

South Australia

Dangerous Substances (General) Regulations 2017

under the *Dangerous Substances Act 1979*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dangerous Substances (General) Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 September 2017.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Dangerous Substances Act 1979*;

Class of substance—see subregulation (2);

Class 6 substance means a substance that is a Class 6 substance and is in 1 of the Packing Groups for toxic substances;

Class 8 substance means a substance that is a Class 8 substance and is in 1 of the Packing Groups for corrosive substances;

Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* published by the Commonwealth of Australia as in force from time to time;

compressed natural gas means natural gas that is stored under pressure in a cylinder or tank;

cylinder means metal packaging that—

- (a) has a water capacity exceeding 0.1 litre and not exceeding 500 litres; and
- (b) is designed to contain gases under pressure;

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

flammable liquid means a substance that is a Class 3 substance and is in 1 of the Packing Groups for flammable liquids;

gas fitting work means the installation, alteration, repair, maintenance, modification, connection or disconnection of pipes, fittings or equipment used for, or designed for use in, the consumption of liquefied petroleum gas or compressed natural gas as a fuel in an internal combustion engine, but does not include the actual connection or disconnection of portable liquefied petroleum gas or compressed natural gas storage cylinders;

industrial premises means any of the following places or the precincts of such a place:

- (a) a place where the occupier employs or engages 1 or more persons in an activity for or incidental to—
 - (i) the making of an article or part of an article; or
 - (ii) the altering, repairing, testing, renovating, processing, treating, ornamenting, finishing or cleaning of any article, material, equipment or substance, other than a laundry on premises occupied for residential purposes where only domestic-type laundry equipment is installed and used; or
 - (iii) the adapting for sale of any article, equipment or substance; or
 - (iv) the laboratory testing or investigating of any article or substance;
- (b) a place where—
 - (i) electricity is generated or transformed for trade or sale; or
 - (ii) water is pumped in connection with the provision of a public water supply; or
 - (iii) gas is produced or reformed by a company supplying gas to the public,

and where the occupier employs or engages 1 or more persons in that activity;

- (c) a place where timber is milled, processed or treated and the occupier employs or engages 1 or more persons in that activity;
- (d) a building that forms part of a school and—
 - (i) is used as a laboratory; or
 - (ii) is used for the use, construction, assembly, repair or maintenance of any power-driven machinery, equipment or apparatus,

and where the occupier employs or engages 1 or more persons in that activity;

installation means any liquefied petroleum gas or compressed natural gas arrangement consisting of any number of cylinders or storage tanks, together with metering equipment and associated pipe work provided for supplying liquefied petroleum gas or compressed natural gas (as the case may be) as a fuel to an internal combustion engine;

licensed premises means premises in relation to which a licence under section 15 of the Act is, for the time being, in force;

liquefied petroleum gas means a liquid that is a mixture of hydrocarbons, basically consisting of butane or butenes, propane or propene, or any mixture of them, or 1 of them, and is a dangerous substance of Class 2;

manufactured product has the same meaning as in the Code;

natural gas means a substance that—

- (a) is in a gaseous state at Standard Temperature and Pressure; and
- (b) consists of naturally occurring hydrocarbons, or a naturally occurring mixture of hydrocarbons and non-hydrocarbons, the principal constituent of which is methane;

packaging means a container in which dangerous substances are received or held, and includes anything that enables the container to receive or hold the dangerous substance or to be closed, but does not include—

- (a) a tank; or
- (b) a freight container; or
- (c) a container that—
 - (i) is part of or connected to; and
 - (ii) contains any fuel or other dangerous substance that is to be consumed in the operations of or otherwise utilised by, a vehicle or any device, machinery or equipment;

Packing Group—see subregulation (2);

permit means a permit (including an autogas permit) to carry out gas fitting work issued under these regulations by a Competent Authority;

rural industry means any activity carried on, in or upon—

- (a) a farm, orchard, vineyard or agricultural or pastoral holding in connection with dairying, poultry farming, bee farming, the sowing, raising, harvesting or treatment of grain, fodder, fruit or any other crop or farm produce (whether grown for food or not), the management, rearing or grazing of horses, cattle, sheep or other livestock, the shearing or crutching of sheep, or the classing, scouring, sorting or pressing of wool; or
- (b) a flower or vegetable market garden or nursery;

tank means a container that is used, or designed to be used, for the storage of a dangerous substance in the form of a liquid or gas and that has—

- (a) in the case of a dangerous substance that is a Class 2 substance—a capacity in excess of 500 litres;
- (b) in the case of a dangerous substance of any other class—
 - (i) a capacity in excess of 450 litres; or
 - (ii) a net mass in excess of 400 kilograms.

(2) In these regulations, unless the contrary intention appears—

- (a) a reference to a Class of dangerous substance is a reference to the UN Class to which the dangerous substance belongs under the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*;

- (b) a reference to a Class by number, or number and letter, is a reference to the number, or number and letter, of the UN Class to which a dangerous substance belongs under the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*;
 - (c) a reference to a Packing Group of a dangerous substance is a reference to the Packing Group to which the dangerous substance belongs under the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*;
 - (d) a reference to a Packing Group by number is a reference to the number of the Packing Group to which a dangerous substance belongs under the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*.
- (3) A reference in these regulations to a document (including a code of practice) prepared or published by a body will be taken as a reference to that document as in force from time to time.

4—Dangerous goods

The classification of certain substances and articles as dangerous goods in the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008* applies for the purposes of the definitions of *dangerous goods* and *dangerous substance* in section 2(1) of the Act.

