later than 7 days after the completion referred to in paragraph (a), deliver a copy of the certificate of compliance to:
    - (i) the Competent Authority; and
    - (ii) where the certificate of compliance relates to the installation of an autogas system, the Registrar of Motor Vehicles.
- (2) The holder of an autogas certificate who issues a certificate of compliance shall retain a copy of the certificate for not less than 2 years after the date it is issued and shall produce the copy to an officer on request.
- (3) A certificate of compliance shall specify:
  - (a) the name, address and autogas certificate number of the person issuing it;
  - (b) the name and address of the owner of the vehicle, ship or machine in which the autogas system is installed;
  - (c) in respect of a vehicle or machine in which an autogas system is installed the chassis number, registration and engine number, if any, of the vehicle or machine;
  - (d) in respect of a ship in which an autogas system is installed the name, registration number, if any, and type of the ship;
  - (e) where a gas container is attached to the autogas system:
    - (i) the identification number;
    - (ii) the capacity; and
    - (iii) the dates of testing and re-testing,  
of the gas container;
  - (f) the date on which the autogas system was tested; and

(g) a declaration in the following form:

"This is to certify that the autogas system described in this certificate has been installed/modified/repared and tested in compliance with the *Dangerous Goods Regulations*",

and shall be signed by the person issuing the certificate.

## **204      Autogas compliance plates to be affixed**

(1) The holder of an autogas certificate who:

- (a) installs;
- (b) modifies; or
- (c) carries out repairs (other than minor repairs) to,

an autogas system shall, on completion of the installation, modification or repair, attach to the autogas system an autogas compliance plate.

(2) An autogas compliance plate referred to in subregulation (1) shall be attached to the autogas system in a conspicuous place at or near the control valve or other point at which the autogas system is designed to be connected to a gas container.

(3) Where, before the installation, modification or repair referred in subregulation (1) there was attached to the autogas system an autogas compliance plate, the holder of the autogas certificate who carries out the installation, modification or repair shall remove that autogas compliance plate.

## **205      Autogas compliance plate**

An autogas compliance plate shall:

- (a) be constructed from approved material;
- (b) be not less than 70 mm by 50 mm by 0.5 mm in size; and
- (c) specify:
  - (i) that the autogas system complies with AS 1425 "L.P. gas fuel systems for vehicle engines";
  - (ii) the autogas certificate number of the person who carried out the installation, modification or repair;
  - (iii) the date on which the installation, modification or repair was carried out; and

- (iv) the chassis number, if any, of the vehicle or machine.

**206      Offence in respect of autogas compliance plate**

Except in accordance with these Regulations, a person shall not:

- (a) attach to or remove from an autogas system;
- (b) interfere with; or
- (c) alter,

an autogas compliance plate.

**207      Autogas system installed by vehicle manufacturer**

- (1) Where a vehicle or machine is fitted with an autogas system, installed as original equipment by the manufacturer of the vehicle or machine, the vehicle or machine shall not be:

- (a) sold;
- (b) offered for sale, or
- (c) used,

unless the design of the autogas system has been approved by:

- (d) the Competent Authority; or
- (e) the Australian Motor Vehicle Certification Board,

and an identification plate attached to the autogas system.

- (2) An identification plate referred to in subregulation (1) shall be in an approved form and shall be attached to the autogas system in a conspicuous place at or near the control valve or other point at which the autogas system is designed to be connected to a gas container.

**Division 6      Miscellaneous**

**208      LP gas storage**

For the purposes of regulation 4(1), a person is exempt from the requirement to store L.P. gas in accordance with the terms and conditions of a licence where the quantity of L.P. gas stored does not exceed 200 kg.

**209 Maximum quantity of LP gas for caravans**

- (1) Unless otherwise approved, a fuel gas system installed in a caravan shall not be connected to a gas cylinder having a capacity exceeding 10 kg.
- (2) Unless otherwise approved, the maximum quantity of L.P. gas in gas containers that may be installed or carried in or on a caravan is 20 kg.

