

Queensland



Subordinate Legislation 2001 No. 200

Dangerous Goods Safety Management Act 2001

**DANGEROUS GOODS SAFETY MANAGEMENT
REGULATION 2001**

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Dangerous Goods Safety Management Regulation 2001*.

2 Commencement

This regulation commences on 7 May 2002.

3 Definitions

The dictionary in schedule 5 defines particular words used in this regulation.

4 Application of regulation

This regulation does not apply to stated dangerous goods or combustible liquids at a place if—

- (a) the goods or liquids are on a vehicle at the place, and are in transit; and
- (b) the vehicle, and the goods or liquids comprising the vehicle's load, comply with the ADG Code, the IMDG Code or the IATA Regulations.

5 Prescription for dangerous goods location

(1) Schedule 1 states which dangerous goods or combustible liquids are stated dangerous goods or combustible liquids for section 48(4)¹ of the Act.

(2) Schedule 1 also prescribes the minimum quantities of the stated dangerous goods or combustible liquids to decide—

- (a) whether a place is a dangerous goods location; and

¹ Section 48 (Meaning of “dangerous goods location” and “large dangerous goods location”) of the Act

- (b) if it is a dangerous goods location—whether it is a large dangerous goods location.

6 Prescription for major hazard facility or possible major hazard facility

For sections 31(2) and 33(1)(a)² of the Act, schedule 2 prescribes quantities of hazardous materials stored or handled or that are likely to be stored or handled.

7 Conflict with standards

If there is a conflict between this regulation and an Australian Standard mentioned in this regulation, this regulation prevails.

PART 2—SAFETY OBLIGATIONS FOR MANUFACTURERS, IMPORTERS AND SUPPLIERS

Division 1—Packing, marking and supply

8 Determining whether goods are stated dangerous goods

(1) This section applies if there are reasonable grounds for a manufacturer or importer to suspect that goods in the manufacturer's or importer's possession are stated dangerous goods.

(2) The manufacturer or importer must determine whether or not the goods are stated dangerous goods and, if the manufacturer or importer determines the goods are stated dangerous goods, except for goods too dangerous to be transported, must assign the appropriate UN number, class, subsidiary risk and packing group under the ADG Code.

Maximum penalty—20 penalty units.

(3) The requirements under subsection (2) must be complied with—

² Sections 31 (Meaning of “major hazard facility” and “possible major hazard facility”) and 33 (Grounds for classification) of the Act

- (a) for a manufacturer, as soon as practicable after manufacture, but before supplying the goods to any person; and
- (b) for an importer, before supplying the goods to any person.

(4) A manufacturer or importer is taken to have complied with subsection (2) if the stated dangerous goods were assigned a UN number, class, subsidiary risk and packing group under corresponding legislation.

9 Packing and marking by manufacturer or importer

(1) Before supplying stated dangerous goods (other than goods too dangerous to be transported) to a person, a manufacturer or importer of the goods, who assigns a UN number, class, subsidiary risk and packing group to the goods, must ensure that the provisions of the ADG Code are complied with for—

- (a) the condition of the goods; and
- (b) packages and package marking for the goods.

Maximum penalty—20 penalty units.

(2) Before supplying goods too dangerous to be transported or C1 combustible liquids to a person, a manufacturer or importer of the goods or liquids must ensure that the goods or liquids are packed in packages that are—

- (a) of a type and in a condition that will retain the goods or liquids and will not react adversely with the goods or liquids; and
- (b) clearly marked with the name of the goods or liquids.

Maximum penalty—20 penalty units.

(3) A manufacturer or importer is taken to have complied with subsection (1) or (2) if the goods or liquids are packed and the packages marked under corresponding legislation.

10 Restrictions on supply

(1) Before a person, other than as the manufacturer or importer, (the “**first person**”) supplies the stated dangerous goods (other than goods too dangerous to be transported) to another person the first person must ensure that the provisions of the ADG Code are complied with for—

- (a) the condition of the goods; and

- (b) packages and package marking for the goods.

Maximum penalty—20 penalty units.

