NORTHERN TERRITORY OF AUSTRALIA

DANGEROUS GOODS REGULATIONS

As in force at 17 March 2004

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 17 March 2004

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, unless the contrary intention appears:

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.

Chief Inspector of Machinery means the Chief Inspector appointed under the Inspection of Machinery Act.

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.

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.

laboratory means premises, or a part of premises as specified by the Chief Inspector, 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 Chief Inspector, 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 Chief Inspector; 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 Chief Inspector 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 or vehicle is a reference to premises or a vehicle, as the case may be, 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;

(e) the kind or quantity of dangerous goods which a vehicle is licensed to convey is a reference to the kind and maximum quantity of dangerous goods that may lawfully be conveyed in or on the vehicle;

(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

3 Application for grant or renewal of licence

(1) A person may apply to the Chief Inspector for a licence.

(2) A licensee may, at any time before the date of expiration of his licence, apply to the Chief Inspector for a renewal of his licence.

(3) An application under subregulation (1) or (2) shall be in an approved form and shall be accompanied by:

(a) the approved particulars of; and

(b) the prescribed fee.

4 Replacement licence

(1) Where a licence is lost, defaced or destroyed, the licensee may apply to the Chief Inspector for a replacement licence.

(2) An application under subregulation (1) shall be in an approved form and shall be accompanied by:

(a) a statutory declaration by the licensee setting out particulars of the loss, defacing or destruction; and

(b) the prescribed fee.

(3) A replacement licence shall be in the same terms and subject to the same conditions as the original licence.

5 Variation of licence

(1) A licensee shall apply to the Chief Inspector for the addition, variation or revocation of a condition of his licence where there has been a change in any particular as specified in his application for the licence.

(2) Subject to subregulation (1), a licensee may apply to the Chief Inspector for the addition, variation or revocation of a condition of his licence.

(3) An application under subregulation (1) or (2) shall be in an approved form accompanied by:

(a) the licence in respect of which the application is made; and

(b) the prescribed fee.

(4) Where the change in particulars referred to in subregulation (1), or the addition, variation or revocation sought under subregulation (2), is such that the Chief Inspector considers that a new licence should be granted, the Chief Inspector may direct that the licensee apply for a new 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 Chief Inspector 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 Chief Inspector 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 section 37 of the Act.

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 and vehicles;

(e) the use and display of warning signs;

(f) the types of tools, implements, machinery, devices or vehicles 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 or vehicle

A licensee shall not make a substantial alteration to licensed premises or a vehicle 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 inspector 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 Chief Inspector 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 Chief Inspector for approval, they shall be accompanied by the prescribed fee.

Division 3 General precautions

12 Instruction in handling dangerous goods

A licensee, occupier of premises used for handling dangerous goods and an employer of persons engaged in handling dangerous goods shall take all practicable steps to ensure that every person subject to his direction and control and engaged in the handling of the dangerous goods is:

(a) adequately instructed as to the hazards involved in the handling of, and precautions to be observed in relation to, those dangerous goods; and

(b) competent to operate equipment which he is required to use, including vehicles, pumps, protective equipment, fire protection equipment and emergency equipment, provided in pursuance of these Regulations for use in connection with the handling of those goods.

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 inspector

(1) Where, under section 11(1)(k) or (m) of the Act an inspector has given a direction or, under section 11(1)(m), takes an action authorized by that paragraph, he 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 inspector or a person authorized by an inspector, 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.

21 General requirements for portable fire extinguishers

(1) In this regulation, ***relevant standard*** means:

(a) AS 1841 "Portable fire extinguishers – Water (gas container) type";

(b) AS 1842 "Portable fire extinguishers – Water (stored pressure) type";

(c) AS 1844 "Portable fire extinguishers – Foam (gas container) type";

(d) AS 1845 "Portable fire extinguishers – Foam (stored pressure) type";

(e) AS 1846 "Portable fire extinguishers – Dry chemical type";

(f) AS 1847 "Portable fire extinguishers – Carbon dioxide type"; or

(g) AS 1848 "Portable fire extinguishers – Halogenated hydrocarbon type".

(2) Where these Regulations require a portable fire extinguisher to be provided or carried, the fire extinguisher shall:

(a) comply with the relevant standard for portable fire extinguishers of the type to which it belongs;

(b) carry a Standards Association of Australia marking indicating compliance with the relevant standard;

(c) be installed and maintained in accordance with Part 1 of AS 1851 "Maintenance of fire protection equipment – Portable fire extinguishers"; and

(d) not be:

(i) a dry chemical type portable fire extinguisher of the gas container type; or

(ii) a water or foam type portable fire extinguisher operated by inversion of the extinguisher.

(3) Where a rating for a portable fire extinguisher is specified in these Regulations or in the conditions of a licence, the portable fire extinguisher shall have a rating of not less than the value specified when tested in accordance with AS 1850 "Portable fire extinguishers – Classification, rating and fire testing".

22 Falsifying records

A person shall not:

(a) obliterate, alter or falsify an entry or signature in a book or record required by these Regulations to be kept or made; or

(b) make a false or misleading entry in any such book or record.

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 inspector 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

25 Definitions

In this Division:

dangerous occurrence means:

(a) an explosion, fire, spillage or leakage of dangerous goods;

(b) an occurrence resulting in the death or lost-time injury of a person, or in substantial damage to property, as the consequence of the handling of dangerous goods; or

(c) an occurrence involving imminent risk of fire, explosion or leakage of dangerous goods.

lost-time injury means an injury which requires treatment by a medical practitioner and which results in an inability to work for at least one full day or shift anytime after the day or shift on which the injury occurred.

26 Notification of dangerous occurrence

(1) Where there is a dangerous occurrence in or on, or in connection with, licensed premises or a vehicle, or in the handling of dangerous goods under an authority under section 22 of the Act, the licensee or authorized person shall, as soon as practicable, but

not later than 24 hours after the dangerous occurrence, by the most expeditious means of communication available to him, advise the Chief Inspector or an inspector of the occurrence and provide the Chief Inspector or an inspector with such information concerning the dangerous occurrence as required by the Chief Inspector or an inspector.

(2) In addition to subregulation (1), the licensee or authorized person shall, not later than 7 days after a dangerous occurrence, by notice in writing to the Chief Inspector, make a report of the dangerous occurrence, which shall include particulars of:

(a) its time, date and place;

(b) the name and residential address of any person killed or injured;

(c) the nature of the fatality or the nature and extent of injuries sustained;

(d) damage to property;

(e) the name and residential address of witnesses;

(f) the type and quantity of dangerous goods being handled;

(g) the cause of the dangerous occurrence so far as it is known by the person making the report; and

(h) such other particulars as the Chief Inspector requires.

27 Chief Inspector or inspector may inquire and report

(1) The Chief Inspector or an inspector nominated by the Chief Inspector, 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 inspector other than the Chief Inspector, shall be given to the Chief Inspector.

(2) In discharging his duty under subregulation (1), the Chief Inspector or an inspector 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 Chief Inspector, in an approved form and accompanied by the prescribed fee, for a copy of a report made under regulation 27.

(2) The Chief Inspector may determine an application under subregulation (1):

(a) by giving a copy of the report to the applicant, where the applicant satisfies the Chief Inspector 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 Chief Inspector 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 Chief Inspector.

