

As in force at 1 September 2002.

South Australia

DANGEROUS SUBSTANCES REGULATIONS 2002

**REGULATIONS UNDER THE DANGEROUS
SUBSTANCES ACT 1979****DANGEROUS SUBSTANCES REGULATIONS 2002**

being

No. 162 of 2002: *Gaz.* 22 August 2002, p. 3150¹¹ Came into operation 1 September 2002: reg. 2.

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**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Dangerous Substances Regulations 2002*.

Commencement

2. These regulations will come into operation on 1 September 2002.

Revocation

3. The *Dangerous Substances Regulations 1998* (see *Gazette* 27 August 1998 p. 703), as varied, are revoked.

Interpretation

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

"**Act**" means the *Dangerous Substances Act 1979*;

"**AS/NZS**" means a standard published or approved jointly by Standards Australia and Standards New Zealand;

"**Australian Standard**" or "**AS**" means a standard published or approved by Standards Australia;

"**Class 6 substance**" means a substance which is a Class 6 substance, and in one of the Packing Groups for toxic substances, under these regulations (*see especially subregulations (2)-(5)*);

"**Class 8 substance**" means a substance which is a Class 8 substance, and in one of the Packing Groups for corrosive substances, under these regulations (*see especially subregulations (2)-(5)*);

"**the Code**" means the Australian code for the Transport of Dangerous Goods by Road and Rail, Sixth Edition, approved by the Ministerial Council for Road Transport, endorsed by the Australian Transport Council and published by the Federal Office of Road Safety;

"**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;

"**flammable liquid**" means a substance which is a Class 3 substance, and in one of the Packing Groups for flammable liquids, under these regulations (*see especially subregulation (2)-(5)*);

"**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 one 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 one or more persons in that activity;
- (c) a place where timber is milled, processed or treated and the occupier employs or engages one 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 one 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 which is a mixture of hydrocarbons, basically consisting of butane or butenes, propane or propene, or any mixture of them, or any 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 (3)*;

"**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 which is a Class 2 substance—a capacity in excess of 500 litres;

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(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) For the purposes of these regulations, a dangerous substance is of a particular class if—

- (a) the dangerous substance is assigned to that class as dangerous goods under the *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998* or the *Rail (Dangerous Goods) (South Australia) Regulations 1998*; or
- (b) the dangerous substance is determined under subregulation (4) to be a dangerous substance of that class,

(and in the event of an inconsistency between an assignment referred to in paragraph (a) and a determination referred to in paragraph (b), the determination will prevail).

(3) For the purposes of these regulations, a dangerous substance belongs to a particular Packing Group if—

- (a) the dangerous substance is assigned to that Packing Group under the *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998* or the *Rail (Dangerous Goods) (South Australia) Regulations 1998*; or
- (b) the dangerous substance is determined under subregulation (4) to be assigned to that Packing Group,

(and in the event of an inconsistency between an assignment referred to in paragraph (a) and a determination referred to in paragraph (b), the determination will prevail).

(4) A Competent Authority may determine—

- (a) that a dangerous substance is a dangerous substance of a particular class;
- (b) that a dangerous substance is assigned to a particular Packing Group.

(5) In these regulations (unless the contrary intention appears)—

- (a) a reference to a Class of dangerous substance is a reference to the class to which the dangerous substance belongs pursuant to subregulation (2);
- (b) a reference to a Class by number, or number and letter, is a reference to the number, or number and letter, of the class to which a dangerous substance belongs pursuant to subregulation (2);
- (c) a reference to a Packing Group of a dangerous substance is a reference to the Packing Group to which the dangerous substance belongs pursuant to subregulation (3);
- (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 pursuant to subregulation (3).

(6) 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.

Dangerous substances

5. Pursuant to section 2 of the Act, flammable liquids (Class 3 substances), Class 8 substances and substances of classes 2 (including liquefied petroleum gas and compressed natural gas), 4, 5, 6 or 9 are declared to be dangerous substances for the purposes of the Act.

**PART 2
LICENCES AND PERMITS**

Application for licence to keep prescribed dangerous substances

6. (1) An application for the issue, variation or renewal of a licence to keep a prescribed dangerous substance in any premises must be in the form set out in Schedule 1.

(2) The application must be completed and submitted in accordance with the instructions contained in Schedule 1.

(3) 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.

(4) The fee for the issue or renewal of a licence on an application under this regulation is prescribed by Schedule 2.

Application for permit to carry out gas fitting work

7. (1) An application for a permit must be in the form set out in Schedule 3.