**Part V Class 3 dangerous goods (flammable liquids and combustible liquids)****210 Exemption from requirement to be licensed**

- (1) For the purposes of regulation 4(1), a person is exempt from the requirement to store flammable liquids and combustible liquids in accordance with the terms and conditions of a licence where the flammable liquids and combustible liquids are in quantities not greater than, and are stored in accordance with, a condition specified in subregulation (2).
- (2) For the purpose of subregulation (1), the quantities and conditions are:
  - (a) Class 3.1 dangerous goods (other than manufactured products) – 100 L;
  - (b) Class 3.2 dangerous goods (other than manufactured products) – 1,000 L;
  - (c) Class 3.1 dangerous goods – 2,000 L when packed in approved packages each not exceeding 5 L where the goods as packaged are manufactured products;
  - (d) Class 3.2 dangerous goods – 5,000 L when packed in approved packages each not exceeding 25 L where the goods as packaged are manufactured products.
  - (e) flammable liquids on land not less than 2 ha in area and the land is used primarily for the purpose of primary production – 5,000 L in aggregate;
  - (f) Class C combustible liquids – 50,000 L in respect of any one storage tank; and
  - (g) Class D combustible liquids – no limit;

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- (3) For the purposes of subregulation (2) ***manufactured products*** means a mixture of Class 3 dangerous goods with not less than 10% solid material such as resins, waxes or pigments, and includes a paint, lacquer, polish, adhesive and a varnish.

## **211 Storage**

- (1) Flammable liquids and combustible liquids shall be stored in accordance with:
- (a) these Regulations; and
  - (b) AS 1940 "The storage and handling of flammable and combustible liquids".
- (2) Where flammable liquids and combustible liquids are stored together in:
- (a) a depot that is not a tank; or
  - (b) separate tanks in the same storage area,
- the storage of the flammable liquids and combustible liquids shall be in accordance with the Regulations in respect of the liquid having the lower or lowest flash point in relation to all of them.
- (3) For the purposes of subregulation (1)(b) a reference in AS 1940 to flammable liquids of:
- (a) Class A shall be read as a reference to Class 3.1 dangerous goods; and
  - (b) Class B shall be read as a reference to Class 3.2 dangerous goods.

## **212 Location of tanks**

A person shall not store Class 3.1 dangerous goods in:

- (a) a tank in or under a building used as a dwelling; or
- (b) an above-ground tank on land situated in a residential area in a town where the land is less than 2 ha in area.

## **213 Drainage areas – separation distance**

Where, in relation to a depot for the storage of flammable liquids or combustible liquids, a compound for the reception of drainage is provided in accordance with section 3.2.2 of AS 1940 "The storage and handling of flammable and combustible liquids", the compound for the purposes of determining separation distances, shall be

considered as a depot having 25% capacity of the depot.

## **214 Additional fire protection for above-ground tanks**

- (1) Premises licensed for the storage of more than 500 m<sup>3</sup> of flammable liquids or combustible liquids in tanks shall conform to this regulation and such of sections 9.8 and 9.9 of AS 1940 "The storage and handling of flammable and combustible liquids" as are not inconsistent with this regulation.
- (2) A fixed foam protection system for extinguishing fires shall be installed on a floating roof tank, capable of covering the circumferential seal of each tank with foam in not more than 2 minutes.
- (3) Where licenced premises are located within an emergency response area within the meaning of the *Fire and Emergency Act*, a suitable fitting shall be provided for the supply of water into the foam protection system by means of a pump operated by a fire brigade within the meaning of that Act, and the system shall be so designed that it will continue to provide the requisite quantities of foam while the pump is connected to the system notwithstanding any failure of a pump that is a permanent part of the system.
- (4) Permanent pipelines fitted with suitable valves, shall be provided for the supply of foam to the tanks from foam generating systems.
- (5) Where the provisions of AS 1940 require a foam pump, a foam pump house constructed of approved materials shall be erected in an approved location and shall be constructed so as to protect the operator of the system from a tank or bund fire.
- (6) Where the controls of a foam system are situated other than in a foam pump house:
  - (a) the foam system shall be operable by one person at the control;
  - (b) the control shall be situated not less than 5 m from the nearest bund wall; and
  - (c) the control and the operator of the system shall be protected from a tank or bund fire.
- (7) Pumps for a foam generating system at a foam pump house referred to in subregulation (5) shall be tested by being operated for not less than 30 minutes not less than once each week.

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- (8) Horizontal foam pipelines shall be hydrostatically pressure-tested at 125% of the normal operating pressure at intervals of not more than 2 years.
  - (9) A foam generating system shall be tested by the use of foam at intervals of not more than 12 months.