Division 5 Premises for dangerous goods

30 Duties of licensees and occupiers of premises

Where a duty to observe the requirements of these Regulations that relate to premises used for the sale or handling of dangerous goods is not specifically imposed on a person, it is the duty of:

(a) the licensee, in respect of licensed premises; and

(b) the occupier, in respect of premises that are not licensed premises,

to observe the requirements or cause them to be observed.

31 Occupation of licensed premises

A person shall not:

(a) occupy licensed premises or a part of them; or

(b) store or manufacture dangerous goods in or on licensed premises,

unless he is the licensee of the premises or is authorized so to do by the licensee.

32 Goods that may be stored at licensed premises

Goods shall not be stored in or on licensed premises other than:

(a) dangerous goods of a class or type and in quantities specified in the licence in respect of the premises;

(b) packaging for those dangerous goods;

(c) tools and equipment required to be stored on or in the licensed premises, in accordance with the Regulations or a condition of the licence; or

(d) approved goods.

33 Dangerous goods to be removed on termination of licence

Where dangerous goods are stored in or on licensed premises and the licence in respect of the premises ceases to be in force, the person who was the licensee shall immediately remove, or cause to be removed from the premises all dangerous goods which were stored in or on the premises in pursuance of the licence and that remain in or on the premises.

34 Records to be maintained

(1) Subject to subregulation (3), a licensee of premises, shall maintain at his premises a record in an approved form containing particulars of:

(a) the name of each person to whom;

(b) the address to which; and

(c) the date on which, dangerous goods are consigned, delivered to, or received from; and

(d) the description and quantity of the dangerous goods referred to in paragraph (a).

(2) The record referred to in subregulation (1) shall be retained for 2 years after the date on which the entry is made.

(3) This regulation does not apply to:

(a) the delivery of dangerous goods into the fuel tank of a vehicle, ship or aircraft; or

(b) the consignment or delivery of dangerous goods in quantities less than the quantities prescribed in these Regulations which exempt a person from the requirement to be licensed in accordance with section 16 of the Act.

35 Distance between depots

(1) A building, structure, room, compartment, tank, area or receptacle shall not be used or caused to be used as a depot if it is, or if so used would be, less than the prescribed separation distance from a protected place, protected work or any other building, installation, place or thing, unless the use is approved.

(2) Where more than one separation distance between a depot and a protected place, protected work or any other building, installation, place or thing is prescribed the longer or longest of those distances is the prescribed separation distance.

36 General precautions

A licensee, or occupier of, or person employed in or at, premises used for handling dangerous goods shall:

(a) take all practicable precautions to prevent the occurrence of an accident through fire, explosion, leakage or other cause, of dangerous goods in or on the premises;

(b) take all practicable precautions to prevent persons from entering, except with the permission of the licensee, occupier or employer, a depot or process building in or on the premises and from having access, except with that permission, to dangerous goods or equipment associated with dangerous goods in or on the premises; and

(c) refrain from any act, in or on the premises, that may cause fire, explosion or accident from any cause therein or thereon, or that is not reasonably necessary for the purposes of, or incidental to, the handling of dangerous goods.

37 Prevention of escape of dangerous goods

Where dangerous goods in a liquid, gaseous or molten state are stored in or on a depot, measures shall be taken, by grading or otherwise, to prevent the dangerous goods from flowing into, onto or beneath another depot, protected place or protected work.

38 Handling dangerous goods

(1) Dangerous goods when received into premises shall be placed in a depot unless required for immediate use.

(2) Dangerous goods taken from a depot for dispatch from premises shall be dispatched from the premises as soon as practicable.

(3) Dangerous goods, other than dangerous goods in a solid state, shall not be conveyed within premises except:

(a) in approved packaging or containers; or

(b) by pipes constructed and connected so that dangerous goods or vapour from the dangerous goods cannot escape from the pipes.

(4) Packaging containing dangerous goods in or on premises:

(a) shall not be opened except in the area in which the dangerous goods are to be used or in the immediate vicinity of the depot in or on which the dangerous goods have been or are to be stored; and

(b) when opened for the purpose of removing the dangerous goods, shall:

(i) be left open only for such such time as is necessary for the removal of the dangerous goods;

(ii) if dangerous goods remain in the packaging and outside a depot, be immediately placed in a depot; and

(iii) if no dangerous goods remain in the pack-aging, be immediately removed to a safe place.

(5) All practicable precautions shall be taken in or on premises to prevent dangerous goods, or vapour from dangerous goods, escaping from a packaging or container.

(6) Dangerous goods stored in or on, or received into or onto, premises shall, if the packaging is damaged, leaking or is otherwise defective, be immediately repacked into sound packaging.

(7) Dangerous goods spilled in or on premises shall immediately be cleaned up and disposed of so as not to cause a danger to any person.

39 Protective equipment and safety measures

(1) Protective equipment and safety measures in accordance with these Regulations shall be provided to a person employed in or on premises used for handling dangerous goods.

(2) Protective equipment and safety measures in accordance with these Regulations shall be provided to a visitor to premises used for handling dangerous goods.

(3) A person provided with protective equipment and safety measures in accordance with these Regulations shall not:

(a) refuse or fail to wear or otherwise use the protective equipment;

(b) without the permission of the owner or occupier of the premises, remove the protective equipment from the premises;

(c) refuse or fail to carry out any safety measures; or

(d) render ineffective the protective equipment or safety measures.

(4) A person in or on premises used for handling dangerous goods shall not do an act that endangers his own safety or that of another person.

40 Signs to be exhibited at depots

(1) Signs complying with this regulation shall be displayed at:

(a) an above ground depot used for storing dangerous goods (other than explosives), unless the quantity of dangerous goods of the class and description specified in column 1 of Table 1 is less than that specified in column 2 of that table opposite the class or description of the dangerous goods; and

(b) a depot which is a magazine or government explosives magazine used to store explosives.

(2) A sign required to be displayed in accordance with subregulation (1) shall:

(a) contain:

(i) the words specified in column 3 of Table 1 opposite the class or description of the dangerous goods;

(ii) the technical name of the dangerous goods unless:

(A) the dangerous goods are explosives; or

(B) more than one type of the dangerous goods is stored in the depot;

(iii) the class label for the class to which the dangerous goods belong; and

(iv) where the dangerous goods have a subsidiary risk, the class label for that subsidiary risk;

(b) be in lettering:

(i) that conforms to type B of AS 1744 "Form of letters and numerals for road signs";

(ii) except for explosives, not less than 50 mm in height and displayed against a contrasting background; and

(iii) for explosives, not less than 150 mm in height, red in colour displayed on a white background;

(c) have class labels not less than 250 mm in length on each side which conform with sections 3.2.5, 3.2.6 and 3.2.7 of the Australian Code; and

(d) be exhibited in such a position as to be clearly legible to a person approaching, or at, the depot and where there is more

than one point of access to the depot, shall be clearly exhibited at each point of access in such a position as to be clearly legible to a person having access to the depot at that point.

(3) Where a sign is required by subregulation (1) to be displayed no other sign or writing which contradicts, qualifies or detracts from that sign, shall be displayed at or near the sign.