Part 2—Licences and permits

5—Application for licence to keep prescribed dangerous substances

- (1) An application for the issue, variation or renewal of a licence to keep a prescribed dangerous substance in any premises must be in a form that contains the information set out in Schedule 1 Part 1.
- (2) If an applicant fails to provide sufficient information to enable a Competent Authority to determine whether or not the premises conform with the Act and these regulations, the Competent Authority may require the applicant to provide such additional information as may be necessary to enable the Competent Authority to make that determination.

6—Application for permit to carry out gas fitting work

An application for a permit must be in a form that contains the information set out in Schedule 1 Part 2.

Part 3—General requirements

7—Accidents

- (1) Subject to subregulation (3), if an accident occurs involving any dangerous substance in or on licensed premises, the holder of the licence in respect of those premises must, within 24 hours after the accident, give to a Competent Authority a notice in writing setting out the particulars required by subregulation (2).

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) The particulars which a notice given under these regulations must contain are—
- (a) time, date and place of accident; and
 - (b) the name and address of any person involved in the accident; and
 - (c) details of any personal injuries suffered by any person involved in the accident; and
 - (d) if any person dies as a result of the accident, the name and last address of such person; and
 - (e) the name and class of the dangerous substance involved in the accident; and
 - (f) if a vehicle is involved in the accident, the registered number of the vehicle and the name and address of the driver.
- (3) A notice need not be given under subregulation (1) unless the accident results—
- (a) in the death of a person; or
 - (b) in a person suffering personal injury which is likely to incapacitate the person for 3 days or more; or
 - (c) from or in any fire or explosion.

8—Duties of employers and employees

- (1) If, in order to comply with these regulations or the requirements of any standard or code referred to in these regulations, it is necessary for an employer to provide an employee with safety equipment or protective clothing, the employer must—
- (a) if the employer is required to provide a respiratory protective device—provide one that complies with AS/NZS 1715:2009 *Selection, use and maintenance of respiratory protective equipment* and AS/NZS 1716:2012 *Respiratory protective devices*; and
 - (b) if the employer is required to provide an eye protection device—provide one that complies with AS/NZS 1336:1997 *Recommended practices for occupational eye protection*, AS/NZS 1337:1992 *Eye protectors for industrial applications* and AS/NZS 1338.1:1992 *Filters for eye protectors*; and
 - (c) if the employer is required to provide gloves—provide those that comply with AS/NZS 2161.1:2000 *Occupational protective gloves*; and
 - (d) if the employer is required to provide a safety helmet—provide one that complies with AS/NZS 1800:1998 *Occupational protective helmets—Selection, care and use* and AS/NZS 1801:1997 *Occupational protective helmets*; and
 - (e) if the employer is required to provide safety footwear—provide such footwear as complies with AS/NZS 2210.3:2000 *Occupational protective footwear*; and
 - (f) keep such safety equipment or protective clothing in good repair and condition; and

- (g) provide reasonable instruction to employees as to the hazards and risks involved in the performance of their duties and in the use of any safety equipment or protective clothing provided for their use.
- (2) A person who, during the course of that person's employment, handles or comes into contact with a dangerous substance and whose employer has, under this regulation, supplied the person with an item of protective clothing or a piece of safety equipment must not fail to make use of that item of clothing or piece of equipment when required to do so by the employer.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Part 4—Keeping prescribed dangerous substances: Class 2

9—Declaration as to liquefied petroleum gas

Pursuant to section 13 of the Act, liquefied petroleum gas is declared to be a prescribed dangerous substance for the purposes of Division 2 of Part 3 of the Act.

10—Quality and odour

- (1) Liquefied petroleum gas must conform to the requirements as to odour and quality as set out in "Liquefied Petroleum Gas Specifications and Test Methods" revised (Metric) edition dated 11 September 1973 and published by the Australian Liquefied Petroleum Gas Association.
- (2) A person must not sell liquefied petroleum gas unless it complies with the requirements set out in subregulation (1).

Maximum penalty: \$2 500.

Expiation fee: \$210.

11—Keeping

- (1) For the purposes of section 14 of the Act, a person is permitted to keep liquefied petroleum gas in any premises without a licence provided that the person complies with the provisions of this regulation.
- (2) A person may keep in any premises the following quantities of liquefied petroleum gas:
 - (a) up to 250 kilograms for any purpose provided that it is contained in cylinders or tanks;
 - (b) any quantity provided that it is contained in disposable non-refillable containers.
- (3) For the purposes of subregulation (2)—
 - (a) the quantity of liquefied petroleum gas contained in cylinders or tanks will be taken to be the aggregate capacity of all cylinders or tanks stored in or on the premises at any 1 time;

- (b) no cylinder in use in or on industrial premises will, when located and used in accordance with the appropriate requirements of AS/NZS 1596:2014 *The storage and handling of LP Gas*, be included for the purpose of determining the aggregate quantity kept.

12—Compliance with standard

A person who keeps in any premises liquefied petroleum gas in such a quantity that a licence is required must comply with AS/NZS 1596:2014 *The storage and handling of LP Gas*.

Maximum penalty: \$2 500.

Expiation fee: \$210.

13—Cylinders and tanks

A person must not—

- (a) manufacture or construct a cylinder or tank intended for the storage of liquefied petroleum gas or any vaporiser unless the design of that cylinder, tank or vaporiser complies with the requirements of AS/NZS 1596:2014 *The storage and handling of LP Gas*; or
- (b) substantially alter any cylinder, tank or vaporiser unless the alterations comply with the requirements of AS/NZS 1596:2014 *The storage and handling of LP Gas*.

Maximum penalty: \$2 500.

Expiation fee: \$210.

14—Design

A person must not use a cylinder or tank for the storage of liquefied petroleum gas unless that cylinder or tank complies with the requirements of AS/NZS 1596:2014 *The storage and handling of LP Gas* as to design.