## **215 Self-service fuel dispensing units**

- (1) Subject to subregulation (2), a person who stores flammable liquids or combustible liquids, being motor fuel, for sale or supply by means of a self-service fuel dispensing unit shall, in addition to the requirement of AS 1940 "The storage and handling of flammable and combustible liquids", ensure in relation to the unit, that:
  - (a) instructions for the operation of the unit are displayed on or immediately adjacent to the unit;
  - (b) a person has attained the age of 18 years is appointed to control and supervise from a control point the operation of the unit at all times when it is in operation for the sale of fuel;
  - (c) the person referred to in paragraph (b) is fully conversant with the operation of the units by the users, the system employed for their control, the operation of the required fire extinguishers and the hazards associated with and the safety procedures to be adopted in case of a spillage of fuel;
  - (d) the control point is within 30 m of each of the units and that the operation of each unit is visible to the person in charge;
  - (e) a public address system is provided so that the person in control can address every user of a unit from the control point;
  - (f) a switch is provided at the control point which enables the dispensing operation of every unit to be cut off;
  - (g) a telephone, connected to the public telephone system, is installed at or adjacent to the control point with telephone numbers displayed for the fire brigade and ambulance service for the area; and
  - (h) the units are not able to be operated unless the person in control is on duty at the control point.
- (2) Subregulation (1) shall not apply to a person who stores flammable liquids or combustible liquids, being vehicle fuel, solely for supply to vehicles owned or operated by that person or to fuel dispensing units which are operated by means of currency, token or key and which have been approved.

**216 Storage of carbon disulphide**

- (1) Carbon disulphide shall not be stored in or on licensed premises if other flammable liquids are also stored in or on those premises, unless:
  - (a) the electrical installation and the electrical equipment of the depot where the carbon disulphide is stored conforms with AS 3000 "The electrical installations of buildings, structures and premises" and is approved by the Competent Authority; and
  - (b) nothing in the depot, with the exception of the electrical equipment, has a surface temperature in excess of 90°C.
- (2) A tank used for storing carbon disulphide shall be:
  - (a) constructed of welded mild steel; and
  - (b) located in a pit or enclosure, impervious to water and carbon disulphide, and having a capacity at least equal to that of the tank (if one) 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) shall be kept wholly or partly filled with water.

**217 Portable fuel containers**

Flammable liquids, being motor fuel, when dispensed other than into the fuel tank of a vehicle, shall be dispensed into:

- (a) a substantial leakproof metal container with a tight fitting closure;
- (b) a portable plastics fuel container complying with AS 1534 "Portable plastics fuel containers" and bearing a marking indicating compliance with that standard;
- (c) a portable plastics fuel tank complying with AS 1533 "Portable plastics fuel tanks for boats" and bearing a marking indicating compliance with that standard; or
- (d) an approved container.

**218 Pipelines for conveyance of flammable liquids and combustible liquids**

- (1) A pipeline used, or to be used, for the conveyance of flammable liquids or combustible liquids shall be designed, constructed, tested and maintained in accordance with the requirements of AS 2018 "Liquid petroleum pipelines" or AS 1940 "The storage and handling of flammable and combustible liquids" where the pipeline is within the scope of that standard.
- (2) A person shall not use a pipeline for the conveyance of flammable liquids or combustible liquids unless the pipeline has been designed, constructed and maintained in accordance with subregulation (1).

**219 Notification of work in respect of pipeline**

- (1) Subject to subregulation (3), a person who constructs in whole or in part, or who carries out any repairs to, a pipeline used, or to be used, for the conveyance of flammable liquids or combustible liquids shall, not less than 7 days before commencing the construction or repair of the pipeline, notify the Competent Authority.
- (2) A notification referred to in subregulation (1) shall be in writing and shall specify:
  - (a) the person's full name, address and telephone number;
  - (b) the location or proposed location of the pipeline;
  - (c) the name and address of the person responsible for carrying out the construction or repair;
  - (d) full details of the construction work or repair work; and
  - (e) the proposed date of commencement of the construction or repair work.
- (3) Subregulation (1) shall not apply to:
  - (a) emergency repairs;
  - (b) minor repairs; or
  - (c) routine maintenance.

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**Part VI                      Miscellaneous****220                      Pipeline licensed under *Energy Pipelines Act***

- (1) Subject to subregulation (2), these Regulations do not apply to or in relation to a pipeline in respect of which a licence under the *Energy Pipelines Act* is in force or to a substance conveyed by such a pipeline while it is being so conveyed.
- (2) Nothing in subregulation (1) exempts a person from the need to comply with these Regulations in relation to the handling of dangerous goods in or in connection with the construction, maintenance or repair of a pipeline referred to in subregulation (1).