TABLE 1

Signs to be Exhibited at Depots

Column 1	Column 2	Column 3
Class or description of dangerous goods	Exemption quantity	Notices to be exhibited
Class 1.1, being detonators		Detonators. No smoking. Keep Fire Away.
Class 1.1, other than detonators; Classes 1.2, 1.3 and 1.4 (other than 1.4S)		Explosives. No smoking. Keep Fire Away.
Class 1.4S		Danger. No Smoking. Keep Fire Away.
Class 1.5		Explosives. No smoking.
Class 2.1, if liquefied	200 kg	Danger No Smoking. Keep Fire Away.
Class 2.1, if not liquefied	60 m^3	Danger No Smoking. Keep Fire Away.
Class 2.2, being a cryogenic liquid	300 m^3	Danger No Smoking.
Class 2.3, if liquefied	50 kg	Danger No Smoking.
Class 2.3, if not liquefied	20 m^3	Danger No Smoking.
Class 3.1	100 L	Danger No Smoking. Keep Fire Away.
Class 3.2	1,000 L	Danger No Smoking. Keep Fire Away.
Class 4.1 Packaging Group I	25 kg	Danger No Smoking. Keep Fire Away.
Class 4.1 Packaging Group II	250 kg	Danger No Smoking. Keep Fire Away.

Class 4.1 Packaging Group III	1,000 kg	Danger No Smoking. Keep Fire Away.
Class 4.2 Packaging Group I	100 kg	Danger No Smoking.
Class 4.3 Packaging Group I	50 kg	Danger No Smoking.
Class 4.3 Packaging Group II	200 kg	Danger No Smoking.
Class 5.1 Packaging Group I	25 kg	Danger No Smoking.
Class 5.1 Packaging Group II	100 kg	Danger No Smoking.
Class 5.1 Packaging Group III	1,000 kg	Danger No Smoking.
Class 5.2 Packaging Group I	10 kg	Danger No Smoking. Flammable.
Class 5.2 Packaging Group II	20 kg	Danger No Smoking. Flammable
Class 6.1	1,000 kg	Danger No Smoking.
Class 8	1,000 L	Danger No Smoking.

41 Fire hazards

(1) Except in accordance with the Act and these Regulations, a person shall not :

(a) in or on premises used for the manufacture of dangerous goods; or

(b) in or within 3 m of a depot,

smoke or take into, or have in his possession, a fire, flame, matches or a substance or article liable to spontaneously ignite or liable to cause fire or an explosion.

(2) Subject to subregulation (3), a person shall not, within 15 m of an opening to an above ground depot or within 15 m of a bund wall surrounding a depot for the storage of flammable liquid:

(a) ignite, carry or have in his possession any fire or flame; or

(b) carry out welding, cutting with a flame, grinding or other process or operation liable to cause fire or an explosion.

(3) A person shall not contravene subregulation (2) if he performs or causes an act referred to in that subregulation to be done:

(a) with the approval of the Chief Inspector;

(b) in an emergency; or

(c) at a place where between it and the bund wall or an opening to the depot there is a screen wall and from that place the closest distance around the screen wall to any part of the bund wall or to the opening to the depot is not less than 15 m.

(4) Subject to these Regulations, the area within 5 m of a depot or process building shall be kept clear of dry grass, undergrowth and all other combustible material.

42 Fire hazards from powered appliances

(1) In this Regulation:

(a) ***appliance*** means a vehicle, plant, appliance or device, whether mobile or not and whether or not it is designed for industrial, commercial or rural operations, but does not include a road tank vehicle during loading or unloading operations where the road tank vehicle is:

(i) constructed in accordance with AS 2016 "Road tank vehicles for flammable liquids" and the loading or unloading operations are carried out in accordance with AS 2017 "Rules for safety procedures affecting the operation, maintenance and repair of road tank vehicles for flammable liquids"; or

(ii) constructed in accordance with AS 2090 Parts 1 and 2 "Tankers for flammable gases" and the loading or unloading operations are carried out in accordance with AS 1596 "The storage and handling of liquefied petroleum gases"; and

(b) a reference, in relation to premises used for handling dangerous goods, to a location in a zone is a reference to a location in, on or about premises that is, or is within, that zone as defined in Parts 1 and 2 of AS 2430 "Classification of hazardous areas".

(2) A licensee or the occupier of premises used for handling dangerous goods shall not operate or cause or permit a person to operate, in a location defined as:

(a) Zone 1 or 2, an appliance powered by an internal combustion engine with spark ignition;

(b) Zone 1, an appliance powered by an electric motor unless it:

(i) complies with AS 1915 "Electrical equipment for explosive gas atmospheres – Battery operated vehicles" or other approved standard; and

(ii) is of an approved type;

(c) Zone 2, an appliance powered by an electric motor unless it is:

(i) not equipped with arcing or sparking equipment or is equipped with arcing or sparking equipment protected in an approved manner; and

(ii) of an approved type;

(d) Zone 1, an appliance powered by a compression ignition internal combustion engine unless it is constructed or has been modified to conform to the requirements set out in subregulations (3) and (4); or

(e) Zone 2, an appliance powered by a compression ignition internal combustion engine unless it is constructed or has been modified to conform:

(i) to the requirements of subregulation (4); and

(ii) conforms to the requirements set out in subregulation (3)(f), (g) and (k) or is fitted with a switch to cut out all electrical equipment that may arc or spark, and that switch is kept open at all times when the appliance is so operated.

(3) The requirements referred to in subregulation (2)(d) in relation to an appliance are that:

(a) all electrical equipment is removed from the appliance or is protected by approved flame-proofing, pressurizing or purging, or a combination of any or all of these methods, or other approved means;

(b) adequate flame paths on all inlet and exhaust connections are provided;

(c) all joints in the inlet and exhaust lines including the attachment of the inlet and exhaust manifold to the block, have not less than 12 mm sealing paths;

(d) gaskets, if used, are approved or are constructed of copper 1.5 mm in thickness or material of an approved kind;

(e) a flame trap is fitted to the inlet;

(f) a strangler is fitted in the inlet, with controls for it that are within easy reach of the operator of the appliance when he is at the operating position;

(g) a water wash box is provided for quenching the exhaust and the wash box contains sufficient water to allow 8 hours operation without refilling;

(h) either:

(i) a flame trap consisting of a stack of stainless steel plates spaced not more than 0.4 mm apart and having a depth not less than 50 mm in the direction of the gas stream is fitted to the end of the exhaust; or

(ii) an approved water wash box is used with a make-up tank and a low-level cut-off switch that are such that if the water level in the box drops to a level which renders the water wash inoperative the motor will automatically stop and cannot be restarted until the water is replenished;

(j) the maximum temperature reached by a part of the appliance in contact with the atmosphere outside the appliance does not at any time exceed 200°C when the appliance is in operation;

(k) all components of the appliance are of suf-ficient strength to withstand an internal explosion of a mixture of propane and air giving the highest explosion pressure possible for such a mixture; and

(m) mechanical sparks cannot be produced in the engine compartment of the appliance through the operation of the appliance.