(2) Before supplying goods too dangerous to be transported or C1 combustible liquids to another person, the first person must ensure that the goods or liquids are packed in packages that are—

- (a) of a type and in a condition that will retain the goods or liquids and will not react adversely with the goods or liquids; and
- (b) clearly marked with the name of the goods or liquids.

Maximum penalty—20 penalty units.

(3) A person is taken to have complied with subsection (1) or (2) if the goods or liquids are packed and the packages marked under corresponding legislation.

(4) This section does not apply to a retailer who complies with section 11.

11 Supply by retailer in purchaser's container

A retailer who supplies stated dangerous goods or combustible liquids in a container provided by a purchaser must—

- (a) for class 2 stated dangerous goods, ensure the container is a package that meets the requirements of the ADG Code that relate to packages for the goods; and
- (b) for other stated dangerous goods or combustible liquids, take all reasonable steps to ensure that the container—
- (i) is of a type and in a condition that will retain the stated dangerous goods or combustible liquids and will not react adversely with the stated dangerous goods or combustible liquids; and
- (ii) has the name of the stated dangerous goods or combustible liquids clearly marked on the container; and
- (iii) is not ordinarily used to contain foodstuffs.

Maximum penalty—20 penalty units.

Division 2—Material safety data sheets

12 Preparing, amending and reviewing MSDS

(1) A manufacturer or importer must—

- (a) prepare a document complying with this section (a “**material safety data sheet**” or “**MSDS**”) for stated dangerous goods—
 - (i) before first manufacturing or importing the goods; or
 - (ii) if that is not practicable—as soon as practicable after first manufacturing or importing the goods; and

Example of paragraph (a)(ii)—

It may not be practicable to prepare a MSDS before first manufacturing stated dangerous goods that are discovered through research.

- (b) review the MSDS at least once every 5 years; and
- (c) amend the MSDS whenever necessary to ensure it contains current information.

Maximum penalty—20 penalty units.

(2) The MSDS must—

- (a) be in English; and
- (b) contain unit measures commonly used in Australia; and
- (c) state the date it was last reviewed or, if it has not been reviewed, the date of its preparation; and
- (d) state the product name for the stated dangerous goods; and
- (e) for the stated dangerous goods (other than goods too dangerous to be transported), state the proper shipping name, UN number, class, subsidiary risk and packing group; and
- (f) for goods too dangerous to be transported, state the name of the goods listed in the ADG Code; and
- (g) state the following information for the stated dangerous goods—
 - (i) the chemical and physical properties;
 - (ii) the health and safety hazards;
 - (iii) the safe use;

- (iv) the first aid information; and
- (h) state the importer's or manufacturer's name, Australian address and Australian telephone number; and
- (i) state the following information about the stated dangerous goods—
 - (i) the chemical name of the ingredients of the goods or, if the identity of an ingredient is commercially confidential, the generic name for the ingredient;
 - (ii) the proportion or the proportion ranges of the ingredients in the goods.
- (3) However, subsection (2)(i) does not apply if—
 - (a) the manufacturer or importer considers giving the information about an ingredient would cause commercial disadvantage; and
 - (b) the ingredient is not dangerous goods; and
 - (c) the ingredient does not have a known synergistic effect; and
 - (d) the manufacturer or importer states on the MSDS for the ingredient the words—
'other ingredients determined not to be dangerous goods'.

13 Recognition of MSDS prepared under equivalent legislation

(1) Section 12 does not apply to a manufacturer or importer if the manufacturer or importer has already prepared a MSDS for stated dangerous goods under equivalent legislation.

(2) In this section “**equivalent legislation**” means—

- (a) the *Workplace Health and Safety Regulation 1997*; or
- (b) a law of the Commonwealth or another State that has requirements substantially the same as those under section 12.

14 Manufacturer, importer or supplier to provide MSDS

(1) A manufacturer, importer or supplier of stated dangerous goods must ensure that a copy of the current MSDS for the goods is provided—

- (a) to a person to whom the goods are supplied on or before the first occasion the goods are supplied for use to the person; and
- (b) if the MSDS is amended under section 12, to a person to whom the goods are supplied for use on or before the first occasion the goods are supplied to the person after the amendment; and
- (c) on request—
 - (i) to the occupier of a major hazard facility, dangerous goods location or workplace where the goods are stored and handled; or
 - (ii) to the chief executive.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to a supplier—

- (a) if the supplier is a retailer or a retail warehouse operator and the stated dangerous goods are supplied in consumer packages; or
- (b) if the supplier is a retailer supplying fuel to a vehicle; or
- (c) if the supplier is a retailer to whom section 11 applies.