**221                      Variation of regulation requirements**

- (1) The Competent Authority may, by notice in writing to the occupier of the land on which dangerous goods are stored or to the owner of dangerous goods:
  - (a) exempt the person from complying with these Regulations; or
  - (b) modify or vary these Regulations in the manner and in accordance with any conditions specified in the notice.
- (2) The Competent Authority must not issue a notice under subregulation (1) unless satisfied:
  - (a) it is not practicable for the person to comply with these Regulations; and
  - (b) the exemption from, modification or variation of these Regulations will not adversely affect the safety, health or welfare of persons handling the dangerous goods.
- (3) The Competent Authority may issue a notice under subregulation (1) on its own initiative or on application made by the person.
- (4) A person who handles dangerous goods in accordance with a notice under subregulation (1) is taken to have complied with these Regulations.
- (5) If an occupier of land on which dangerous goods are or an owner of dangerous goods considers that compliance with a provision of these Regulations is not reasonably practicable and a modification, variation or exemption of the provision would not adversely affect the safety, health or welfare of persons handling the goods, the person may apply to the Competent Authority for a modification, variation or exemption of the provision in accordance with this

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regulation.

## **222 Offences**

- (1) A person who contravenes these Regulations commits an offence.
- (2) If no penalty is prescribed elsewhere in these Regulations, the maximum penalty for an offence against these Regulations is 17 penalty units.
- (3) Subject to subregulation (4), an offence against these Regulations is a regulatory offence.
- (4) An offence against regulation 5L(2) or 129 is not a regulatory offence.

## **223 Transitional**

- (1) Subject to subregulation (2), where, before the commencement of the Act, premises, a container, pipeline, installation, vehicle or equipment used for the handling of dangerous goods had been constructed, installed or put into use, the owner shall ensure, within the period of 2 years after that commencement, that the premises, container, pipeline, installation, vehicle or equipment, as the case may be, complies with these Regulations and, in respect of a fuel gas system or autogas system, he obtains a certificate of compliance.
- (2) Where, during the period of 2 years after the commencement of the Act, premises, a container, pipeline, installation, vehicle or equipment used for the handling of dangerous goods constructed, installed or put into use before that commencement is considered by an officer to be a danger to public safety or the safety of a person, the officer may serve on the owner notice in writing that includes details of the danger and the means necessary to remove such danger in accordance with these Regulations, requiring the owner of the premises, container, pipeline, installation, vehicle or equipment to comply with the notice within the time specified in the notice.
- (3) Where an owner, who is served with a notice under subregulation (2), fails to remove the danger as required in the notice, the officer may take such action as is necessary to remove the danger and any costs incurred as a result of such action by the officer shall be a debt due and payable by the owner to the Territory.
- (4) Where, before the commencement of these Regulations, the construction or installation of premises, a container, pipeline, installation, vehicle or equipment to be used for the handling of

dangerous goods has commenced, the construction or installation shall be carried out to the requirements of these Regulations.

## Schedule 1 Standards and codes

regulation 2(4)

Standards and Codes referred to by these Regulations.

Column 1 Reference number of standard or code	Column 2 Description of standard or code and amendments thereto
Publisher	American Society for Testing and Materials 1916 Race Street PHILADELPHIA PA 19103 USA
D1267-79	Standard test method for vapour pressure of liquefied petroleum (LP) gases (LP gas method).
D1837-81	Standard test method for volatility of liquefied petroleum (LP) gases.
D1838-74	Standard test method for copper strip corrosion by liquefied petroleum (LP) gases.
D2163-82	Standard test method for analysis of liquefied petroleum (LP) gases and propane by gas chromatography.
D2784-80	Standard test method for sulphur in liquefied petroleum gases (oxy-hydrogen burner or lamp).
PUBLISHER:	Association of Australian Port and Marine Authorities Port Authority Building Word Trade Centre MELBOURNE VIC 3005
	Rules for the safe transport, handling and storage of dangerous substances and oils in port areas (1984).
PUBLISHER:	Australian Gas Association Technical Department 320 St Kilda Road MELBOURNE VIC 3004
AG601-1982	Installation code for gas burning appliances and equipment.
AG603-1978	Gas distribution code.