(4) The requirements referred to in subregulation (2)(d) and (e)(i) in relation to an appliance are that:

(a) the assembled appliance has been inspected by an inspector and approved by him;

(b) the engine unit of the appliance is at all times maintained in good condition and efficient working order;

(c) where a flame trap is provided, it is cleaned with a suitable chemical detergent at the end of each day or shift during which the appliance has been operated;

(d) the water wash tank so provided and the wash box make-up tank where provided are drained, flushed and refilled at the end of each such day or shift; and

(e) the baffles in the water wash box provided are removed and cleaned at such regular intervals to ensure the efficient operation of the wash box having regard to the construction of the wash box and the condition of the engine.

43 Sprinklers, fire hose reels and fire hydrants

Where, under these Regulations sprinklers, fire hose reels or fire hydrants are required in respect of licensed premises or a depot in or on licensed premises:

(a) the sprinklers shall conform to the requirements of AS 2118 "Automatic fire sprinkler systems" that relate to the fire hazard in respect of which they are provided;

(b) the fire hose reels shall conform to AS 1221 "Fire hose reels", be installed in accordance with AS 2441 "Installation of fire hose reels" and maintained in accordance with Part 2 of AS 1851 "Maintenance of fire protection equipment – Fire hose reels"; and

(c) the fire hydrants shall be installed in accordance with AS 2419 "Installation of fire hydrants" and maintained in accordance with Part 4 of AS 1851 "Maintenance of fire protection equipment – Fire hydrant installations".

44 Requirements for fire fighting, fire protection equipment

(1) Apparatus and equipment for fire fighting or fire protection, required by or under these Regulations to be provided in or on licensed premises:

(a) shall not be installed in or on the premises unless plans and specifications of the apparatus or equipment have been approved by the Chief Inspector or by the Director of Fire Services; and

(b) shall be so maintained that they are at all times in an efficient state and capable of immediate use.

(2) The Director of Fire Services shall, in the exercise of his power under subregulation (1), be subject to the direction of the Chief Inspector.

(3) Where, by or under these Regulations, a fire hydrant is required to be provided in or on licensed premises, the fire hydrant shall, unless otherwise specified:

(a) be equipped with a hose not less than 30 m long, together with a hose nozzle, hose connectors, and other fittings required by or under these Regulations;

(b) be located or protected by fenders and that it is adequately protected from damage by vehicles or from any other cause;

(c) be capable of throwing a water stream a distance of not less than 20 m from a 30 m hose equipped with a 25 mm diameter nozzle;

(d) if more than one hydrant is required by or under these Regulations, be provided with such number of adjustable stream nozzles as is sufficient for the needs of the fire-fighting installation, and not less than 2 hydrant points shall be provided to enable that installation to be operated; and

(e) be supplied with water from water supply mains that:

(i) have an internal diameter not less than 75 mm and that are sufficient for the delivery rate required by or under these Regulations; and

(ii) are protected from exposure or damage.

45 Electrical apparatus and wiring

(1) A building, structure, room, compartment, tank, store, area or container shall not be used as a depot unless:

(a) the electrical wiring and the equipment in; and

(b) the electrical wiring and equipment in the immediate area as delimited by AS 3000 "The electrical installations of building, structures and premises" of,

the building, structure, room, compartment, tank, store, area or container:

(c) conform to those provisions of AS 3000 that relate to electrical equipment in hazardous locations; and

(d) is certified by the Standards Association of Australia Committee for the Certification of Electrical Equipment for Hazardous Locations as complying with the relevant Australian Standard; or

(e) is approved.

(2) A fuel dispensing unit shall not be used to dispense Class 2 or 3 dangerous goods unless the electrical equipment in the area of the unit as delimited by AS 3000:

(a) conforms to those provisions of AS 3000 that relate to electrical equipment in hazardous locations; and

(b) is approved.

46 Ventilation

(1) In this Regulation:

TLV-TWA means the value of the Threshold Limit Value – Time Weighted Average;

TLV-STEL means the value of the Threshold Limit Value – Short Term Exposure Limit; and

TLV-C means the value of the Threshold Limit Value – Ceiling,

as adopted by the National Health and Medical Research Council and published in the publication entitled "Approved occupational health guide – Threshold limit values".

(2) A licensee or occupier of premises used for handling dangerous goods shall provide natural or mechanical ventilation sufficient to ensure that the concentration of dangerous goods in the atmosphere in areas where persons are required to work or are permitted to enter:

(a) does not exceed the TLV-TWA when averaged over an 8 hour period;

(b) does not at any time exceed the TLV-STEL, or where the letter "C" appears opposite the dangerous goods listed in the publication "Approved occupational health guide – Threshold limit values", does not exceed the TLV-C; and

(c) does not exceed:

(i) the TLV-TWA for any period greater than 15 minutes;

(ii) the TLV-TWA more than 4 times over an 8 hour period; and

(iii) the TLV-TWA within 60 minutes after previously having done so.

(3) An outlet vent in or on premises used for handling dangerous goods shall be constructed so that a person in an area adjacent to the premises is not exposed to concentrations of dangerous goods in the atmosphere that exceed those specified in subregulation (2).

(4) Where, in accordance with these Regulations, a vent has been provided for natural ventilation, or as part of or in connection with a mechanical ventilation system, a person shall not, except in the course of carrying out repairs and maintenance, do anything to prevent the vent from operating, or which affects its operation.

47 Pipelines through depots

A depot shall be located so that only pipelines used for the conveyance of dangerous goods stored in the depot, or used for the conveyance of Class 3 dangerous goods, pass through, over, under or within 3 m of the depot.

48 Requirements in respect of laboratories

A laboratory shall be operated and maintained in accordance with Parts 1, 2, 6, 7 and 8 of AS 2243 "Safety in laboratories".

49 Licensed laboratories

Dangerous goods in excess of 100 kg in total shall not be stored at any one time in a laboratory unless the owner or occupier of the laboratory is the holder of a licence to store dangerous goods.

50 Use of dangerous goods for educational purposes

In addition to any other requirements of these Regulations, the handling of dangerous goods for educational purposes shall be in accordance with AS 1485 "Safety and health in workrooms of educational establishments".

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.

54 Conveyance of dangerous goods

Dangerous goods, other than explosives, being conveyed by road or rail, shall be conveyed in accordance with these Regulations and the Australian Code.

55 Exemption from requirement to be licensed

For the purposes of section 17(1)(b) of the Act, the owner of a vehicle in which dangerous goods are being conveyed is exempt from the requirement of that subsection to convey dangerous goods in the vehicle in accordance with the terms and conditions of a licence where:

(a) the dangerous goods are combustible liquids;

(b) the owner is exempt from the requirement of section 17 of the Act in respect of explosives in accordance with regulation 117;

(c) the dangerous goods are being conveyed in bulk and a sign is not required to be displayed in accordance with these Regulations;

(d) the dangerous goods, other than explosives, are not being conveyed in bulk; or

(e) the owner of the vehicle does not reside in the Territory and is the holder of a licence, certificate or other authority issued in the State or Territory in which he resides which authorizes the conveyance of the dangerous goods in the vehicle in that State or Territory.