(2) The fee for a permit is prescribed by Schedule 2.

**PART 3
GENERAL REQUIREMENTS**

Accidents

8. (1) Subject to subregulation (4), if an accident occurs involving any dangerous substance in or on licensed premises, the holder of the licence in respect of those premises must give to a Competent Authority a notice in writing setting out the particulars required by subregulation (2).

- (2) The particulars which a notice given pursuant to 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) The notice must be given to the Competent Authority within 24 hours after the accident.
- (4) 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 three days or more; or
 - (c) from or in any fire or explosion.

Duties of employers and employees

9. (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 which complies with AS/NZS 1715 and 1716 "Respiratory Protective Devices"; and
- (b) if the employer is required to provide an eye protection device, provide one which complies with AS/NZS 1336, 1337 and 1338 "Industrial Eye Protectors"; and
- (c) if the employer is required to provide gloves, provide those which comply with AS/NZS 2161 "Industrial Safety Gloves and Mittens"; and
- (d) if the employer is required to provide a safety helmet, provide one which complies with AS/NZS 1800 and AS/NZS 1801 "Industrial Safety Helmets"; and

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- (e) if the employer is required to provide safety footwear, provide such footwear which complies with AS/NZS 2210 "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, pursuant to 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.

PART 4
TRANSPORT OF DANGEROUS GOODS

Application of Commonwealth regulations

10. (1) In this regulation—

"the Commonwealth regulations" means the *Road Transport Reform (Dangerous Goods) Regulations 1997* as in force from time to time under the *Road Transport Reform (Dangerous Goods) Act 1995* of the Commonwealth.

(2) Subject to these regulations (and, in particular, subregulation (3)), the Commonwealth regulations—

- (a) apply as regulations under the Act; and
- (b) as so applying, may be cited as the *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998*.

(3) The Commonwealth regulations are applied under subregulation (2) with the following modifications:

- (a) regulation 1.1 is taken to have been excluded and the following regulation substituted:

Citation

1.1 These regulations may be cited as the *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998*;

- (b) regulation 1.2 is taken to have been excluded;
- (c) regulation 1.4(3) is taken to have been modified by inserting "(Cwlth)" after "Road Transport Reform (Heavy Vehicles Standards) Regulations" in the Example;
- (d) Division 4 of Part 1 is taken to have been excluded;
- (e) regulation 1.30 is taken to have been modified by leaving out "the Northern Territory" and inserting "Territory";
- (f) regulation 1.30 is taken to have been modified by leaving out paragraph (b) and inserting the following paragraph:
 - (b) the Minister, by notice in the Government Gazette, declares that the State or Territory is not a participating jurisdiction.;
- (g) regulation 1.32 is taken to have been excluded;
- (h) the note to regulation 2.1 is taken to have been modified by leaving out "Section 36" and inserting "Section 24";
- (i) the note at the beginning of Part 8 is taken to have been excluded;
- (j) the note at the beginning of Part 14 is taken to have been modified by leaving out "section 29" and inserting "section 33";

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- (k) the note at the beginning of Part 16 is taken to have been modified by leaving out "sections 32, 33 and 33A" and inserting "section 36";
- (l) regulation 16.1(1) is taken to have been modified by inserting "from the operation of these Regulations or the ADG Code" after "An application for an exemption";
- (m) regulation 16.2(1) is taken to have been modified by inserting "from the operation of these Regulations or the ADG Code" after "exemption";
- (n) regulation 16.2(3)(a) is taken to have been modified by leaving out "granted under the Act";
- (o) regulation 16.2(4)(a) is taken to have been modified by leaving out "made under the Act";
- (p) the note to regulation 17.3 is taken to have been modified by leaving out "section 45" and inserting "section 25";
- (q) the note to regulation 18.3 is taken to have been modified by leaving out "subsections 35(1) and (2)" and inserting "section 24(2) and (3)";
- (r) the note to regulation 18.4 is taken to have been modified by leaving out "subsections 35(3) and (5)" and inserting "section 24(4) and (6)";
- (s) the note to regulation 18.11(2) is taken to have been modified by leaving out "section 45" and inserting "section 25";
- (t) the note to regulation 18.21(4) is taken to have been modified by leaving out "section 45" and inserting "section 25";
- (u) Part 21 is taken to have been excluded and the following Part inserted:

PART 21—EXPIATION OF OFFENCES**Expiation of offences**

21.1 (1) An alleged offence against a regulation referred to in Column 2 of Schedule 2 may be expiated in accordance with the *Expiation of Offences Act 1996*.