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PUBLISHER:	British Standards Institution British Standards House 2 Park Street LONDON W1A2BS ENGLAND
BS2000 Part 104:1983	Mercaptan sulphur content of liquid hydrocarbon products (silver nitrate method)
BS3156-1968	Methods for the analysis of fuel gases, special determinations.
BS3324:1980	Method for determination of vapour pressure of liquefied petroleum gases (LPG method).
PUBLISHER:	Northern Territory Department of Mines and Energy  Code of practice for the storage and handling of chlorine (1983).
PUBLISHER:	Commonwealth of Australia Australian Government Publishing Service CANBERRA ACT 2600
ISBN 0 644 25610 9	Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code) Fifth Edition published September 1992, as amended by the Corrigendum to that Code (ISBN 0644 32569 0) published September 1993.
PUBLISHER:	National Health and Medical Research Council Alexander Building PHILIP ACT  Approved occupational health guide – Threshold limit values.
PUBLISHER:	Natural Gas Processors Association.  2140-70
PUBLISHER:	Standards Association of Australia PO Box 458 NORTH SYDNEY NSW 2060
AS 1076	Code of practice for selection, installation and maintenance of electrical apparatus and associated equipment for use in explosive atmospheres (other than mining applications).

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Part 1 – 1977	Basic requirements.
AS 1169	SAA Medical agents and gases safety code:
Part 2 – 1973	Installation and testing of medical gas supply systems.
AS 1210-1982	Unfired pressure vessels (known as SAA Unfired pressure vessels code).
AS 1221-1983	Fire hose reels.
AS 1345-1982	Identification of the contents of piping, conduits and ducts; together with Amendment 1 of 1983.
AS 1425-1982	LP gas fuel systems for vehicle engines (known as SAA Automotive LP Gas Code).
AS 1485-1983	Safety and health in workrooms of educational establishments.
AS 1533-1976	Portable plastics fuel tanks for boats.
AS 1534-1976	Portable plastics fuel containers.
AS 1596-1983	The storage and handling of liquefied petroleum gases (known as SAA LP Gas Code), together with Amendments 1 of 1983 and 2 of 1984.
AS 1697-1981	Gas transmission and distribution systems (known as SAA Gas pipeline Code).
AS 1744-1975	Forms of letters and numerals for road signs (known as SAA Standard Alphabets for Road Signs).
AS 1768-1983	Lightning protection.
AS 1841-1983	Portable fire extinguishers – Water (gas container) type.
AS 1842-1983	Portable fire extinguishers – Water (stored pressure) type.
AS 1844-1983	Portable fire extinguishers – Foam (gas container) type.
AS 1845-1983	Portable fire extinguishers – Foam (stored pressure) type.

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AS 1846-1984	Portable fire extinguishers – Dry chemical type; together with Amendment 1 of 1984.
AS 1847-1976	Carbon dioxide type portable fire extinguishers; together with Amendment 4 of 1984.
AS 1848-1983	Portable fire extinguishers – Halogenated hydrocarbon type; together with Amendment 1 of 1984.
AS 1850-1981	Portable fire extinguishers – Classification, rating and fire testing; together with Amendment 1 of 1982.
AS 1851	Maintenance of fire protection equipment.
Part 1 – 1976	Portable fire extinguishers.
Part 2 – 1981	Fire hose reels.
Part 3 – 1978	Automatic fire sprinkler systems.
Part 4 – 1980	Fire hydrant installations.
AS 1894-1976	Code of practice for the safe handling of cryogenic fluids; together with Amendment 1 of 1979.
AS 1915-1983	Electrical equipment for explosive gas atmospheres – Battery operated vehicles.
AS 1940-1982	The storage and handling of flammable and combustible liquids (known as SAA Flammable and Combustible Liquids Code).
AS 1942-1984	Refrigerant gas cylinder identification.
AS 1943-1984	Industrial gas cylinder identification.
AS 1944-1984	Medical gas cylinder identification.
AS 2016-1982	Road tank vehicles for flammable liquids.
AS 2017-1977	Rules for safety procedures affecting the operation, maintenance and repair of road tank vehicles for flammable liquids; together with Amendment 1 of 1979.
AS 2018-1981	Liquid petroleum pipelines (known as SAA Liquid Petroleum Pipeline Code).
AS 2022-1983	Anhydrous ammonia – Storage and handling (known as SAA Anhydrous Ammonia Code).