15—Filling, testing and maintenance

A person must not use a cylinder for the storage of liquefied petroleum gas unless that cylinder complies with the requirements of AS 2030.1—2009 *Gas cylinders—General requirements* and AS 2030.5—2009 *Filling, inspection and testing of refillable cylinders* as to filling, inspection, testing and maintenance.

Maximum penalty: \$2 500.

Expiation fee: \$210.

16—Vehicles

- (1) Despite the requirements of AS/NZS 1596:2014 *The storage and handling of LP Gas*, a person must not dispense liquefied petroleum gas into the fuel container of a vehicle unless—
 - (a) the person is at least 18 years of age; and
 - (b) the person complies with the filling instructions set out in Schedule 2.

Maximum penalty: \$2 500.

Expiation fee: \$210.

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Part 4—Keeping prescribed dangerous substances: Class 2

- (2) If a person has been granted a licence to keep liquefied petroleum gas in any premises, the person must, at or near to any place on those premises at which liquefied petroleum gas is dispensed into the fuel container of any vehicle, prominently display a notice containing the filling instructions set out in Schedule 2.

Maximum penalty: \$2 500.

Expiation fee: \$210.

17—Labels

- (1) Any cylinder or aboveground tank in which liquefied petroleum gas is stored must bear a class label conforming to the description set out in AS 1216—2006 *Class labels for dangerous goods* in respect of dangerous goods of Class 2.1.
- (2) Each side of a label for a cylinder must be at least 100 millimetres in length except in the case of a cylinder which because of its size can bear only a smaller label, in which case each side of the label may be less than 100 millimetres in length, but in no case may any side of the label be less than 20 millimetres in length.
- (3) Each side of a label for a tank must be at least 250 millimetres in length.
- (4) The colours and lettering used on a label must be in accordance with AS 2700—2011 *Colour standards for general purposes* and AS 1319—1994 *Safety signs for the occupational environment* respectively.
- (5) Every class label required by this regulation must be maintained or replaced as appropriate so that the identification and hazard information in respect of the contents of the cylinder or tank is clearly indicated at all times.
- (6) A person must not store liquefied petroleum gas in a cylinder or tank unless the cylinder or tank bears a class label that complies with this regulation.

Maximum penalty: \$2 500.

Expiation fee: \$210.

18—Repairs or alterations

A person must not repair or alter a tank, cylinder or vaporiser, or associated pipe work or fittings, in which liquefied petroleum gas is or has been stored unless the person complies with such precautions as are applicable to such repair or alteration as set out in Appendix C of AS 1674.1—2007 *Safety in welding and allied processes Part 1: Fire precautions*.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Part 5—Keeping prescribed dangerous substances: Class 3

19—Declaration as to dangerous substances—Class 3

Pursuant to section 13 of the Act, flammable liquids are declared to be prescribed dangerous substances for the purposes of Division 2 of Part 3 of the Act.

20—Application of Part

This Part does not apply to any flammable liquid that is potable and ordinarily intended for human consumption.

21—Interpretation

The flash point of a flammable liquid will be determined as follows:

- (a) for a liquid having a closed-cup flash point of 50° Celsius or less—the Abel method as described in Part 1 of AS 2106.1:1999 *Methods for the determination of the flash point of flammable liquids (closed cup)—Abel closed cup method*; and
- (b) for a liquid having a closed-cup flash point exceeding 50° Celsius as determined by paragraph (a) of this subregulation—the Pensky-Martens method as described in Part 2 of AS 2106.1:1999.

22—Keeping

- (1) For the purposes of section 14 of the Act, a person is permitted to keep any prescribed dangerous substance of Class 3 in any premises without a licence provided that the person complies with the provisions of this regulation.
- (2) A person may keep in any premises the following quantities of any prescribed dangerous substance of Class 3:
 - (a) up to 120 litres of Class 3, Packing Group I or II provided that it is contained in packaging which has a capacity of not more than 60 litres;
 - (b) up to 1 200 litres of Class 3, Packing Group III;
 - (c) up to 5 000 litres of Class 3, Packing Group I or II and up to 5 000 litres of Class 3, Packing Group III provided that the premises have an area of not less than 2 hectares and in or on which premises there is carried on a rural industry and that—
 - (i) any above ground storage is separated from protected works as defined in AS 1940—2004 *The storage and handling of flammable and combustible liquids* and any part of the boundary of the land by not less than 15 metres; and
 - (ii) the area of ground around the storage is kept clear of combustible vegetation or refuse for a distance of not less than 3 metres;
 - (d) any quantity of Class 3, Packing Group I or II provided that it is contained in packaging that has a capacity not exceeding 5 litres and where the substances as packaged are manufactured products;
 - (e) any quantity of Class 3, Packing Group III provided that it is contained in packaging that has a capacity not exceeding 25 litres and where the substances as packaged are manufactured products.
- (3) If any flammable liquid is dispensed by retail sale from an underground tank in or on any licensed premises, the maximum quantity of flammable liquid that may be kept at the premises other than in any underground tank is as provided by Table 2.1 (relating to minor storage) of AS 1940—2004 *The storage and handling of flammable and combustible liquids*.

23—Compliance with standard

A person who keeps in any premises flammable liquids in such a quantity that a licence is required must comply with AS 1940—2004 *The storage and handling of flammable and combustible liquids*.

Maximum penalty: \$2 500.

Expiation fee: \$210.