(2) The penalties listed in Columns 3 and 4 of Schedule 2 are fixed as expiation fees for an alleged offence against the relevant provision referred to in Column 2 of that schedule.;

- (v) the note to regulation 22.5 is taken to have been modified by leaving out "section 5" and inserting "section 37";

- (w) regulation 23.1 is taken to have been modified by leaving out the table in that regulation and inserting the following table:

Column 1 Item	Column 2 Provision for which fee prescribed	Column 3 Fee \$
1	Regulation 4.24(c)	166.00
2	Regulation 18.10(2)(e)	33.00
3	Regulation 18.12(2)(e)	33.00
4	Regulation 18.19(3)	88.00 per vehicle
5	Regulation 18.22(3)	88.00 per vehicle

- (x) Schedule 1 is taken to have been excluded;
- (y) Schedule 2 is taken to have been modified—
- (i) by leaving out "Subregulation 21.1(1) and (2)";
- (ii) by leaving out the heading and inserting:

SCHEDULE 2: EXPIABLE OFFENCES AND PENALTIES;

- (z) Schedule 3 is taken to have been modified—
- (i) by leaving out the definition of "**Act**" and inserting the following definition:
"**Act**" means the *Dangerous Substances Act 1979*;;
- (ii) by leaving out "section 6" from the definition of "**authorised officer**" and inserting "section 7";
- (iii) by leaving out the definition of "**Commonwealth Minister**";
- (iv) by leaving out the definition of "**Competent Authority**";
- (v) by inserting "(Cwlth)" after "Regulations" in the definition of "**converter dolly**";
- (vi) by leaving out "section 13(1)" from the definition of "**corresponding Competent Authority**" and inserting "section 5(1)";
- (vii) by leaving out "section 6" from the definition of "**dangerous situation**" and inserting "section 2";
- (viii) by leaving out "section 32" from the definition of "**exemption**" and inserting "section 36";

- (ix) by leaving out the definition of "**Government Gazette**" and inserting the following definition:
- "Government Gazette"** means the *South Australian Government Gazette*;;
- (x) by leaving out the definition of "**infringement notice**";
- (xi) by leaving out "section 6" from the definition of "**involvement in the transport of dangerous goods by road**" and inserting "section 2(2)";
- (xii) by leaving out the definition of "**offence**";
- (xiii) by leaving out "the Northern" from paragraph (b) of the definition of "**participating jurisdiction**";
- (xiv) by leaving out "section 6" from the definition of "**premises**" and inserting "section 2";
- (xv) by leaving out the definition of "**this jurisdiction**" and inserting the following definition:
- "this jurisdiction"** means South Australia;;
- (xvi) by leaving out "section 6" from the definition of "**transport**" and inserting "section 2".

Application of Rail Rules

11. (1) In this regulation—

"the Rail Rules" means the Rail (Dangerous Goods) Rules as in force from time to time under the Code and published as a schedule to the Code.

(2) Subject to these regulations (and, in particular, subregulation (3)), the Rail Rules—

- (a) apply as regulations under the Act; and
- (b) as so applying, may be cited as the *Rail (Dangerous Goods) (South Australia) Regulations 1998*.

(3) The Rail Rules are applied under subregulation (2) with the following modifications:

- (a) leave out "Rule", "Rules", "rule" or "rules" wherever occurring and insert instead "Regulation", "Regulations", "regulation" or "regulations" (according to the context), other than when used in relation to the ICAO Rules or when appearing as part of the definition of "instrument";
- (b) leave out "subrule" or "subrules" wherever occurring and insert instead "subregulation" or "subregulations" (according to the context);
- (c) leave out "Commonwealth Minister" wherever occurring and insert instead "Minister";

- (d) Rule 1.1 is taken to have been excluded and the following regulation substituted:

Citation

1.1 These regulations may be cited as the *Rail (Dangerous Goods) (South Australia) Regulations 1998.*;

- (e) Rule 1.2 is taken to have been excluded;
- (f) the following Division is taken to have been inserted as Division 7 of Part 1:

DIVISION 7—PROVISIONS ABOUT OFFENCES GENERALLY

Deciding whether someone reasonably ought to have known or suspected

1.27 If, in a prosecution for an offence against these regulations, it is material to prove that someone reasonably ought to have known or suspected something, the issue is to be decided having regard to:

- (a) the person's abilities, experience, qualifications and training; and
- (b) the circumstances of the alleged offence.

Penalties

1.28 (1) This regulation applies to a provision prescribing a penalty for an offence.

(2) The penalty is the maximum fine for an individual who is found guilty of the offence.