15 Information to doctor

(1) Despite anything in this division, a manufacturer or importer of stated dangerous goods must disclose the chemical name of an ingredient of the goods to a doctor if—

- (a) the MSDS for the goods, or the marking on the container in which the goods are supplied, does not disclose the chemical name of the ingredient; and
- (b) the doctor requests the chemical name of the ingredient to help with the management of the doctor's patient.

(2) The manufacturer or importer must immediately comply with a request from a doctor under subsection (1).

Maximum penalty—20 penalty units.

PART 3—SAFETY OBLIGATIONS FOR OCCUPIERS

Division 1—Obligations applying to occupiers of major hazard facilities and dangerous goods locations

Subdivision 1—Definition for div 1

16 Definition for div 1

In this division—

“**occupier**” means the occupier of—

- (a) a major hazard facility; or
- (b) a dangerous goods location.

Subdivision 2—Hazard identification and risk assessment

17 Identification of hazards

(1) The occupier must ensure that a hazard associated with the storage or handling of dangerous goods or combustible liquids at the occupier’s facility or location is, to the extent possible having regard to the current state of knowledge about the hazard, identified and recorded.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) For subsection (1) and without limiting the subsection, the occupier, when identifying hazards for dangerous goods or combustible liquids, must have regard to—

- (a) the chemical and physical properties of the goods or liquids; and
- (b) the MSDS and any other information about the hazardous properties of the goods or liquids; and
- (c) any manufacturing and transport processes involving the goods or liquids at the occupier’s facility or location; and

- (d) the structures, plant, systems of work and activities used in the storage or handling of the goods or liquids at the occupier's facility or location; and
- (e) the physical location and arrangement of areas, structures and safety and health systems at the occupier's facility or location; and
- (f) the structures, plant, systems of work and activities that are not used to store or handle the goods or liquids but could interact with the goods or liquids at the occupier's facility or location; and
- (g) the chemical and physical reaction between the goods or liquids and other substances and articles with which the goods or liquids may come into contact at the occupier's facility or location; and
- (h) any previous incidents involving the goods or liquids.

18 Risk assessment

(1) If a hazard is identified under section 17, the occupier must ensure that—

- (a) an assessment is made of the risks associated with the hazard (a “**risk assessment**”); and
- (b) a dated written record is kept of the risk assessment.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) For subsection (1), the occupier must—

- (a) have regard to the matters stated in section 17(2); and
- (b) in the risk assessment, state the methods considered and those implemented to control the risks associated with the hazard to achieve an acceptable level of risk.

19 Review of risk assessment

(1) The occupier must review a risk assessment and keep a dated written record of the review—

- (a) if there is a significant change to a process, system or procedure in relation to the storage or handling of dangerous goods or combustible liquids at the occupier's facility or location; or
- (b) if there is evidence to indicate that the risk assessment no longer adequately assesses the risk associated with a hazard.³

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
 - (b) for a dangerous goods location—30 penalty units.
- (2) A risk assessment must be reviewed at least once every 5 years.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

20 Copy of risk assessment to be available to persons likely to be exposed to a hazard

(1) This section applies if a risk assessment has been made for a hazard at an occupier's facility or location.

(2) The occupier must make a copy of the written record of the risk assessment available to persons likely to be exposed to the hazard while working at the facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

³ Section 47 requires the review of the risk assessment under this section after an accident involving stated dangerous goods or combustible liquids causing material harm.