24—Installation of tank

- (1) A person who installs a tank for the purposes of storing any flammable liquid must install the tank in accordance with these regulations and the requirements of AS 1940—2004 *The storage and handling of flammable and combustible liquids*.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) No later than 7 days after such a tank has been installed the person installing it must give notice in writing to a Competent Authority informing the Competent Authority that the requirements of AS 1940—2004 *The storage and handling of flammable and combustible liquids* as to construction, installation and testing of the tank have been complied with.

Maximum penalty: \$2 500.

Expiation fee: \$210.

25—Records

- (1) A person granted a licence to keep any flammable liquid must, if required by the licence to keep the liquids in a package store, keep an accurate written record of any consignment or delivery made from that store of flammable liquids of Class 3, Packing Group I or II, in packaging of 200 litres capacity or greater.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) The record required to be kept by subregulation (1) must contain the following information:

- (a) the date any flammable liquid is consigned or delivered by the person;
- (b) the quantity consigned or delivered;
- (c) the name of the flammable liquid consigned or delivered;
- (d) the name and address of any person to whom the flammable liquid has been consigned or delivered.

26—Construction of package store

A person must not construct a package store in such a manner so as to enable water to accumulate within the compound that is provided within the store to retain spillage and leakage from the contents of packages stored there.

Maximum penalty: \$2 500.

Expiation fee: \$210.

27—Prescribed standard

- (1) Any packaging of 20 litres or more nominal capacity used or intended to be used for the storage of any flammable liquid must comply with the requirements of AS 2950—1986 *Steel drums*.
- (2) Any packaging of less than 20 litres nominal capacity used or intended to be used for the storage of flammable liquid must be a substantial closed container suitable for that purpose.
- (3) A person must not sell or use packaging unless it complies with the requirements of this regulation.

Maximum penalty: \$2 500.

Expiation fee: \$210.

28—Ullage

- (1) The ullage for every fixed tank in which a flammable liquid is or is intended to be stored must be determined by the requirements of AS 1940—2004 *The storage and handling of flammable and combustible liquids* but in no case may it be less than 3 % of the total capacity of the tank.
- (2) A person must not store any flammable liquid in a fixed tank unless it complies with the requirements of subregulation (1).

Maximum penalty: \$2 500.

Expiation fee: \$210.

29—Tank design

A person must not manufacture, construct or substantially alter any tank for the storage of any flammable liquid unless the design of that tank or the alteration complies with the requirements of AS 1692—2006 *Steel tanks for flammable and combustible liquids*.

Maximum penalty: \$2 500.

Expiation fee: \$210.

30—Notice of manufacture etc

- (1) A person must, at least 7 days before starting to manufacture, construct or substantially alter any tank for the storage of any flammable liquid, give notice in writing to a Competent Authority informing the Competent Authority that the person intends to manufacture, construct or substantially alter a tank (as the case may be).
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (2) The notice must be accompanied by 2 sets of drawings setting out details of the design of the tank, the materials to be used, the method of construction, the fittings and any calculation sheets.
- (3) The Competent Authority may retain 1 copy of the information and must return the other copy to the sender.

31—Use of tank

- (1) A person must not use a tank for the storage of any flammable liquid unless the design of that tank complies with the requirements of AS 1692—2006 *Steel tanks for flammable and combustible liquids*.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (2) A person must not use a tank that is designed for the transport of any flammable liquid, as a fixed tank to store flammable liquid.
Maximum penalty: \$2 500.
Expiation fee: \$210.

32—Repairs or alterations

A person must not repair or alter any packaging, fixed tank or associated pipework or fittings in which any flammable liquid is or has been stored unless the person complies with the precautions applicable to such repairs or alterations set out in Appendix C of AS 1674.1—2007 *Safety in welding and allied processes Part 1: Fire precautions*.

Maximum penalty: \$2 500.
Expiation fee: \$210.

33—Labels

- (1) Any packaging or aboveground tank in which any flammable liquid is stored must bear a class label conforming to the description set out in AS 1216—2006 *Class labels for dangerous goods* in respect of dangerous goods of Class 3, Packing Group III as specified in that standard.
- (2) Each side of a label for a package must be at least 100 millimetres in length except in the case of a package which because of its size can bear only a smaller label, in which case each side of the label may be less than 100 millimetres in length, but in no case may any side of the label be less than 20 millimetres in length.
- (3) Each side of a label for a tank must be at least 250 millimetres in length.
- (4) This regulation does not apply to or in respect of a packaging that contains not more than 5 litres of a dangerous substance of Class 3, Packing Group III if the substance as packaged is a manufactured product.
- (5) The colours and lettering used on labels must be in accordance with AS 2700—2011 *Colour standards for general purposes* and AS 1319—1994 *Safety signs for the occupational environment* respectively.
- (6) Every class label required by this regulation must be maintained or replaced as appropriate to ensure that the identification and hazard information in respect of the contents of the package or tank is clearly indicated at all times.
- (7) A person must not store any flammable liquid in any packaging or aboveground tank that does not bear a class label that complies with the requirements set out in this regulation.
Maximum penalty: \$2 500.
Expiation fee: \$210.

34—Markings

- (1) Packaging containing any flammable liquid, not being a manufactured product, must be clearly marked with—
 - (a) the correct name of the flammable liquid in accordance with the Code; or
 - (b) the trade name under which it is sold.
- (2) A person must not sell a package containing any flammable liquid unless that package complies with this regulation.
Maximum penalty: \$2 500.
Expiation fee: \$210.

Part 6—Prescribed dangerous substances: Class 6 and Class 8

Division 1—Preliminary

35—Preliminary

- (1) In this Part, unless the contrary intention appears—
building includes enclosure.
- (2) This Part does not apply in relation to the keeping of a Class 6 or 8 substance that is also a flammable liquid where the quantity kept is greater than that which may be kept under regulation 22 without a licence.