(3) If a body corporate is found guilty of the offence, the maximum fine for the body corporate is 5 times the penalty.;

- (g) Rules 1.29, 3.2, 4.1(1), 4.1(2), 4.2(1), 4.2(2), 4.4(1), 4.4(2), 4.4(3), 4.5(1), 4.5(2), 4.5(3), 4.6(1), 4.6(2), 4.7(1), 4.7(2), 4.8, 4.9, 4.10(1), 4.10(2), 4.12(1), 4.12(2), 4.12(3), 4.14(1), 4.14(2), 4.15(1), 4.15(2), 4.16(1), 4.16(2), 4.17, 4.18(1), 4.18(2), 4.20(1), 4.20(2), 4.22(1), 4.22(2), 4.23(1), 4.23(2), 5.3(1), 5.3(2), 5.3(3), 7.7(1), 7.7(2), 7.7(3), 7.8(1), 7.8(2), 7.8(3), 7.9(1), 7.9(2), 7.9(3), 8.1, 8.2, 8.3, 8.4, 9.4, 9.5, 9.6, 9.13(1), 9.13(2), 9.14(1), 9.14(2), 9.16, 10.6(1), 10.6(2), 10.7(1), 10.7(4), 11.1, 13.10, 14.2(2), 14.4(2), 14.4(3), 14.5(2), 14.5(3), 20.1(2)—

Insert at the end of each provision—

Penalty: \$3 000.;

- (h) Rules 3.3, 3.4, 3.5, 3.11(3), 3.12(3), 4.11, 4.19, 5.1(1), 5.1(2), 5.1(3), 5.2, 6.1, 6.2, 6.3, 9.9, 9.10, 9.11, 9.17, 10.2, 10.1(2), 10.5(1), 10.5(2), 10.5(3), 10.6(3), 10.7(2), 10.8, 11.3(1), 11.7(2), 13.2, 13.3(3), 13.6, 13.8(1), 14.3(2), 14.6(2), 14.7(2), 17.7—

Insert at the end of each provision—

Penalty: \$1 500.;

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- (i) Rules 3.6, 11.2(1), 11.4(2), 11.4(4), 11.8(2), 11.8(3), 14.1(2)—

Insert at the end of each provision—

Penalty: \$1 000.;

- (j) Rules 7.3(1), 7.3(2), 7.3(3), 7.4(1), 7.4(2), 7.4(3), 7.5(1), 7.5(2), 7.5(3)—

Insert at the end of each provision—

Penalty: (a) for a package—\$500.

(b) for a unit load—\$1 500.;

- (k) Rules 10.7(3), 10.7(5), 13.1—

Insert at the end of each provision—

Penalty: \$500.;

- (l) the following regulation is taken to have been inserted as regulation 1.30:

Declaration of non-participating jurisdictions

1.30 A State or Territory is not a participating jurisdiction if the Minister, by notice in the Government Gazette, declares that the State or Territory is not a participating jurisdiction.;

- (m) Rules 1.32 and 1.33 are taken to have been excluded;

- (n) Divisions 9, 10, 11 and 12 of Part 1 are taken to have been excluded;

- (o) Rule 2.1 is taken to have been modified by leaving out subrules (2) and (3);

- (p) Division 3 of Part 11 is taken to have been excluded;

- (q) the note at the beginning of Part 14 is taken to have been modified by leaving out "Division 3" and inserting "section 33";

- (r) Division 3 of Part 14 is taken to have been excluded;

- (s) Rule 16.1(1) is taken to have been modified by inserting "from the operation of these regulations or the ADG Code" after "An application for an exemption";

- (t) Rule 16.2(1) is taken to have been modified by inserting "from the operation of these regulations or the ADG Code" after "exemptions";

- (u) Division 3 of Part 16 is taken to have been excluded;

(v) the following Part is taken to have been inserted as Part 21:

PART 21—EXPIATION OF OFFENCES

Expiation of offences

21.1 (1) An alleged offence against a regulation referred to in Column 2 of the Schedule may be expiated in accordance with the *Expiation of Offences Act 1996*.