56 Driver's authorization

(1) For the purposes of section 17(1)(b) of the Act, the driver of a vehicle in which dangerous goods are being conveyed is exempt from the requirement of that subsection to convey dangerous goods in accordance with the terms and conditions of a licence (known as a driver's authorization) where:

(a) the dangerous goods are not conveyed in bulk; or

(b) the driver does not reside in the Territory and is the holder of a licence, certificate or authority issued in the State or Territory in which he resides which authorizes him to convey the dangerous goods in the vehicle in that State or Territory.

(2) Unless exempted in accordance with subregulation (1) a person shall not drive a vehicle conveying dangerous goods unless he is the holder of a driver's authorization.

(3) A person may apply to the Chief Inspector for a driver's authorization.

(4) The Chief Inspector shall not grant a driver's authorization to an applicant unless the applicant:

(a) has attained the age of 20 years;

(b) has held for not less than 12 months a driving licence of the class required for the vehicle which the applicant shall be driving when conveying dangerous goods;

(c) has demonstrated to the Chief Inspector an adequate knowledge of:

(i) the nature and properties of dangerous goods of the class or type to be conveyed as specified in his application; and

(ii) the actions to be taken to ensure the prevention of accidents, injury or damage to persons or property and to assist in any emergency that may arise in the course of conveying dangerous goods of the class or type specified in his application; and

(d) is experienced in the operation of vehicles of the type or of a similar type to those to be used to convey dangerous goods of the class or type specified in his application.

(5) An applicant shall have satisfied the requirements of subregulation (4)(c) if he has completed and passed an approved course relating to the matters specified therein.

(6) A driver's authorization shall be in an approved form and shall specify:

(a) the class or type of dangerous goods which may be conveyed; and

(b) conditions to which the driver's authorization is subject.

57 Specified routes and stopping places

(1) Where a licence relates to the conveyance of dangerous goods, a condition may be imposed relating to the route to be followed in conveying the dangerous goods and permitted stopping places on the route.

(2) A condition referred to in subregulation (1) shall be endorsed on the licence.

58 Consignment of dangerous goods

A person shall not forward a consignment of dangerous goods unless he has:

(a) given notice of the consignment to the consignee;

(b) received advice from the consignee specifying the time at which the consignee will receive the consignment; and

(c) given notice to the prime contractor, sub-contractor and the driver of the type and quantity of dangerous goods to be consigned.

59 Signs on vehicles

(1) A vehicle in or on which dangerous goods have been loaded for conveyance shall have affixed to it signs in accordance with the Australian Code and these Regulations.

(2) A sign referred to in subregulation (1) shall be:

(a) clearly visible from outside the vehicle;

(b) securely affixed to the vehicle to prevent inadvertent detachment; and

(c) removed from the vehicle, reversed or completely covered as soon as practicable after the dangerous goods are unloaded or, where the dangerous goods are conveyed in tanks, the tanks are made gas free.

60 Stoppage of vehicles

(1) Subject to this regulation, a vehicle, in or on which dangerous goods are being conveyed, shall not remain stationary:

(a) in a public place in a town; or

(b) within 20 m of a protected work.

(2) Subregulation (1) shall not apply to a stoppage:

(a) for the purpose of loading or unloading of goods into, onto or from the vehicle, provided that the time taken is no longer than is reasonably necessary for that purpose;

(b) at such times and for such duration, not exceeding 60 minutes on any occasion, as is reasonably necessary for the driver to rest;

(c) in an emergency;

(d) caused by delay incidental to the flow of traffic;

(e) in accordance with a requirement of or under an Act; or

(f) at such places and under such conditions as are approved.

(3) Subregulation (1) does not apply to a vehicle in or on which dangerous goods are being conveyed where the vehicle is:

(a) conveying explosives; or

(b) not required by these Regulations to have a sign affixed to it.

61 Precautions during conveyance

(1) Where dangerous goods are being conveyed in or on a vehicle:

(a) the doors, latches and coverings of each compartment or tank containing the dangerous goods shall be closed or in place, and secure, except when the dangerous goods are being loaded or unloaded;

(b) all practicable steps shall be taken to ensure that no person may gain access to any compartment or tank in or on the vehicle except when goods are being loaded or unloaded; and

(c) all practicable precautions shall be taken to prevent the occurrence of accidents through fire, explosion, leakage of dangerous goods or other causes.

(2) No person shall smoke:

(a) in or on a vehicle, or within 3 m of a vehicle conveying; or

(b) within 8 m of a vehicle loading or unloading,

Class 1, 2.1, 3, 4 or 5 dangerous goods or Class 2.2 dangerous goods that are cryogenic liquids and on which vehicle signs are being exhibited as required by these Regulations.

(3) The driver or person in charge of a vehicle referred to in subregulation (2) shall take all practicable steps to ensure that subregulation (2) is complied with and not contravened by another person.

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 Chief Inspector.

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 section 22 of the Act.

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.

71 Prescribed explosives

Class 1 dangerous goods are prescribed as explosives for the purposes of the definition of explosives contained in the Act.

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 Chief Inspector 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 section 15(1)(b) of the Act.

Division 5 Authorized explosives

82 Request for authorization of explosives

(1) A person may request the Chief Inspector to authorize, in accordance with section 22 of the Act, 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 Chief Inspector:

(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 Chief Inspector.

(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 section 20 of the Act, 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 Chief Inspector in accordance with section 20 of the Act 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.

(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

For the purposes of section 16(1)(b) of the Act, a person is exempt from the requirement of that subsection 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
Shopgoods fireworks	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

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 inspector 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 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	22
Not more than 1,000	2	–	2	22
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 Chief Inspector 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 inspector 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^3 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 selvedges 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 Chief Inspector 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 inspector 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 inspector 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 Chief Inspector 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 Chief Inspector 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 inspector;

(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 inspector and in the company of the keeper or an inspector.

(2) A keeper or an inspector 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 inspector, satisfy the keeper or inspector 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 inspector and in accordance with such directions, if any, as the inspector 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 Chief Inspector 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 Chief Inspector 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 fee prescribed in Schedule 2.

(2) Where a person referred to in subregulation (1) fails to pay the fee prescribed in Schedule 2, the Chief Inspector 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 12 Conveyance of explosives

117 Exemption from requirement to be licensed

(1) For the purposes of section 17(1)(b) of the Act, the owner of a vehicle in which dangerous goods are conveyed is exempt from the requirement of that subsection to convey explosives in accordance with the terms and conditions of a licence where the quantity of explosives being conveyed in the vehicle does not exceed that specified in column 2 of Table 7 opposite to the class and compatibility group of explosives specified in column 1 of that table.

TABLE 7

Column 1	Column 2
Class of explosive	Quantity
Class 1.1	any quantity
Class 1.2 and 1.3	50 kg
Class 1.4, other than Class 1.4S	250 kg
Class 1.4S	1 t
Class 1.5	250 kg

(2) The holder of a licence to convey explosives in a vehicle shall at all times when explosives in quantities greater than those specified in Table 7 are being conveyed, have in the vehicle his licence or an approved facsimile of his licence.

118 General provisions for conveyance of explosives

(1) A person shall not convey explosives in a vehicle unless the vehicle is in sound mechanical order and it complies with the mechanical requirements as specified in Schedule 4 of the *Motor Vehicles Act*.

(2) Explosives conveyed in a vehicle shall be conveyed:

(a) if conveyed in packaging, in their original packaging or packaging of equivalent strength and safety to the original packaging and labelled in accordance with these Regulations; or

(b) if conveyed in bulk, in a vehicle of approved design and construction.