Division 2—Licences to keep

36—Declaration—prescribed dangerous substances

Pursuant to section 13 of the Act, Class 6 substances and Class 8 substances are declared to be prescribed dangerous substances for the purposes of Division 2 of Part 3 of the Act.

37—Quantity that may be kept without a licence

For the purposes of section 14 of the Act, a person is permitted to keep in any premises without a licence Class 6 substances and Class 8 substances if, in relation to the total quantity of those substances kept, the following equation is true:

$$\frac{LI + SI}{250} + \frac{LII + SII}{2000} + \frac{LIII + SIII}{5000} \leq 1$$

where—

LI = the volume in litres of liquid substances in Packing Group I

SI = the mass in kilograms of solid substances in Packing Group I

LII = the volume in litres of liquid substances in Packing Group II

SII = the mass in kilograms of solid substances in Packing Group II

LIII = the volume in litres of liquid substances in Packaging Group III

SIII = the mass in kilograms of solid substances in Packaging Group III.

Division 3—Storage

38—Application of Division

For the purposes of this Division, a substance will be regarded as being kept or in storage at a particular time even if the substance is being put to some use at that time.

39—Storage where licence required

A person must not keep in any premises a quantity of Class 6 or 8 substances greater than that permitted to be kept without a licence under regulation 37 unless the following requirements are complied with in respect of those substances:

- (a) storage arrangements must be such that the substances are fully protected from the weather;
- (b) the storage area for the substances must be reasonably secure from access by unauthorised persons and, in particular, the area must be attended at all times by a responsible person or, if not so attended, the area or the building or premises in which the area is situated must be securely locked;
- (c) there must be clearly displayed—
 - (i) at each entrance to the storage area; and
 - (ii) at each entrance to any building in which a storage area is situated giving access to the area; and
 - (iii) at each entrance to the premises in which the storage area is situated, a class label complying with the Code and not less in size than 250 millimetres by 250 millimetres for each class of substance stored in the area, building or premises, as the case may be;
- (d) there must be clearly displayed at each entrance to the storage area a symbolic prohibition sign meaning fire, naked flame and smoking prohibited that complies with AS 1319—1994 *Safety signs for the occupational environment*;
- (e) substances (including Class 6 or 8 substances) that interact dangerously with Class 6 or 8 substances must not be kept in the same storage area or in different storage areas in the same premises unless the area or areas are so designed and constructed, and the substances are kept apart in such a manner, as to prevent accidental interaction;
- (f) the substances must not be kept near foodstuffs or substances (other than Class 6 or 8 substances), or matter, intended for medical use or any packaging intended for foodstuffs or substances (other than Class 6 or 8 substances), or matter, intended for medical use so as to risk their accidental contamination;
- (g) if a liquid Class 6 or 8 substance is kept in a tank—
 - (i) the tank must be surrounded by a bund; and
 - (ii) the tank may only be in the same bund as other tanks—
 - (A) if the tanks contain substances of the same class; and

- (B) if the substances are not of a kind that interact dangerously;
and
- (iii) the capacity of the bund must not be less than the sum of—
 - (A) 120 % of the volume of the largest tank or the total volume of the largest set of interconnecting tanks within the bund (whichever is the greater); and
 - (B) the volume displaced by every other tank and every structure or solid thing within the bund, disregarding the volume displaced by any part of the tank, structure or thing that is above the level of the crest of the bund; and
- (iv) the bund must be designed and constructed—
 - (A) to withstand exposure to fire; and
 - (B) to effectively contain the substances when filled with the substances to its full capacity; and
 - (C) to enable safe and quick entry and exit in case of emergency; and
- (v) the location of the bund in relation to the closest tank must be as prescribed by AS 1940—2004 *The storage and handling of flammable and combustible liquids*; and
- (vi) arrangements must be made to prevent or minimise as far as reasonably practicable the accumulation of water on the floor within the bund; and
- (vii) an Emergency Information Panel that complies with the Code must be displayed on or in the vicinity of the tank;
- (h) if liquid Class 6 or 8 substances are kept otherwise than in a tank, each storage area for the substances must be designed and constructed (by draining, grading, bunding or otherwise) to ensure that a spillage or leakage of a volume of liquid substances equal to 1/4 of the sum of the maximum volume of all liquid substances kept in the area at any time would be wholly contained within the area;
- (i) equipment adequate to deal with a spillage or leakage of the substances and protective clothing for persons dealing with any such spillage or leakage must be readily accessible and maintained in good repair and condition.

Maximum penalty: \$2 500.

Expiation fee: \$210.

40—Storage where licence not required

- (1) A person must not keep Class 6 or 8 substances in any premises without a licence under regulation 37 unless the following requirements are complied with in respect of those substances:
 - (a) storage arrangements must be such that the substances are fully protected from the weather;

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Part 6—Prescribed dangerous substances: Class 6 and Class 8

Division 3—Storage

- (b) the storage area for the substances must be reasonably secure from access by unauthorised persons and, in particular, the area must be attended at all times by a responsible person or, if not so attended, the area or the building or premises in which the area is situated must be securely locked;
 - (c) where more than the prescribed quantity of substances in Packing Group I is kept in the storage area or a building in which the storage area is situated, there must be clearly displayed—
 - (i) at each entrance to the storage area; and
 - (ii) if the storage area is situated in a building, at each entrance to the building giving access to the storage area, a class label complying with the Code and not less in size than 250 millimetres by 250 millimetres for each class of substance stored in the area or building, as the case may be;
 - (d) if Class 6 or 8 substances of a kind that interact dangerously are kept in the same storage area, they must be kept in a manner that will prevent accidental interaction;
 - (e) the substances must not be kept near foodstuffs or substances (other than Class 6 or 8 substances), or matter, intended for medical use or any container intended for foodstuffs or substances (other than Class 6 or 8 substances), or matter, intended for medical use so as to risk their accidental contamination;
 - (f) the premises must be designed and constructed (by draining, grading, bunding or otherwise) to ensure that a spillage or leakage of a liquid Class 6 or 8 substance would be wholly contained within the premises.
- (2) For the purposes of subregulation (1)(c) the prescribed quantity of substances is that quantity where the sum of the volume in litres of liquid substances and the mass in kilograms of solid substances equals 50.