Subdivision 3—Risk minimisation by substitution of goods or reduction of quantity

21 Occupier must consider substituting goods or reducing their quantity

To achieve an acceptable level of risk for the storage or handling of stated dangerous goods or combustible liquids at an occupier's facility or location, the occupier must consider—

- (a) substituting other goods, or other stated dangerous goods or combustible liquids, that have a lower risk associated with their storage and handling; and
- (b) reducing the quantity of stated dangerous goods or combustible liquids handled.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

Subdivision 4—Risk minimisation for storage and handling systems

22 Use of new storage or handling system

(1) The occupier must not use a new storage or handling system without first ensuring that the system is designed, constructed and installed so that, when used properly, risk is at an acceptable level.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
 - (b) for a dangerous goods location—30 penalty units.
- (2) For this section, a storage or handling system is taken to be new if—
- (a) the system has not previously been used for the storage or handling of stated dangerous goods or combustible liquids at the occupier's facility or location; or
 - (b) if the system has been previously so used, the system has been altered in a way that may create a new or different risk associated with that use.

23 Separation by distance or barriers

(1) The occupier must, by the design and location of storage or handling systems at the occupier's facility or location, minimise the risk from a hazardous materials emergency to persons, property or the environment outside the boundary of the facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) For subsection (1), the occupier must consider—

- (a) the distance dangerous goods or combustible liquids are stored or handled from the boundary; and
- (b) separating the goods or liquids from the persons, property or environment by physical barriers.

24 Operation of storage or handling system

(1) The occupier must ensure that a storage or handling system at the occupier's facility or location is commissioned, operated, tested, maintained, repaired and decommissioned so that risk is at an acceptable level.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) If the maintenance or repair involves the use of welding, cutting or other processes that generate heat or introduce ignition sources, the occupier must ensure that the risk of a fire or explosion involving stated dangerous goods or combustible liquids is at an acceptable level.

25 Stated dangerous goods or combustible liquids in tanks

If the occupier stores stated dangerous goods or combustible liquids in a tank at the occupier's facility or location, the occupier must ensure that—

- (a) the tank and its associated pipework are provided with stable foundations and supports; and

- (b) pipework or equipment connected to the tank is installed in a way that prevents excessive stress on the tank, pipework or equipment; and
- (c) the tank and its associated pipework are inspected at intervals that are adequate to ensure their integrity and serviceability; and
- (d) a dated written record is made of the results of inspections and kept while the tank remains in service at the occupier's facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

26 Cleaning or making safe decommissioned storage or handling systems

(1) This section applies if a storage or handling system at an occupier's facility or location is to be disposed of or no longer used for the storage or handling of stated dangerous goods or combustible liquids.

(2) The occupier must ensure that the storage or handling system is—

- (a) thoroughly cleaned so that the system is, as far as practicable, free from stated dangerous goods or combustible liquids; or
- (b) otherwise made safe.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

27 Protection from impact

The occupier must ensure that stated dangerous goods or combustible liquids and storage or handling systems at the occupier's facility or location are, as far as practicable, protected against damage from impact with vehicles, mobile plant or other things at the facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

28 Use of new systems or procedures

(1) The occupier must not use a new system or procedure for the storage or handling of stated dangerous goods or combustible liquids at the occupier's facility or location without first ensuring that the risk associated with the system or procedure is at an acceptable level.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
 - (b) for a dangerous goods location—30 penalty units.
- (2) A system or procedure is taken to be new if—
- (a) the system or procedure has not previously been used for the storage or handling of stated dangerous goods or combustible liquids at the facility or location; or
 - (b) the system or procedure has previously been so used and has been altered in a way that may create a new or different risk associated with that use.

Subdivision 5—Risk minimisation for workers and visitors

29 Induction, information, supervision, education and training

(1) For section 23(1)(d)⁴ of the Act, for a person involved with the storage or handling of stated dangerous goods or combustible liquids at the occupier's facility or location, the occupier must ensure that the person is provided with induction, information, supervision, education and training—

- (a) in a language or manner appropriate to the person; and
- (b) relevant to the roles and duties undertaken by the person and the risks associated with the roles and duties.