(2) The penalties listed in Columns 3 and 4 of the Schedule are fixed as expiation fees for an alleged offence against the relevant provision referred to in Column 2 of the Schedule.;

(w) the following Part is taken to have been inserted as Part 23:

PART 23—FEES

Prescribed fee

23.1 The fee payable under regulation 4.24(c) is \$150.;

(x) the following schedule is taken to have been inserted after Part 24:

SCHEDULE

EXPIABLE OFFENCES AND PENALTIES

Column 1 Item	Column 2 Provision	Column 3 Penalty—individuals \$	Column 4 Penalty—corporations \$
1	Regulation 3.2	600	3 000
2	Regulation 3.12(3)	300	1 500
3	Regulation 4.1	600	3 000
4	Regulation 4.2	600	3 000
5	Regulation 4.7(2)	600	3 000
6	Regulation 4.8	600	3 000
7	Regulation 4.10(1)	600	3 000
8	Regulation 4.14(1)	600	3 000
9	Regulation 4.16(2)	600	3 000
10	Regulation 4.17	600	3 000
11	Regulation 4.18(1)	600	3 000
12	Regulation 5.1(1)	300	1 500
13	Regulation 5.3(3)	600	3 000
14	Regulation 7.7(1)	600	3 000

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Column 1 Item	Column 2 Provision	Column 3 Penalty—individuals \$	Column 4 Penalty—corporations \$
15	Regulation 8.3	600	3 000
16	Regulation 9.17	300	
17	Regulation 10.7(2)	300	1 500
18	Regulation 10.8	600	3 000
19	Regulation 11.3(1)	300	1 500
20	Regulation 11.4(2)	200	
21	Regulation 11.4(3)	100	
22	Regulation 11.7(2)	300	1 500
23	Regulation 11.8(2)	100	
24	Regulation 11.8(3)	200	
25	Regulation 13.1	100	
26	Regulation 13.8(1)	300	1 500

- (y) Annex 1 is taken to have been modified—
- (i) by inserting before the definition of "**ADG Code**" the following definition:
- "Act"** means the *Dangerous Substances Act 1979*;;
- (ii) by leaving out the definition of "**authorised officer**" and inserting the following definition:
- "authorised officer"** see section 7 of the Act;;
- (iii) by leaving out the definition of "**Competent Authority**";
- (iv) by leaving out the definition of "**dangerous situation**" and inserting the following definition:
- "dangerous situation"** see section 2 of the Act;;
- (v) by leaving out the definition of "**exemption**" and inserting the following definition:
- "exemption"** means an exemption in force under section 36 of the Act;;
- (vi) by inserting after the definition of "**freight container**" the following definition:
- "Government Gazette"** means the *South Australian Government Gazette*;;

- (vii) by leaving out the definition of "**involvement in the transport of dangerous goods by rail**" and inserting the following definition:

"**involvement in the transport of dangerous goods by rail**" see section 2(2) of the Act;;
- (viii) by leaving out paragraph (b) of the definition of "**participating jurisdiction**" and inserting the following paragraph:

(b) a State or Territory where the law includes provisions having the same, or substantially the same, effect as the Act and these Regulations;;
- (ix) by leaving out the definition of "**premises**" and inserting the following definition:

"**premises**" see section 2 of the Act;;
- (x) by leaving out the definition of "**this jurisdiction**" and inserting the following definition:

"**this jurisdiction**" means South Australia;;
- (xi) by leaving out the definition of "**transport**" and inserting the following definition:

"**transport**" see section 2 of the Act;.

Application of the Acts Interpretation Act (Cwlth)

12. Pursuant to section 2(3) of the Act, the *Acts Interpretation Act 1901* of the Commonwealth applies to the interpretation of the *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998*, the *Rail (Dangerous Goods) (South Australia) Regulations 1998* and the Code.

Fuel

13. The *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998* and the *Rail (Dangerous Goods) (South Australia) Regulations 1998* do not apply to dangerous goods that are present in the fuel or battery system of a vehicle in order to operate the vehicle.

Binding of Crown

14. Pursuant to section 3 of the Act, it is declared that the Act, and all regulations made under the Act, bind the Crown in all its capacities (so far as the legislative power of the State extends) in respect of the transport of dangerous goods by vehicle.

Exemptions (s. 36)

15. (1) Pursuant to section 36(8)(b) of the Act, a notice of exemption that relates to the transport of dangerous goods by vehicle must—

- (a) identify any provisions of the Act or regulations under the Act that are the subject of the exemption; and
- (b) identify the dangerous goods to which the exemption applies; and

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- (c) specify the period of time for which the exemption remains in force; and
 - (d) if relevant—specify the geographical area for which the exemption is valid; and
 - (e) specify the person or class of persons to which the exemption applies.
- (2) Pursuant to subsection (14) of section 36 of the Act, if—
- (a) a Competent Authority—
 - (i) grants an exemption under that section that is to operate for more than six months; or
 - (ii) grants an exemption under that section to a class of persons; and
 - (b) the exemption relates to the transport of dangerous goods by vehicle,

then the Competent Authority must give notice of the exemption to a Competent Authority of each other State or Territory that is a participating jurisdiction under the *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998*.