41—Consumption of food or drink in storage area

A person who keeps in any premises a quantity of Class 6 or 8 substances greater than that permitted to be kept under regulation 37 must take all reasonable steps to prevent the consumption of food or drink within the storage area for the substances.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Division 4—Miscellaneous dealings

42—Packaging

- (1) A person who packs a Class 6 or 8 substance must comply with the labelling and packaging requirements of the Code.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A person must not sell a packaged Class 6 or 8 substance unless the package complies with the labelling and packaging requirements of the Code.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) In this regulation—

pack in relation to a substance includes placing the substance in a container of any kind otherwise than for immediate use;

sell includes barter, exchange or offer or expose for sale, barter or exchange.

43—Identification of pipes

A person must not convey a Class 6 or 8 substance by means of a pipe unless the pipe is identified in accordance with AS 1345—1995 *Identification of the contents of pipes, conduits and ducts*.

Maximum penalty: \$2 500.

Expiation fee: \$210.

44—Maintenance of tank, pipe etc

A person who uses a tank, pipe, pump or other equipment to keep or convey a Class 6 or 8 substance—

- (a) must ensure that the tank, pipe, pump or other equipment is maintained in good repair and condition to prevent a leakage or spillage of the substance; and
- (b) if a leakage or spillage occurs, must immediately discontinue use of the tank, pipe, pump or other equipment and must not resume use until the cause of the leakage or spillage is rectified.

Maximum penalty: \$2 500.

Expiation fee: \$210.

45—Discharge into sewer etc

A person must not discharge a Class 6 or 8 substance into a sewer, storm water channel or water course.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Part 7—Gas fitting work

46—Gas fitting work

- (1) A person who carries out gas fitting work must ensure—
- (a) if the gas fitting work is for the use of liquefied petroleum gas—that the work is carried out in accordance with, and the installation and all associated equipment and fittings comply with, the relevant requirements of AS/NZS 1425, as varied by this regulation; and

- (b) if the gas fitting work is for the use of compressed natural gas—that the work is carried out in accordance with, and the installation and all associated equipment and fittings comply with, the relevant requirements of AS/NZS 2739, as varied by this regulation.

Maximum penalty: \$5 000.

- (2) A person must not use an installation for the operation of an internal combustion engine on liquid petroleum gas or compressed natural gas unless the person has taken reasonable steps to ensure that the installation and all associated equipment and fittings comply with—
 - (a) in the case of liquid petroleum gas—the relevant requirements of AS/NZS 1425, as varied by this regulation; or
 - (b) in the case of compressed natural gas—the relevant requirements of AS/NZS 2739, as varied by this regulation.

Maximum penalty: \$5 000.

- (3) For the purpose of ensuring under subregulation (2) that an installation and all associated equipment and fittings comply with the requirements specified in that subregulation, a person may rely on a certificate of compliance or compliance plate issued under this Part in relation to the installation.
- (4) For the purposes of this regulation, AS/NZS 1425 and AS/NZS 2739 are varied as follows:
 - (a) a requirement in AS/NZS 1425 or in AS/NZS 2739 that any person or thing be approved by a regulatory authority does not apply;
 - (b) a limitation specified in AS/NZS 1425 or in AS/NZS 2739 making it inapplicable to installations fitted to a vehicle before a particular date or work carried out on an installation before a particular date does not apply.

- (5) In this regulation—

AS/NZS 1425 means AS/NZS 1425:2007 *Gas fuel systems for vehicle engines*;

AS/NZS 2739 means AS/NZS 2739:2009 *Natural gas (NG) fuel systems for vehicle engines*.

47—Gas fitting work not to be carried out without permit

- (1) A person must not carry out any class of gas fitting work unless the person is the holder of a permit that permits the person to carry out that class of gas fitting work.

Maximum penalty: \$5 000.

- (2) Despite subregulation (1), gas fitting work may be carried out by a person who is not the holder of a permit for the performance of the particular class of work if the work is carried out under the direct and personal supervision of a person who is the holder of a permit that permits the person to carry out that class of work.
- (3) The holder of a permit who acts as a supervisor for the purposes of subregulation (2)—
 - (a) must not at any particular time be the supervisor for more than 5 persons; and

- (b) must ensure that any gas fitting work carried out by a person for whom the holder is the supervisor is in accordance with, and that any relevant installation, and all associated equipment and fittings, comply with, the relevant requirements of these regulations; and
- (c) must keep a record of the full name and address of each person that the holder supervises, and of the day or days on which the holder supervises each such person.

Maximum penalty: \$2 500.

48—Granting of permits by Competent Authority

- (1) A Competent Authority may, on an application under these regulations, grant a permit to the applicant if the Competent Authority is satisfied (on the basis of proof provided to the Competent Authority by the applicant) that the applicant—
 - (a) is fully qualified in 1 (or more) of the following trades:
 - (i) motor mechanic;
 - (ii) fitter or turner;
 - (iii) electrical fitter (automotive);
 - (iv) any other trade that provides skills equivalent to the skills of a trade referred to above; and
 - (b) —
 - (i) has had at least 3 months experience in the installation or maintenance of equipment supplying liquefied petroleum gas or compressed natural gas as a fuel to automotive engines; or
 - (ii) has successfully completed a training course that provides experience equivalent to the experience referred to in subparagraph (i); and
 - (c) is a fit and proper person to hold the permit.
- (2) Permits must be numbered in consecutive order.
- (3) The Competent Authority must keep a record of the permits issued under these regulations.
- (4) A permit is not transferable.