4 Section 23 (Obligations of occupiers) of the Act

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) The occupier must ensure that the induction, information, education and training provided to the person includes instruction in—

- (a) the nature of the hazards and properties of the stated dangerous goods or combustible liquids; and
- (b) the processes used to identify, assess and control the risks associated with the person's roles and duties; and
- (c) the use and maintenance of the processes to control the risks; and
- (d) the appropriate use and fitting of personal protective equipment.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(3) A dated written record of induction, information, education or training carried out under this section must be made and kept for at least 5 years.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

30 Personal protective or safety equipment for workers

(1) This section applies if the occupier requires an employee or other person exposed to stated dangerous goods or combustible liquids to use personal protective equipment or safety equipment to achieve an acceptable level of risk.

(2) The occupier must provide and maintain personal protective equipment or safety equipment that is suitable for use with the goods or liquids.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(3) A person must not wilfully damage or make ineffective personal protective equipment or safety equipment.

Maximum penalty—30 penalty units.

31 Risk to visitors

The occupier must ensure that a visitor to the occupier's facility or location is provided with the information, safety instructions and supervision necessary to ensure that risk to the visitor or any other person at the facility or location is minimised as far as reasonably practicable.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

32 Security at facility or location

The occupier must, as far as practicable, prevent access by unauthorised persons to stated dangerous goods or combustible liquids stored or handled at the occupier's facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

Subdivision 6—Stability and interaction of stated dangerous goods or combustible liquids

33 Stability

(1) The occupier must ensure, as far as practicable, that stated dangerous goods or combustible liquids do not become unstable, decompose or change so as to—

- (a) create a hazard that is different from the hazard originally created by the stated dangerous goods or combustible liquids; or
- (b) increase the risk associated with the stated dangerous goods or combustible liquids.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) For subsection (1) but without limiting the subsection, the occupier must ensure that—

- (a) if the stability of the stated dangerous goods or combustible liquids is dependent on the maintenance of levels of stabilisers—the levels are maintained as specified by the manufacturer of the goods or liquids; and
- (b) if the stated dangerous goods or combustible liquids are required to be stored or handled below a particular control temperature specified by the manufacturer—the goods or liquids are stored below that temperature.

Example of paragraph (b)—

Organic peroxides should be stored below their self accelerating decomposition temperature.

(3) Subsection (2) does not apply to stated dangerous goods or combustible liquids that are about to be used in a manufacturing process.

34 Preventing interaction with other goods

The occupier must ensure stated dangerous goods or combustible liquids that are not compatible with other goods or liquids (including other stated dangerous goods or combustible liquids) are stored separately from the other goods or liquids so that a loss of containment can not cause a dangerous situation.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

35 Preventing contamination of food or personal products

The occupier must ensure that stated dangerous goods or combustible liquids stored or handled at the occupier's facility or location can not contaminate food, food packaging or personal use products.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

36 Elimination of ignition sources

(1) The occupier must ensure ignition sources in a hazardous area at the occupier's facility or location—

- (a) are eliminated; or
- (b) if it is not reasonably practicable to eliminate the sources, are controlled so that risk is at an acceptable level.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) In this section—

“**hazardous area**” has the meaning given by AS 2430—‘Classification of Hazardous Areas’.

Subdivision 7—Risk minimisation by spill control

37 Spill containment

(1) This section applies to each area of a major hazard facility or dangerous goods location where stated dangerous goods or combustible liquids are stored or handled.

(2) The occupier must ensure that provision is made for spill containment that will, as far as practicable, contain within the occupier's facility or location a spill or leak of stated dangerous goods or combustible liquids.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(3) For stated dangerous goods or combustible liquids contained in a tank, the spill containment for the tank must not be shared with other goods or liquids that are not compatible with the stated dangerous goods or combustible liquids in the tank.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(4) If a spill or leak of stated dangerous goods or combustible liquids happens, the occupier must ensure that—

- (a) immediate action is taken to reduce any risk associated with the spill or leak; and
- (b) the stated dangerous goods or combustible liquids and any resulting effluent are, as soon as reasonably practicable—
 - (i) cleaned up and disposed of; or
 - (ii) otherwise treated so that risk is at an acceptable level.

38 Transfer of stated dangerous goods or combustible liquids

(1) This section applies to the transfer of stated dangerous goods or combustible liquids—

- (a) from area to area within a major hazard facility or dangerous goods location; or
- (b) from or into a container on the facility or location.