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AS 2030	Rules for the approval, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases (known as SAA Gas Cylinders Code);
Part 1 – 1985	Cylinders for compressed gases other than acetylene.
Part 2 – 1985	Cylinders for acetylene.
Part 3 – 1982	Non-refillable cylinders for compressed gases.
Part 4 – 1985	Welded cylinders – insulated.
AS2090	Uninsulated road tank vehicles for compressed liquefiable gases.
Part 1 – 1979	General requirements.
Part 2 – 1979	Tankers for flammable gases.
AS 2118-1982	Automatic fire sprinkler systems (known as SAA Code for Automatic Fire Sprinkler Systems); together with Amendment 1 of 1983.
AS 2187	Explosives – Storage, transport and use (known as the SAA Explosives Code).
Part 1 – 1984	Storage and land transport.
Part 2 – 1983	Use of explosives.
AS 2188-1979	Magazines for the storage of explosives.
AS 2243	Safety in laboratories.
Part 1 – 1982	General.
Part 2 – 1982	Chemical.
Part 6 – 1980	Mechanical aspects.
Part 7 – 1980	Electrical aspects.
Part 8 – 1985	Fume cupboards.
AS 2337-1980	Gas cylinder test stations.
AS 2419-1980	Installation of fire hydrants.
AS 2430	Classification of hazardous areas.
Part 1 – 1982	Explosive gas atmospheres.
Part 2 – 1981	Dusts (including inherently-explosive dusts).
AS 2441-1983	Installation of fire hose reels.

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AS 2658-1983	Liquefied petroleum (LP) Gas – Portable and mobile appliances.
AS 3000-1981	The electrical installations of buildings, structures and premises (known as SAA Wiring Rules); together with amendments 1 and 2 of 1982 and amendment 3 of 1983.
AS CB18	Rules for the design, fabrication, installation and inspection of pressure piping (known as SAA Pressure Piping Code).
Part 1 – 1967	Ferrous piping.

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## Schedule 2 Fees

regulation 2(14)

Column 1 Regulation	Column 2 Fee (Revenue units unless otherwise stated)
1 <u>Regulation 5F(2)</u> – Application for a licence:	
(a) to store dangerous goods:	
(i) for each class stored in quantities of not more than:	
– 1 t of solid, 1 kL of liquid or 150 m <sup>3</sup> gas	11
– 25 t of solid, 25 kL of liquid or 500 m <sup>3</sup> gas	23
– 100 t of solid, 100 kL of liquid or 150 000 m <sup>3</sup> gas	57
– 500 t of solid, 500 kL of liquid or 700 000 m <sup>3</sup> gas	115
– 2 500 t of solid, 2 500 kL of liquid or 3 500 000 m <sup>3</sup> gas	172
(ii) for each class stored in quantities of more than 2 500 t of solid, 2 500 kL of liquid or 3 500 000 m <sup>3</sup> gas	345
(b) to convey dangerous goods:	
(i) for vehicles carrying dangerous goods in packages in quantities of:	
– not more than 250 kg	\$5.50
– not more than 1 000 kg	11
– more than 1 000 kg	23
(ii) for vehicles carrying dangerous goods in bulk:	
– single vehicles	28
– trailer or semi-trailer of an articulated vehicle	23
– prime mover of an articulated vehicle	11
(c) to manufacture:	
(i) ammonium nitrate explosive mixture for immediate use	11

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	(ii) other explosives	115
	(d) to sell:	
	(i) explosives (other than shopgoods fireworks), where the quantity stored for sale is:	
	– not more than 1 000 kg	11
	– more than 1 000 kg	17
	(ii) liquefied petroleum gas:	
	– if stored at premises licensed for storage of liquefied petroleum gas	nil
	– otherwise	11
	(iii) shopgoods fireworks, where the quantity stored for sale is:	
	– not more than 200 kg	115
	– more than 200 kg	575
	(e) to possess explosives	nil
2	<u>Regulation 5K(5)</u> – Variation of a licence	\$5.50
3	<u>Regulation 5N</u> – Replacement licence	\$5.50
4	<u>Regulation 10(2)</u> – Inspection, etc., of dangerous goods	nil
5	<u>Regulation 11</u> – Design approvals:	
	(a) for premises or containers designed to contain quantities of dangerous goods of:	
	(i) not more than 10 t	23
	(ii) not more than 100 t	34
	(iii) more than 100 t	57
	(b) where a design has an approval from an approved authority and is submitted with copies of the approval	17
6	<u>Regulation 28(1)</u> – Report on a dangerous occurrence	17
7	<u>Regulation 82(3)</u> – Authorisation of handling of explosives:	
	(a) where an authorisation has been made by an approved authority and a copy of the authorisation is submitted with an application for authorisation of the handling of explosives	23
	(b) otherwise	46