Time for making appeal (s. 37(4)(c))

16. For the purposes of section 37(4)(c) of the Act, the period of 28 days from the day on which notice of the decision is given is prescribed.

PART 5
KEEPING PRESCRIBED DANGEROUS SUBSTANCES: CLASS 2

Declaration as to liquefied petroleum gas

17. 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.

Quality and odour

18. (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).

Keeping

19. (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 one time;
- (b) no cylinder in use in or on industrial premises will, when located and used in accordance with the appropriate requirements of Australian Standard 1596 "SAA LP Gas Code," be included for the purpose of determining the aggregate quantity kept.

Compliance with standard

20. A person who keeps in any premises liquefied petroleum gas in such a quantity that a licence is required must comply with Australian Standard 1596 "SAA LP Gas Code".

Cylinders and tanks

21. 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 Australian Standard 1596 "SAA LP Gas Code"; or
- (b) substantially alter any cylinder, tank or vaporiser unless the alterations comply with the requirements of Australian Standard 1596 "SAA LP Gas Code".

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Design

22. 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 Australian Standard 1596 "SAA LP Gas Code" as to design.

Filling, testing and maintenance

23. A person must not use a cylinder for the storage of liquefied petroleum gas unless that cylinder complies with the requirements of Australian Standard 2030 "SAA Gas Cylinder Code" as to filling, inspection, testing and maintenance.

Vehicles

24. (1) Despite the requirements of Australian Standard 1596, 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 4.

(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 as set out in Schedule 4.

Labels

25. (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 Part 1 of Australian Standard 1216 "Classification and 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 "Colour Standards for General Purposes" and AS 1319 "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 which complies with this regulation.

Repairs or alterations

26. 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 B of Australian Standard 1674 "Fire Precautions in Cutting, Heating and Welding Operations".

PART 6
GAS FITTING WORK

Gas fitting work

27. (1) A person who carries out gas fitting work must ensure—

- (a) where 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) where 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 "LP Gas Fuel Systems for Vehicle Engines";

"**AS/NZS 2739**" means AS/NZS 2739 "Natural Gas (CNG) Fuel Systems for Vehicle Engines".

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Gas fitting work not to be carried out without permit

28. (1) A person must not carry out any class of gas fitting work unless the person is the holder of a permit which 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 which 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 five persons; and
- (b) must ensure that any gas fitting work carried out by a person for whom he or she 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 he or she supervises, and of the day or days on which he or she supervises each such person.

Maximum penalty: \$2 500.

Granting of permits by Competent Authority

29. (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 one (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 three 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.

Conditions of permits

30. 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 three years and then may be renewed for further periods of three years from the date of expiry.

Age qualification

31. (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.

Grant of permit

32. (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.

Lost permits

33. (1) If a permit is lost, stolen or destroyed, the holder of the permit must within seven 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.

Requirement to produce permit

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

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Suspension or revocation of permit

35. (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.

Certificates of compliance and compliance plates

36. (1) A Competent Authority may, on application and payment of the appropriate fee set out in Schedule 2, issue to the holder of a permit—

- (a) a certificate of compliance in the form set out in Schedule 5; or
- (b) a metal compliance plate of the size and form set out in Schedule 6.

(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 riveting 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) stamp or cause to be stamped on the plate, in letters and figures approximately six 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 give 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 27(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 five years; and
- (b) post to the Department of the Minister a further copy of that certificate within seven 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.

Damaged installations

37. 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 which permits the person to carry out that class of gas fitting work.

PART 7
KEEPING PRESCRIBED DANGEROUS SUBSTANCES: CLASS 3

Declaration as to dangerous substances—Class 3

38. 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.

Application of Part

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

Interpretation

40. 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 Australian Standard 2106 "Determination of the Flash Point of Flammable Liquids (Closed Cup)"; 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 Australian Standard 2106.

Keeping

41. (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 two 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 Australian Standard 1940 "SAA Rules for 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 which 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 which 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 which may be kept at the premises other than in any underground tank will be as is provided by Table 2.1 (relating to minor storage) of Australian Standard 1940.

Compliance with standard

42. A person who keeps in any premises flammable liquids in such a quantity that a licence is required must comply with Australian Standard 1940 "Rules for the Storage and Handling of Flammable and Combustible Liquids".

Installation of tank

43. (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 Australian Standard 1940.

(2) No later than seven 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 Australian Standard 1940 as to construction, installation and testing of the tank have been complied with.