(2) The occupier of the facility or location must, to the extent necessary to achieve an acceptable level of risk—

- (a) control spills, leaks and overflows; and
- (b) minimise static electricity; and
- (c) control vapour generation.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

39 Equipment for clean up

The occupier must ensure that equipment and materials appropriate for use for the containment and clean up of reasonably foreseeable spills or leaks of stated dangerous goods or combustible liquids are—

- (a) kept at the occupier's facility or location; and
- (b) accessible at all times to persons at the facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

Subdivision 8—Risk minimisation by providing information

40 Material safety data sheets and other information

(1) The occupier must, for stated dangerous goods stored or handled, or proposed to be stored or handled at the occupier's facility or location—

- (a) obtain a current MSDS on or before the first occasion the goods are supplied to the facility or location; and
- (b) ensure that a current MSDS is readily accessible to persons at the facility or location and to emergency services; and
- (c) not amend a MSDS other than—
 - (i) under section 12; or
 - (ii) when an overseas MSDS needs to be reformatted so it can be easily understood by persons at the facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) Subsection (1)(a) and (b) do not apply for stated dangerous goods that are—

- (a) in transit; or
- (b) stored or handled at a retail outlet in consumer packages that are sold unopened.

(3) If, because of subsection (2), the occupier is not required to have, and does not have, a MSDS for stated dangerous goods, the occupier must ensure that alternative information for the safe storage and handling of the goods is readily accessible to persons at the facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(4) If an occupier who provides a MSDS for stated dangerous goods also provides other information about the safe storage and handling of the goods, the occupier must ensure that the other information is—

- (a) consistent with the information contained in the MSDS; and
- (b) clearly identified as information provided by the occupier.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

41 Register of stated dangerous goods or combustible liquids

(1) The occupier must ensure that—

- (a) a register is kept and maintained for stated dangerous goods or combustible liquids stored or handled at the occupier's facility or location; and
- (b) the register contains a list of all stated dangerous goods or combustible liquids stored or handled at the facility or location and, if required, a MSDS for each of the stated dangerous goods; and
- (c) the register is readily accessible to persons at the facility or location.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) Subsection (1) does not apply to stated dangerous goods or combustible liquids—

- (a) received in packages not large enough to require marking under the ADG Code; or
- (b) in transit.

42 Records to be given to new occupier

If a person ceases to be the occupier of a facility or location and there is a new occupier of the facility or location, the person must, on ceasing to be occupier, give the new occupier—

- (a) the register under section 41; and
- (b) the written records under sections 18, 19, 25(d), 29(3) and 46(c).

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

43 Marking of packages

(1) If an occupier receives a package of stated dangerous goods or combustible liquids at the occupier's facility or location and the occupier knows, or ought reasonably to know, the package is not marked under section 9 so that it complies with the ADG Code, the occupier must either—

- (a) not accept the goods; or
- (b) accept the goods and mark the package under the ADG Code.

Maximum penalty—20 penalty units.

(2) The occupier must ensure that, while stated dangerous goods or combustible liquids are at the occupier's facility or location, the marking of the package complies with the ADG Code.

Maximum penalty—20 penalty units.

(3) The occupier must ensure that, once stated dangerous goods or combustible liquids at the occupier's facility or location are removed from the package and the package is free of the goods or liquids, the marking on the package is removed or otherwise made illegible.

Maximum penalty—20 penalty units.

44 Marking of portable containers

(1) If stated dangerous goods or combustible liquids are transferred into a portable container for use at an occupier's facility or location, the occupier must ensure that—

- (a) the container is clearly labelled with the class label, subsidiary risk label and product name of the stated dangerous goods; or
- (b) if it is not possible to label the container under paragraph (a), another way of clearly identifying the goods or liquids is used.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) Subsection (1) does not apply if the goods or liquids are to be used immediately and the container thoroughly cleaned so the container is, as far as practicable, free from the goods or liquids.

Subdivision 9—Accidents

45 Response to hazardous materials emergencies

(1) This section applies if a hazardous materials emergency happens at an occupier's facility or location.