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8	<u>Regulation 133(2)(f)</u> – Application for shotfirer's certificate	11
9	<u>Regulation 141(1A)</u> – Permit for fireworks display:	
	(a) at a public place	11
	(b) other than at a public place	Nil
10	<u>Regulation 143(1A)</u> – Permit to handle explosives for special effects	10
11	<u>Regulation 173(3)</u> – Application for gasfitting certificate	11
12	<u>Regulation 174(3)</u> – Application for provisional gasfitting certificate	\$5.50
13	<u>Regulation 189(4)(a)</u> – Application for approval of:	
	(a) gas meter	34
	(b) gas appliance or component, other than a gas meter	50
14	<u>Regulation 201</u> – Application for autogas certificate	11

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## ENDNOTES

**1****KEY**

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

**2****LIST OF LEGISLATION*****Dangerous Goods Regulations (SL No. 4, 1985)***

Notified	8 March 1985
Commenced	8 March 1985

***Amendments of Dangerous Goods Regulations (SL No. 3, 1994)***

Notified	9 March 1994
Commenced	9 March 1994

***Statute Law Revision Act (No. 2) 2003 (Act No. 44, 2003)***

Assent	7 July 2003
Commenced	7 July 2003

***Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)***

Assent	7 January 2004
Commenced	17 March 2004 (s 2 and Gaz G11, 17 March 2004, p 8)

***Amendments of Dangerous Goods Regulations (SL No. 26, 2004)***

Notified	18 August 2004
Commenced	18 August 2004

***Dangerous Goods Amendment Regulations 2005 (SL No. 44, 2005)***

Notified	9 November 2005
Commenced	9 November 2005

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent	14 December 2005
Commenced	14 December 2005

***Statute Law Revision Act 2007 (Act No. 4, 2007)***

Assent	8 March 2007
Commenced	8 March 2007

***Dangerous Goods Amendment Regulations 2008 (SL No. 8, 2008)***

Notified	28 May 2008
Commenced	28 May 2008

***Dangerous Goods (Fireworks) Amendment Regulations 2009 (SL No. 19, 2009)***

Notified	26 June 2009
Commenced	26 June 2009

***Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)***

Notified	14 December 2009
Commenced	1 January 2010 (r 2)

***Penalties Amendment (Justice and Treasury Legislation) Act 2010 (Act No. 38, 2010)***

Assent	18 November 2010
Commenced	1 February 2011 (Gaz S6, 1 February 2011)

**3 LIST OF AMENDMENTS**

r 2	amd No. 3, 1994, r 1; No. 26, 2004, r 2; No. 8, 2008, r 3
pt I	
sdiv 1 hdg	ins No. 26, 2004, r 3
rr 3 – 4	sub No. 26, 2004, r 3
	amd Act No. 38, 2010, s 3
r 5	sub No. 26, 2004, r 3
	amd No. 8, 2008, r 12; Act No. 38, 2010, s 3
r 5A	ins No. 26, 2004, r 3
	amd Act No. 38, 2010, s 3
rr 5B – 5D	ins No. 26, 2004, r 3
	amd No. 8, 2008, r 12; Act No. 38, 2010, s 3
r 5E	ins No. 26, 2004, r 3
	amd Act No. 38, 2010, s 3
pt I	
sdiv 2 hdg	ins No. 26, 2004, r 3
r 5F	ins No. 26, 2004, r 3
r 5G	ins No. 26, 2004, r 3
	amd Act No. 38, 2010, s 3
rr 5H – 5J	ins No. 26, 2004, r 3
r 5K	ins No. 26, 2004, r 3
	amd No. 34, 2009, r 6
r 5L	ins No. 26, 2004, r 3
	amd Act No. 38, 2010, s 3
r 5M	ins No. 26, 2004, r 3
r 5N	ins No. 34, 2009, r 6
rr 6 – 7	amd No. 26, 2004, r 10
r 8	amd No. 26, 2004, r 4
r 9	amd No. 26, 2004, r 5
rr 10 – 11	amd No. 26, 2004, r 10
r 12	rep No. 44, 2005, r 3
r 14	amd No. 26, 2004, r 10
rr 21 – 22	rep No. 44, 2005, r 3
r 24	amd No. 26, 2004, r 10
r 25	rep No. 44, 2005, r 3
r 26	amd No. 26, 2004, r 10
	rep No. 44, 2005, r 3
r 27	amd No. 26, 2004, r 10
r 28	amd Act No. 1, 2004, s 63; No. 26, 2004, r 10
r 29	amd No. 26, 2004, r 10