Records

44. (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.

(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.

Construction of package store

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

Prescribed standard

46. (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 Australian Standards 1950 "Fixed End and Removable End Steel Pails" and 1951 "Fixed End and Removable End Steel Drums".

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(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.

Ullage

47. (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 Australian Standard 1940 but in no case may it be less than 3 per cent 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).

Tank design

48. 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 Australian Standard 1692 "Steel Tanks for the Storage of Flammable and Combustible Liquids".

Notice of manufacture, etc.

49. (1) A person must, at least seven 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).

(2) The notice must be accompanied by two 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 one copy of the information and must return the other copy to the sender.

Use of tank

50. (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 Australian Standard 1692.

(2) A person must not use a tank which is designed for the transport of any flammable liquid, as a fixed tank to store flammable liquid.

Repairs or alterations

51. 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 B of AS 1674.1 "Fire Precautions in Cutting, Heating and Welding Operations".

Labels

52. (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 Part 1 of Australian Standard 1216 "Classification and 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 "Colour Standards for General Purposes" and AS 1319 "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 which does not bear a class label which complies with the requirements set out in this regulation.

Markings

53. (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.

**PART 8
PIPELINES**

Prescribed requirements

54. (1) The provisions of this regulation apply to any pipeline used for the conveyance of a flammable liquid, other than a pipeline which is in or on licensed premises or is in or on premises which are under the control of the Minister for Transport or a statutory authority as part of the Minister's marine portfolio.

(2) A person must not design, construct, test or maintain a pipeline unless the person complies with the requirements of Australian Standard 2018 "SAA Liquid Petroleum Pipeline Code" and—

- (a) if it is a non-ferrous pipeline, Australian Standard 1135 "SAA Non-ferrous Pressure Piping Code"; or
- (b) if it is a steel pipeline, Part 1 of Australian Standard CB 18 "SAA Pressure Piping Code".

(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).

Notice before work carried out

55. (1) Subject to subregulation (2), at least seven days before a person lays, re-lays, renews in whole or in part, or carries out any repairs to a pipeline, the person must send to a Competent Authority a notice setting out the following particulars:

- (a) the full name, address and business telephone number of the person giving notice; and
- (b) the location or proposed location of the pipeline; and
- (c) the name and business address of the person responsible for carrying out the work; and
- (d) full construction details of the proposed pipeline or proposed relaying, renewing or repairs; and
- (e) the date on which it is proposed that the work will commence.

(2) A person need not comply with subregulation (1) if the person—

- (a) carries out repairs in an emergency; or
- (b) carries out repairs of a minor nature only; or
- (c) carries out repairs which are solely incidental to or part of the ordinary maintenance of a pipeline.

**PART 9
PRESCRIBED DANGEROUS SUBSTANCES: CLASS 6 AND CLASS 8**

DIVISION 1—PRELIMINARY

Preliminary

56. (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 which is also a flammable liquid where the quantity kept is greater than that which may be kept pursuant to regulation 41 without a licence.

DIVISION 2—LICENCES TO KEEP

Declaration—prescribed dangerous substances

57. 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.

Quantity that may be kept without a licence

58. 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:

$$\frac{LI + SI}{250} + \frac{LII + SII}{2\,000} + \frac{LIII + SIII}{5\,000} \leq 1$$

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

Application of Division

59. 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.

Storage where licence required

60. 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 58 unless the following requirements are complied with in respect of those substances:

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- (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 mm × 250 mm 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 Australian Standard 1319 "Rules for the Design and Use of 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 Australian Standard 1940 "Rules for 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 $\frac{1}{4}$ 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.

Storage where licence not required

61. (1) A person must not keep Class 6 or 8 substances in any premises without a licence pursuant to regulation 58 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) 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

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- (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 mm × 250 mm 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.

Consumption of food or drink in storage area

62. A person who keeps in any premises a quantity of Class 6 or 8 substances greater than that permitted to be kept under regulation 58 must take all reasonable steps to prevent the consumption of food or drink within the storage area for the substances.

DIVISION 4—MISCELLANEOUS DEALINGS**Packaging**

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

(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.

(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.

Identification of pipes

64. A person must not convey a Class 6 or 8 substance by means of a pipe unless the pipe is identified in accordance with Australian Standard 1345 "Rules for the Identification of Piping, Conduit and Ducts".

Maintenance of tank, pipe, etc.

65. 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 shall not resume use until the cause of the leakage or spillage is rectified.

Discharge into sewer, etc.

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

**PART 10
MISCELLANEOUS**

Identification cards

67. 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.