(3) Explosives of different compatibility groups (other than compatibility groups C, D and E) shall not be conveyed in a vehicle unless explosives of the different groups are separated from each other so as to prevent fire or explosion in explosives of one compatibility group from being communicated to explosives of another group.

(4) Subject to regulation 121, the total loading of a vehicle conveying explosives shall not exceed 80% of the maximum load for the vehicle as specified by the *Motor Vehicles Act*.

(5) Where the quantity of explosives being conveyed in a vehicle exceeds that specified in column 2 of Table 7 of regulation 117 in respect of the class of explosive specified in column 1 of that table:

(a) there shall be affixed so as to be clearly visible, signs:

(i) bearing the word "EXPLOSIVES" in red capital letters not less than 150 mm in height on a white background to the front, rear and both sides of the vehicle; and

(ii) the class label in respect of the class and compatibility group of the explosive being conveyed, as specified in sections 3.2.5, 3.2.6 and 3.2.7 of the Australian Code, not less than 250 mm in length on each side to the front and rear of the vehicle;

(b) the vehicle shall not be driven at a speed exceeding:

(i) in a town – 60 km/h;

(ii) a limit set by road signs for a particular speed zone; or

(iii) where no other limit applies – 100 km/h;

(c) the vehicle shall not be driven between sunset and sunrise without the approval of the Chief Inspector;

(d) the vehicle shall not be within 100 m of another vehicle exhibiting similar signs and travelling in the same direction except for the purpose of overtaking such a vehicle when the other vehicle is stationary;

(e) where it is necessary for the vehicle to remain stationary overnight, the vehicle shall:

(i) display boundary lights and parking lights; and

(ii) be not closer than 600 m to an occupied building or 50 m to any road or frequented track unless in an approved stopping place;

(f) the person in charge of the vehicle shall be familiar with the regulations relating to the conveyance of explosives and have attained the age of 20 years; and

(g) only a person who has attained the age of 18 years who is authorized by the licensee may be a passenger in the vehicle.

(6) A sign referred to in subregulation (5)(a) shall be illuminated or be reflective, if explosives are conveyed in the vehicle between sunset and sunrise.

(7) A vehicle conveying explosives shall not be left unattended.

119 Conveyance of more than one class of explosives

Where explosives of more than one class are being conveyed in a vehicle, the explosives shall be deemed, for the purposes of regulations 117, 118(5) and 120, all to be of the class specified by the lowest number, provided that where explosives of a class other than Class 1.5 explosives are being conveyed with Class 1.5 explosives, all the explosives shall be deemed to be Class 1.1 explosives.

120 Conveyance of Class 11 explosives

(1) A vehicle conveying Class 1.1 explosives shall comply with the requirements of this regulation in addition to any other requirement contained in these Regulations.

(2) A vehicle used to convey class 1.1 explosives shall be fitted with a carrying box, or a vehicle body, constructed in accordance with regulation 124, in which the explosives shall be stored.

(3) Where the quantity of Class 1.1 explosives being conveyed in a vehicle is less than 250 kg in weight or less than 500 detonators in number, the vehicle shall be fitted with a fire extinguisher of a rating of at least 10B(E), permanently mounted in a position readily accessible to the crew of the vehicle.

(4) Where the quantity of Class 1.1 explosives being conveyed in a vehicle exceeds 250 kg, the vehicle shall be constructed or adapted so that:

(a) it complies with subregulations (1), (2) and (3);

(b) the whole of the underside of the tray consists of, or is covered with, a firescreen constructed of steel not less than 3 mm thick or constructed of aluminium not less than 6 mm thick;

(c) a vertical firescreen constructed of steel not less than 3 mm thick or constructed of aluminium not less than 6 mm thick extends for the width of the body from the top of the cabin to below the floor of the body or the bottom of the cabin, whichever is the lower, separates the cabin and the body;

(d) the engine and exhaust system are located in front of the vertical firescreen;

(e) the fuel tank:

(i) is mounted or protected in such a way that there is a minimum likelihood of accidental damage and accumulation of spilled fuel will not occur on any part of the vehicle; and

(ii) other than a fuel tank for diesel fuel, is located in front of the vertical firescreen;

(f) the batteries are securely mounted and fitted with a cover that is electrically insulated;

(g) electrical wiring under the load area is in conduit securely fixed to the body; and

(h) it is fitted with a fire extinguisher of a rating of at least 40B(E) permanently mounted in a position in front of the vertical firescreen and readily accessible to the crew of the vehicle.

(5) Where the quantity of Class 1.1 explosives being conveyed in a vehicle exceeds 1,000 kg, the vehicle shall be constructed or adapted so that:

(a) it complies with subregulations (1), (2), (3) and (4);

(b) it is powered by a compression ignition engine using fuel that has a flash point exceeding 61C°;

(c) the firescreen referred to in subregulation (4)(b) extends 150 mm below the floor of the body or the bottom of the cabin, whichever is the lower, and have an air space of not less than 100 mm between the firescreen and the cabin;

(d) it is fitted with a battery isolating switch located in an accessible position adjacent to the battery with a clear indication of its function and method of use;

(e) it is fitted with a quick action fuel cut-off valve located in an accessible position adjacent to the fuel tank with a clear indication of its function and method of use; and

(f) it is equipped with emergency equipment consisting of:

(i) 2 wheel chocks;

(ii) 3 reflecting red triangular warning signs;

(iii) 3 portable flashing warning lamps; and

(iv) such other equipment as an inspector directs.

121 Conveyance of Class 1.5 explosives

(1) A vehicle conveying Class 1.5 explosives shall comply with the requirements of this regulation in addition to any other requirement of these Regulations.

(2) The total weight of Class 1.5 explosives conveyed in a vehicle shall not be greater than the maximum load for the vehicle as specified in the *Motor Vehicles Act*.

(3) Class 1.5 explosives may be conveyed in a vehicle:

(a) in a carrying box, or a vehicle body, constructed in accordance with regulation 124;

(b) where prior approval has been given by an inspector, in the load section of the vehicle provided:

(i) the load section is equipped with a rigid tail board and side boards extending to not less than the height of the load;

(ii) the explosives are covered with a sheet of a material that is fire resistant and is impervious to water, stretched taut and firmly secured; and

(iii) no other goods are loaded on top of the explosives; or

(c) in bulk, in an approved vehicle.

(4) A vehicle conveying Class 1.5 explosives shall be fitted with one fire extinguisher of a rating not less than 10B(E), permanently mounted in a position forward of the load and readily accessible to the crew of the vehicle.

(5) Where the quantity of Class 1.5 explosives being conveyed in a vehicle exceeds 1,000 kg, the vehicle shall be constructed or adapted so that it:

(a) complies with subregulations (1), (2), (3) and (4);

(b) is powered by a compression ignition engine using fuel that has a flash point exceeding 61°C;

(c) is equipped with a fire extinguisher of a rating of at least 40B(E), permanently mounted in a position forward of the load and readily accessible to the crew of the vehicle; and

(d) is equipped with emergency equipment consisting of:

(i) 2 wheel chocks;

(ii) 3 reflecting red triangular warning signs;

(iii) 3 portable flashing warning lamps; and

(iv) such other equipment as an inspector directs.