49—Conditions of permits

A permit will commence on the day on which it is granted and unless it is suspended or revoked will continue in force for a period of 3 years and then may be renewed for further periods of 3 years from the date of expiry.

50—Age qualification

- (1) A permit must not be granted to a person who is under the age of 18 years.
- (2) Evidence of age satisfactory to a Competent Authority must be produced by the applicant if so required.

51—Grant of permit

- (1) A permit will be signed by a Competent Authority (or nominee).

- (2) The person to whom a permit is granted must sign the permit where indicated.
- (3) A permit may be granted subject to—
 - (a) conditions in respect of the class of gas fitting work which may be carried out by the person to whom the permit is granted; and
 - (b) such other conditions as the Competent Authority thinks fit.
- (4) A condition imposed under subregulation (3)—
 - (a) —
 - (i) if imposed at the time of grant of the permit—must be included in the permit itself; or
 - (ii) if imposed during the currency of the permit or on a renewal—must be imposed by notice in writing served on the holder of the permit; and
 - (b) may be varied or revoked at any time by notice in writing served on the holder of the permit.

52—Lost permits

- (1) If a permit is lost, stolen or destroyed, the holder of the permit must within 7 days of it being lost, stolen or destroyed give notice in writing to a Competent Authority informing the Competent Authority that the permit has been lost, stolen or destroyed (as the case may be).
- (2) On proof to the satisfaction of the Competent Authority that a permit has been lost, stolen or destroyed the Competent Authority may grant a duplicate of the permit.

53—Requirement to produce permit

The holder of a permit must produce the permit to an authorised officer on request.

54—Suspension or revocation of permit

- (1) A Competent Authority may suspend or revoke a permit if satisfied—
 - (a) that the grant or renewal of the permit has been obtained improperly; or
 - (b) that the holder of the permit has contravened, or failed to comply with, the Act or these regulations; or
 - (c) that the holder of the permit has contravened or failed to comply with a condition imposed in relation to the permit.
- (2) If a permit is revoked or suspended in accordance with these regulations, the person who was the holder of the permit which has been revoked or suspended will, for the purposes of these regulations, cease to be the holder of a permit.
- (3) The Competent Authority must keep a record of all permits which have been suspended or revoked.

55—Certificates of compliance and compliance plates

- (1) A Competent Authority may, on application and payment of the prescribed fee, issue to the holder of a permit—
 - (a) a certificate of compliance in a form that contains the information set out in Schedule 1 Part 3; or
 - (b) a metal compliance plate that—
 - (i) measures at least 90 millimetres by 70 millimetres by 0.5 millimetres; and
 - (ii) is in a form that contains the information set out in Schedule 1 Part 4.
- (2) If an installation is fitted to a motor vehicle, any person who is involved in the performance of the gas fitting work (either through the actual performance of the work or as a supervisor) must ensure that the holder of a permit undertakes a final inspection of, and tests, the installation and, if the inspection and test are satisfactory—
 - (a) completes a certificate of compliance issued under subregulation (1) and gives the certificate to the owner of the vehicle or a person apparently authorised by the owner to collect such a certificate; and
 - (b) attaches to the vehicle a compliance plate issued under subregulation (1) by rivetting or otherwise securely fastening the plate to the vehicle in a conspicuous position adjacent to the liquefied petroleum gas or compressed natural gas cylinder or storage tank of that installation; and
 - (c) stamps or causes to be stamped on the plate, in letters and figures approximately 6 millimetres in height, the required particulars in the spaces provided.

Maximum penalty: \$5 000.

- (3) If an installation is repaired and then requires retesting, any person who is involved in the performance of the repair work (either through the actual performances of work or as a supervisor) must ensure that the holder of a permit undertakes an inspection of, and tests, the installation as repaired and, if the inspection and test are satisfactory, completes a certificate of compliance issued under subregulation (1) and gives the certificate to the owner of the installation or any person apparently authorised by the owner to collect such a certificate.

Maximum penalty: \$5 000.

- (4) The holder of a permit must not give a certificate of compliance under subregulation (2) or (3) unless that person is satisfied that the relevant work, and the installation and all associated equipment and fittings, comply with the requirements of regulation 46(1).

Maximum penalty: \$5 000.

- (5) If the holder of a permit gives a certificate of compliance under subregulation (2) or (3), the holder must—
 - (a) keep a copy of the certificate for at least 5 years; and
 - (b) post to the Department a further copy of that certificate within 7 days of the completion of the relevant work.

- (6) Unless otherwise authorised by a Competent Authority, a person to whom a certificate of compliance, or a compliance plate, is issued under subregulation (1) must not authorise or permit another person to use that certificate or plate.

Maximum penalty: \$5 000.

- (7) A person must not make a statement or entry in a certificate of compliance, or on a compliance plate, that the person knows to be false or misleading in a material particular.

Maximum penalty: \$5 000.

56—Damaged installations

If an installation is damaged by fire, explosion, impact, collision or any other means, a person must not put that installation into operation until the damage has been rectified by a person who is the holder of a permit that permits the person to carry out that class of gas fitting work.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Part 8—Pipelines

57—Prescribed requirements

- (1) The provisions of this regulation apply to any pipeline used for the conveyance of a flammable liquid, other than a pipeline that is in or on licensed premises or is in or on premises that are under the control of—

- (a) a Minister responsible for the administration of the *Harbors and Navigation Act 1993*; or
- (b) an administrative unit of the Public Service responsible for assisting a Minister in the administration of that Act.