General offence

68. (1) A person who contravenes or fails to comply with a provision of these regulations for which no penalty is specifically prescribed is guilty of an offence.

Maximum penalty: \$2 500.

Expiation Fee: \$210.

Notices

69. (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.

Transitional provision

70. Despite any provision to the contrary contained in these regulations, a compliance plate issued under regulation 36 of these regulations prior to 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 (see *Gazette* 8 February 2001 p. 587).

SCHEDULE 1
Application for Licence

[Forms appear in *Gaz.* 22 August 2002, p. 3150]

Dangerous Substances Regulations 2002

SCHEDULE 2*Fees*

1. Subject to clause 2 of this schedule, the following fees are payable to the Director:

(1) Annual fee for a licence or renewal of a licence to keep—

(a) liquefied petroleum gas (class 2)*—

For each licensed premises in which the aggregate capacity of tanks, packaging and cylinders—

(i)	exceeds 560 litres (water capacity) but does not exceed 20 kilolitres	\$117.00
(ii)	exceeds 20 kilolitres (water capacity) but does not exceed 100 kilolitres . .	\$336.00
(iii)	exceeds 100 kilolitres (water capacity)	\$541.00

**For the purposes of calculating fees, the water capacity of a 45 kilogram liquefied petroleum gas cylinder must be taken to be 109 litres.*

(b) flammable liquids (class 3)—

For each licensed premises in which the aggregate capacity of tanks, packaging and cylinders—

(i)	exceeds 120 litres but does not exceed 1 kilolitre	\$62.50
(ii)	exceeds 1 kilolitre but does not exceed 25 kilolitres	\$117.00
(iii)	exceeds 25 kilolitres but does not exceed 250 kilolitres	\$293.00
(iv)	exceeds 250 kilolitres but does not exceed 2 500 kilolitres	\$993.00
(v)	exceeds 2 500 kilolitres but does not exceed 10 000 kilolitres	\$3 339.00
(vi)	exceeds 10 000 kilolitres	\$5 491.00

(c) class 6 or 8 substances—

For each licensed premises, where the sum of the maximum volume in litres and mass in kilograms of class 6 or 8 substances that may be kept in the premises pursuant to the licence—

(i)	does not exceed 1 000	\$62.50
(ii)	exceeds 1 000 but does not exceed 25 000	\$117.00
(iii)	exceeds 25 000 but does not exceed 250 000	\$293.00
(iv)	exceeds 250 000 but does not exceed 2 500 000	\$993.00
(v)	exceeds 2 500 000	\$3 339.00

(2) Fees for a permit, renewal of a permit or the issue of a duplicate permit \$68.50

(3) Fee for the issue of a compliance plate to the holder of a permit \$6.85

(4) Fee for the issue of a blank certificate of compliance to the holder of a permit \$2.75

(5) In respect of an application lodged by or on behalf of a Minister of the Crown No fee

2. (1) If a licence or permit is to be issued or renewed for a term of more than one year, the fee prescribed by clause 1 must be multiplied by the number of whole years in the term of the licence or permit.

(2) If a licence or permit is to be issued or renewed for a term of less than one year, the fee is a proportion of the fee prescribed by clause 1, being the proportion that the number of whole months in the term of the licence or permit bears to 12.

SCHEDULE 3
Application for Permit

To: The Director
Workplace Services

I hereby make application for:

Please appropriate box.

- A new permit
- Renewal of permit
- Replacement of permit

Full name of applicant
(Surname) (Given names)

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

Dated this day of 20 .. .

Signature of applicant

SCHEDULE 4
Filling Instructions

The following instructions shall be observed when vehicle fuel containers are being filled with liquefied 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 liquefied 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.

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SCHEDULE 5

Certificate of Compliance

In accordance with the *Dangerous Substances Regulations 1998*, 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.

Signed
Permit No.
Date

Details of Installation
Engine No.
Date fitted

WHERE INSTALLATION IS FITTED TO A MOTOR VEHICLE:

Plate No.
Registration No. of motor vehicle

* Delete as applicable

SCHEDULE 6
Compliance Plate

A compliance plate for a liquid petroleum gas or compressed natural gas installation must measure at least 90 millimetres by 70 millimetres by 0.5 millimetres and must specify the following:

Plate No.

The [*specify whether L.P.G. or C.N.G.*] installation in this vehicle complies with [*specify AS/NZS 1425 or AS/NZS 2739*].

Date installed Permit No.
Certificate of compliance No. Registration No.
Cylinder No.
Vehicle Identification No.
Engine No.