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pt I	
div 5 hdg	sub No. 44, 2005, r 4
rr 30 – 31	sub No. 44, 2005, r 4
rr 32 – 33	rep No. 44, 2005, r 4
r 34	amd No. 26, 2004, r 10
	rep No. 44, 2005, r 4
rr 35 – 40	rep No. 44, 2005, r 4
rr 41 – 42	amd No. 26, 2004, r 10
	rep No. 44, 2005, r 4
r 43	rep No. 44, 2005, r 4
r 44	amd No. 26, 2004, r 10
	rep No. 44, 2005, r 4
rr 45 – 50	rep No. 44, 2005, r 4
r 54	rep No. 26, 2004, r 6
r 55	amd Act No. 44, 2003, s 6
	rep No. 26, 2004, r 6
rr 56 – 61	rep No. 26, 2004, r 6
r 62	amd Act No. 44, 2003, s 6; No. 26, 2004, r 10
r 70	amd No. 26, 2004, r 10
r 71	rep No. 8, 2008, r 4
rr 80 – 82	amd No. 26, 2004, r 10
r 84	amd No. 26, 2004, r 10
r 91	amd No. 26, 2004, r 10; No. 8, 2008, r 5
r 92	amd No. 26, 2004, r 10
pt II	
div 8A hdg	ins No. 26, 2004, r 7
rr 94A – 94B	ins No. 26, 2004, r 7
r 94C	ins No. 26, 2004, r 7
	amd Act No. 38, 2010, s 3
pt II	
div 8B hdg	ins No. 26, 2004, r 7
rr 94D – 94F	ins No. 26, 2004, r 7
r 94G	ins No. 26, 2004, r 7
	amd Act No. 38, 2010, s 3
pt II	
div 8C hdg	ins No. 26, 2004, r 7
r 94H	ins No. 26, 2004, r 7
	amd Act No. 38, 2010, s 3
rr 94J – 94K	ins No. 26, 2004, r 7
rr 94 – 95	amd No. 26, 2004, r 10
r 99	amd No. 26, 2004, r 10
r 101	amd No. 26, 2004, r 10
rr 103 – 107	amd No. 26, 2004, r 10
r 109	amd No. 26, 2004, r 10
r 112	amd No. 26, 2004, r 10
r 114	amd No. 26, 2004, r 10; No. 34, 2009, r 6
pt II	
div 12 hdg	rep No. 26, 2004, r 8
rr 117 – 126	rep No. 26, 2004, r 8
r 127	amd No. 26, 2004, r 10
	sub No. 8, 2008, r 6
r 129	sub No. 8, 2008, r 7
r 130	amd No. 26, 2004, r 10
r 131	amd No. 26, 2004, r 10; Act No. 4, 2007, s 7; No. 8, 2008, r 8
r 133	amd No. 26, 2004, r 10; No. 34, 2009, r 6
r 134	amd No. 26, 2004, r 10
r 136	amd No. 26, 2004, r 10; No. 8, 2008, r 12
rr 137 – 138	amd No. 26, 2004, r 10

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rr 139 – 140	sub No. 8, 2008, r 9
r 140A	ins No. 19, 2009, r 3
r 141	amd No. 26, 2004, r 10; No. 34, 2009, r 6
r 142	amd No. 26, 2004, r 10
r 143	amd No. 26, 2004, r 10; No. 34, 2009, r 6
rr 144 – 146	amd No. 26, 2004, r 10
r 148	amd No. 26, 2004, r 10
r 151	amd No. 26, 2004, r 10
r 157	amd No. 26, 2004, r 10
r 159	amd No. 26, 2004, r 10
r 167	amd No. 26, 2004, r 10
rr 172 – 176	amd No. 26, 2004, r 10
rr 178 – 179	amd No. 26, 2004, r 10
r 184	amd No. 26, 2004, r 10
rr 186 – 191	amd No. 26, 2004, r 10
r 198	amd No. 26, 2004, r 10
rr 201 – 203	amd No. 26, 2004, r 10
rr 207 – 208	amd No. 26, 2004, r 10
r 210	amd No. 26, 2004, r 10
r 214	amd Act No. 44, 2005, s 34(2)
r 216	amd No. 26, 2004, r 10
r 219	amd No. 26, 2004, r 10
r 220A	ins No. 26, 2004, r 9
	rep Act No. 44, 2005, s 34(3)
r 221	amd No. 26, 2004, r 10
	sub Act No. 44, 2005, s 34(3)
r 222	sub No. 8, 2008, r 10
	amd Act No. 38, 2010, s 3
r 223	amd No. 26, 2004, r 10
sch 1	amd No. 3, 1994, r 2
sch 2	amd No. 44, 2005, r 5; No. 8, 2008, r 11
	sub No. 34, 2009, r 6