- (2) A person must not design, construct, test or maintain a pipeline unless the person complies with the requirements of AS 2885 *Pipelines—gas and liquid petroleum* and—

- (a) if it is a non-ferrous pipeline, AS 4041—2006 *Pressure piping*; or
- (b) if it is a steel pipeline, Part 1 of AS CB 18 *SAA Pressure Piping Code*.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A person must not use a pipeline for the conveyance of any flammable liquid unless the pipeline has been designed, constructed and maintained in accordance with the requirements set out in subregulation (2).

Maximum penalty: \$2 500.

Expiation fee: \$210.

Part 9—Miscellaneous

58—Identification cards

For the purposes of section 8(1) of the Act, the following details are prescribed:

- (a) a recent photograph of the authorised officer;
- (b) the name of the authorised officer;
- (c) the date of the issue of the card;
- (d) a reference to the Minister as the issuing authority.

59—Notices

- (1) If in these regulations it is provided that a notice in writing is to be given to a Competent Authority, the notice may be given—
 - (a) by properly addressing, prepaying and posting a letter or packet containing such notice; or
 - (b) by delivering the notice to the office of the Competent Authority.
- (2) If a notice is given to a Competent Authority in accordance with subregulation (1)(a), it will be taken to have been given at the time the letter or packet containing the notice is posted.

Schedule 1—Forms

Part 1—Application for licence

Licence type:

Application for a licence to keep dangerous substances

Applicant details:

Australian Business Number

Australian Company Number

Registered name of body corporate

Business registration (trading) name

Name of the individual or contact person for body corporate

Family name

Given names

Title

Gender

Date of birth

Registered business address for body corporate (if applicable)

Address details

Postal address (if different from above)

Telephone number (work)

Mobile number

Email address

Nature of business or undertaking being carried out

Site details:

Address of the site from which the dangerous substances will be stored

Address details

Telephone number

Mobile number

Facsimile number

Storage details:

The name of the dangerous substance

The Class (2, 3, 6 or 8)

The quantity (maximum capacity) in kilolitres or kilograms

Packing group I, II, III

Stored in tanks, drums etc

Supporting documentation:

A detailed site plan showing buildings, fences, roads, ignition points, fire extinguishers, drainage bunding, signage and any other relevant information.

Installer details:

Company name

Contact person

Telephone number

Mobile number

Facsimile number

Declaration:

Name of applicant

Address of applicant

Declaration that the above details are true and correct

Signature of public officer/secretary/proprietor or authorised person

Date

Part 2—Application for permit

Full name of applicant

Full postal address

Age

Date of birth

Occupation

Name of employer (if self-employed please state)

Address where gas fitting work will be carried out

Date

Signature of applicant

Part 3—Certificate of compliance

In accordance with the *Dangerous Substances (General) Regulations 2017*, I certify that the installation, the details of which are shown below, has been *installed/repaired and tested in accordance with the requirements of *AS/NZS 1425 "LP Gas Fuel Systems for Vehicle Engines"/AS/NZS 2739 "Natural Gas (CNG) Fuel Systems for Vehicle Engines" and that the installation, and all associated equipment and fittings, comply with the requirements of those regulations.

Signature

Permit number

Date

Details of installation

Engine number

Date fitted

WHERE INSTALLATION IS FITTED TO A MOTOR VEHICLE:

Plate number

Registration number of motor vehicle

Part 4—Compliance plate

A compliance plate for a liquified petroleum gas or compressed natural gas installation must specify the following:

Plate number:

The [*specify whether LPG or CNG*] installation in this vehicle complies with [*specify AS/NZS 1425 or AS/NZS 2739*].

Date installed

Certificate of compliance number

Cylinder number

Vehicle identification number

Engine number

Permit number

Registration number

Schedule 2—Filling instructions

The following instructions must be observed when vehicle fuel containers are being filled with liquified petroleum gas:

- 1 Ensure that:
 - (a) there is no smoking within 5 metres of the vehicle; and
 - (b) there are no obvious leaks in the vehicle's liquified petroleum gas equipment; and
 - (c) the fill connection is in good condition and matches the dispenser filler nozzle.
- 2 Do not leave filler nozzle during filling operation.

Procedure:

- 3 Attach filler hose to container.
- 4 Open storage tank liquid supply valve to pump.
- 5 Start pump.
- 6 Open hose valve.
- 7 Open fixed level gauge on vehicle container when contents dial gauge indicates half full.
- 8 Close hose valve immediately when liquid appears at fixed level gauge.
- 9 Close fixed level gauge.
- 10 Vent the filler nozzle.
- 11 Disconnect filler hose from vehicle and securely replace protective cap on vehicle fill connection.
- 12 Return hose to correct position on dispenser.
- 13 Shut off pump.
- 14 Close storage tank liquid supply valve to pump.

Schedule 3—Revocation and transitional provisions

1—Revocation of *Dangerous Substances Regulations 2002*

The *Dangerous Substances Regulations 2002* are revoked.

2—Transitional provision

Despite any provision to the contrary in these regulations, a compliance plate issued under regulation 36 of the *Dangerous Substances Regulations 2002* before 8 April 2003 may be of the size and form set out in Schedule 6 of the *Dangerous Substances Regulations 1998* as in force before the commencement of Regulation No. 10 of 2001 (*Gazette 08.02.2001 p587*).

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 22 August 2017

No 258 of 2017

MIR0021/17CS