122 Conveyance of ammonium nitrate with explosives

Where ammonium nitrate is conveyed in a vehicle with other explosives, the ammonium nitrate shall be deemed to be Class 1.1D explosives for the purposes of these Regulations.

123 Conveyance of detonators

(1) Detonators in numbers not exceeding 500 may be conveyed in a vehicle conveying other explosives provided the quantity of other explosives does not exceed 250 kg and the detonators are stored in a carrying box which complies with regulation 124.

(2) Detonators in numbers exceeding 500 shall not be conveyed in a vehicle with other explosives unless the manner of conveyance and the number of detonators to be conveyed is approved.

124 Boxes and vehicle bodies for conveyance of explosives

(1) A carrying box or vehicle body used to store explosives while the explosives are being conveyed shall:

(a) be constructed so as not to be damaged in the course of ordinary use in conveyance;

(b) have a metal outer surface;

(c) have doors that extend beyond the openings they cover which are capable of being locked;

(d) be constructed so as to prevent the entry of water or sparks;

(e) have an inner surface of wood or other approved material that is incapable of producing sparks;

(f) not have any exposed iron or steel in its interior; and

(g) be securely fixed to the tray or chassis of the vehicle.

(2) A carrying box used for the conveyance of explosives shall be painted red and shall have displayed on the top and sides when used to store explosives, the word "EXPLOSIVES", or when used to store detonators, the word "DETONATORS", in white capital letters 50 mm in height or where this is not possible as large as practicable.

125 Person to accompany driver

When the net weight of explosives being conveyed exceeds 500 kg and the distance to be travelled exceeds 50 km, a driver of a vehicle conveying Class 1.1 explosives shall be accompanied by a person who:

(a) has attained the age of 20 years;

(b) is familiar with the Regulations relating to the conveyance of explosives; and

(c) is the holder of a current driver's licence which authorizes him to drive the type of vehicle in which the Class 1.1 explosives are being conveyed.

126 Transport procedures

(1) A person conveying explosives in a vehicle shall avoid unnecessary delays in conveying the explosives to their destination and shall wherever possible avoid densely populated areas.

(2) The loading or unloading of explosives onto or from a vehicle shall be carried out with:

(a) the engine of the vehicle switched off;

(b) the brakes of the vehicle applied or chocks in position so that no movement of the vehicle occurs; and

(c) all practical speed until completed.

(3) A person loading, unloading or stowing explosives shall pass or deliver the explosives from hand to hand exercising due care and shall not throw, slide or roll any explosives.

(4) Notwithstanding subregulation (3), the Chief Inspector may approve the use of mechanical handling equipment for the loading, unloading or stowing of explosives and, where such equipment is approved, explosives may be loaded, unloaded or stored by the proper use of such equipment.

(5) Explosives shall not be loaded onto or unloaded from, a vehicle, in a public place, except:

(a) in the course of loading or unloading the explosives at premises in respect of which a licence is in force for the sale or handling of explosives and where there is no other means of access to the premises;

(b) for immediate use in connection with blasting operations in the vicinity; or

(c) in an emergency involving the vehicle.

(6) Before loading explosives onto a vehicle the person in charge of the vehicle shall ensure that the vehicle has sufficient fuel for the proposed journey or is carrying its maximum fuel load.

(7) Where it is necessary to refuel a vehicle which is conveying explosives, the person in charge of the vehicle shall ensure that the refuelling is carried out:

(a) in an isolated place wherever practicable;

(b) with the engine of the vehicle switched off; and

(c) with no fire or source of ignition within 7 m of the vehicle.

(8) The carrying box or enclosed vehicle body in which the explosives are stored shall be kept locked at all times except when explosives are being loaded or unloaded,

(9) A crane shall not be used to lift a freight container in which explosives are stored unless the crane is designed for lifting freight containers.

(10) A freight container in which explosives are stored shall not be lifted by a crane unless the safe working load of the crane and associated gear is not less than 5 t in excess of the declared gross weight of the freight container.

Division 13 Sale, purchase or possession of explosives

127 Exemption from requirement to be licensed

For the purposes of section 19(1)(b) of the Act, a person selling safety cartridges or distress signals is exempt from the requirement of that subsection to do so only in accordance with the terms and conditions of a licence.

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 shall not sell explosives (other than safety cartridges or distress signals) unless:

(a) the purchaser is:

(i) the holder of:

(A) a licence to possess explosives;

(B) a permit to conduct a fireworks display; or

(C) a permit to handle explosives for special effects; or

(ii) purchasing shopgoods fireworks at a time approved by the Minister by notice in the *Gazette* in accordance with regulation 139; and

(b) where the purchaser is the holder of a licence or permit referred to in paragraph (a)(i)(A), (B) or (C):

(i) the purchaser supplies the particulars required to be recorded in the sales book; and

(ii) the explosives are of a type and the quantity is not greater than that specified in the purchaser's licence or permit.

(2) Only explosives that are authorized explosives may be sold.

(3) Explosives (other than distress signals, safety cartridges and shopgoods fireworks) shall not be sold to a person who has not attained the age of 18 years.

(4) Shopgoods fireworks and distress signals shall not be sold to a person who has not attained the age of 16 years.

(5) Safety cartridges or propellants for firearms shall not be sold to a person unless that person is the holder of a licence granted under the *Firearms Act*.

(6) Explosives shall not be sold in a public place.

130 Approval of single sale without licence

(1) For the purposes of section 19(1)(b) of the Act, the Chief Inspector may in respect of a single sale of explosives, exempt a person from the requirement of that subsection to sell explosives only in accordance with the terms and conditions of a licence.

(2) A person may apply to the Chief Inspector for an exemption under subregulation (1) and the Chief Inspector may grant or refuse to grant the exemption applied for.

(3) Where the Chief Inspector 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 section 21(1) of the Act, explosives (other than safety cartridges, propellant for firearms and distress signals) are prescribed dangerous goods.

(2) For the purposes of section 21(1) of the Act, a person is exempt from the requirement of that subsection to possess the explosives prescribed in subregulation (1) in accordance with the terms and conditions of a licence where the explosives are shopgoods fireworks.

(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 Chief Inspector 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;

(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.

(3) The Chief Inspector 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 Chief Inspector 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 is 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 Chief Inspector 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 carrying box complying with regulation 124 or a container of a type approved by an inspector.

(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 inspector.

(2) The Chief Inspector 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 inspector; 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 and possession of shopgoods fireworks

(1) The Minister may, by notice in the *Gazette* approve a time when shopgoods fireworks may be purchased.

(2) Notwithstanding anything contained in these Regulations a person may purchase shopgoods fireworks during a time approved in accordance with subregulation (1).

140 Ignition of fireworks

(1) A person shall not throw, ignite or explode any fireworks except:

(a) in the case of shopgoods fireworks, at a time approved by the Minister by notice in the *Gazette* as a time permitted for the throwing, igniting or exploding of fireworks; or

(b) in accordance with these Regulations and the conditions, if any, of a permit to conduct a fireworks display or a permit to handle explosives for special effects.

(2) A person shall not throw, ignite or explode fireworks in such a manner as to cause injury or damage to a person, property or animal.

141 Permit for fireworks display

(1) A person may apply to the Chief Inspector, in an approved form, for a permit to conduct a fireworks display.

(2) The Chief Inspector 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 Chief Inspector 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 inspector 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 Chief Inspector for a permit to handle explosives for the purpose of special effects as specified in his application.

(2) The Chief Inspector 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 section 16(1)(b) of the Act, a person is exempt from the requirement of that subsection 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^3;

(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^3;

(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^3; 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^3 capacity; or

(d) a depot area as prescribed in regulation 148 in tanks not exceeding 2 m^3 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 Chief Inspector, 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 Chief Inspector of Machinery;

(ii) at a temperature below ambient temperature – be a storage vessel for refrigerated gas conforming to a code, standard or specifications approved by the Chief Inspector of Machinery; 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 Chief Inspector 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 inspector 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^3 of compressed flammable gas is stored, not less than 2 water hydrants located in places as determined by an inspector 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^3 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^2 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 inspector 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 m³ compressed gas or 2,500 kg of liquefied gas	Cylinders – exceeding amounts specified in column 2	Cylinders connected to a system – not exceeding 80 m³ compressed gas or 250 kg of liquefied gas	Cylinders connected to a system – not exceeding amounts specified in column 4	Tanks – not exceeding 600 m³ 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 Chief Inspector of Machinery;

(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^3)	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 trans-former;

(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 Chief Inspector of Machinery;

(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 Chief Inspector.

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 Chief Inspector 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 Chief Inspector for a gasfitting certificate.

(2) The holder of a certificate may, at any time before the expiration of his certificate, apply to the Chief Inspector 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 Chief Inspector may grant or renew, or refuse to grant or renew, a certificate under this regulation.

(5) The Chief Inspector 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 Chief Inspector that the applicant has training and experience equivalent to that referred to in paragraph (a) or (b).

(6) The Chief Inspector 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 Chief Inspector 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 Chief Inspector 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 Chief Inspector may grant or renew, or refuse to grant or renew, a provisional certificate.

(5) The Chief Inspector 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 Chief Inspector 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 Chief Inspector 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 Chief Inspector 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 Chief Inspector 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 Chief Inspector; 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 Chief Inspector 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 Chief Inspector.

(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 Chief Inspector; 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 inspector 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 inspector 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 inspector 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 inspector.

(3) Where a person to whom a notice under subregulation (2) is delivered fails to remedy the defect as required by that notice, the inspector 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 Chief Inspector, 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 Chief Inspector 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 inspector 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 Liquified Petroleum Gas Association or the Chief Inspector; 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 Chief Inspector shall be:

(a) in an approved form and accompanied by the prescribed fee; and

(b) accompanied by:

(i) unless otherwise exempted by the Chief Inspector, 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 Chief Inspector 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 Chief Inspector 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 Chief Inspector.

(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 Chief Inspector 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 Chief Inspector 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 Chief Inspector 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 Chief Inspector may grant or renew, or refuse to grant or renew, an autogas certificate.

(5) The Chief Inspector 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 Chief Inspector 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 Chief Inspector 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 Chief Inspector 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 Chief Inspector; 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 inspector 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/repaired 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 Chief Inspector; 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 section 16(1)(b) of the Act, 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 section 16(1)(b) of the Act, 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;

(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^3 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 a Fire District within the meaning of the *Fire Service 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.

(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 Chief Inspector; 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 Chief Inspector.

(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.

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

Where 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 concerned, he may apply to the Chief Inspector for a modification, variation or exemption of the provision in accordance with section 50 of the Act.

222 Offences

A person who contravenes or fails to comply with these Regulations is guilty of a regulatory offence.

Penalty: $2,000.

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 inspector to be a danger to public safety or the safety of a person, the inspector 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 inspector may take such action as is necessary to remove the danger and any costs incurred as a result of such action by the inspector 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.

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).

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.

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).

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.
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.

Schedule 2 Fees

regulation 2(14)

Column 1 Regulation	Column 2 Fee
	$
3. – Application for a licence	
Storage	
. for each class stored in quantities not more than	
1 t of solid, 1kL of liquid or 150 m³ gas	10
25 " , 25 " " ,500 " "	20
100 " , 100 " " 150,000 " "	50
500 " , 500 " " 700,000 " "	100
2,500 " , 2,500 " "3,500,000" "	150
more than 2,500 t of solid, 2,500 kL of liquid or 3,500,000 m³ gas	300
. for laboratories, required to be licensed in accordance with regulation 49 unless already licensed to store dangerous goods	20
Conveyance	
. for vehicles carrying dangerous goods in packages in quantities	
not more than 250 kg	5
not more than 1,000 kg	10
more than 1,000 kg	20
. for vehicles carrying dangerous goods in bulk:	
single vehicles	25
trailer or semi-trailer of an articulated vehicle	20

prime mover of an articulated vehicle	10
Manufacture	
. manufacture of ammonium nitrate explosive mixture for immediate use	10
. manufacture of other explosives	100
Sale	
. explosives where the quantity stored for sale is not more than 1,000 kg	10
more than 1,000 kg	15
. liquefied petroleum gas	10
or where stored at premises licensed for storage of L.P. gas	Nil
Possession of explosives	Nil
4. – Replacement licence	5
5. – Variation of a licence	5
10. – Inspection, &c., of dangerous goods	30 per hour, plus cost of consumable items and where more than 50 km are travelled the cost of travel, with a minimum charge of 15
11. – Design Approvals	
. for premises or containers designed to contain quantities of dangerous goods:	
not more than 10 t	20
not more than 100 t	30
more than 100 t	50
. where a design has an approval from an approved authority and is submitted with copies of such approval	15

28. – Availability of report on a dangerous occurrence	15
56. – Drivers authorization	10
82. – Authorization of explosives	40
. where an authorization has been made by an approved authority and a copy of this authorization is submitted with an application for authorization of explosives	20
114. – Fees for government explosives magazine	
. storage of explosives in government explosives magazine	0.25 per package per week
. for attendance at magazine for delivery or collection of explosives	15
. storage of licensed magazine on a government explosives reserve where the quantity of explosives is	
not more than 250 kg	10 per year
not more than 1,000 kg	25 per year
not more than 10 t	35 per year
more than 10 t	50 per year
133. – Application for a shotfirer's certificate	10
141. – Permit for a fireworks display	
. at a public place	10
. other than at a public place	Nil
143. – Permit to handle explosives for special effects	10
173. – Application for gasfitting certificate	10
174. – Application for provisional gasfitting certificate	5
189. – Application for approval of gas appliance or component	50
190. – Application for approval of gas meter	30
201. – Application for autogas certificate	10

ENDNOTES

1 KEY

Key to abbreviations

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

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 date	7 July 2003
Commenced	7 July 2003

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

Assent date	7 January 2004
Commenced	17 March 2004 (*Gaz* G11, 17 March 2004, p 8)

3 LIST OF AMENDMENTS

r 2	amd No. 3, 1994, r 1
r 28	amd Act No. 1, 2004, s 63
r 55	amd Act No. 44, 2003, s 6
r 62	amd Act No. 44, 2003, s 6
sch 1	amd No. 3, 1994, r 2