(2) The occupier must respond to the emergency by ensuring that—

- (a) immediate action is taken to assess and control any risk associated with the emergency, including by making safe, so far as is practicable, the area, and plant and equipment, affected by the emergency; and
- (b) only persons essential to carry out the action mentioned in paragraph (a) remain in the vicinity of the emergency; and
- (c) the risk to persons carrying out the action mentioned in paragraph (a) is minimised as far as reasonably practicable.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(3) The duties of the occupier under subsection (2)(b) and (c) do not apply to emergency services.

46 Investigation of accident

If an accident at an occupier's facility or location involves stated dangerous goods or combustible liquids and causes material harm, the occupier must ensure that—

- (a) the accident is investigated; and
- (b) the investigation, as far as practicable, determines the cause or likely cause of the accident; and
- (c) a dated written record of the investigation is—
 - (i) made; and
 - (ii) kept for the life of the facility or location; and
 - (iii) if requested, readily available to the chief executive.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

47 Risk assessment and control after accidents

The occupier of a facility or location where an accident mentioned in section 46 has happened must as soon as reasonably practicable—

- (a) review the risk assessment under section 19, taking into account the results of the investigation into the accident; and
- (b) if the review identifies that risk is not at an acceptable level, take the action necessary to achieve an acceptable level of risk.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

48 Particulars about accident may be requested by chief executive

The occupier of the facility or location where an accident mentioned in section 46 has happened must, if requested by the chief executive, give to the chief executive, as soon as reasonably practicable, details of—

- (a) the cause and effect of the accident; and
- (b) any action taken or proposed to be taken by the occupier under sections 46 and 47.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

Subdivision 10—Risk minimisation by warning placards**49 Existing placards**

(1) This section applies to a placard at a major hazard facility or dangerous goods location that—

- (a) is in place at the commencement of schedule 1 of the Act; and
- (b) complied with the *Health Regulation 1996*, part 11,⁵ as in force immediately before its repeal under schedule 1 of the Act; and
- (c) contains all the information required under this subdivision.

(2) The placard is taken to comply with this subdivision for the dangerous goods to which the placard relates.

(3) Subsections (1) and (2) do not apply to a placard that—

- (a) is illegible; or
- (b) replaces another placard after the commencement of schedule 1 of the Act.

(4) This section expires 5 years after the commencement of schedule 1 of the Act.

⁵ *Health Regulation 1996*, part 11 is about placarding for hazardous substances.

50 Types of warning placards

(1) The occupier must display warning placards of the following types at the occupier's facility or location—

- (a) a HAZCHEM outer warning placard;
- (b) an information placard for stated dangerous goods or combustible liquids stored—
 - (i) in tanks; or
 - (ii) in packages.

Maximum penalty—30 penalty units.

(2) Subsection (1) does not apply to liquified petroleum gas stored in packages outside a building and connected by piping to appliances that use gas within the building.

(3) Also, subsection (1)(b)(ii) applies only to each area at a facility or location where stated dangerous goods or combustible liquids mentioned in column 1 of the table in schedule 1 are stored in packages in at least the quantity mentioned in column 3 of the table for the goods or liquids.

(4) The occupier must ensure the warning placard—

- (a) is made of durable and weather-resistant material; and
- (b) is maintained in good repair and is, and stays, legible.

Maximum penalty for subsection (4)—30 penalty units.

51 Location of HAZCHEM outer warning placards

(1) The occupier must display a HAZCHEM outer warning placard at every entrance to the occupier's facility or location so that it is clearly visible by a person approaching the entrance.

Maximum penalty—30 penalty units.

(2) Subsection (1) does not apply to an entrance used by a train.

52 Location of information placards

(1) The occupier must display an information placard within the occupier's facility or location so that it is clearly visible from normal approaches.

Maximum penalty—30 penalty units.

(2) For stated dangerous goods or combustible liquids stored in an indoor area, the occupier must display the placard—

- (a) at the main point of entry to a building where the goods or liquids are stored; and
- (b) either—
 - (i) at every point of entry to a room, enclosure or other area where the goods or liquids are stored; or
 - (ii) adjacent to the goods or liquids.

Maximum penalty—30 penalty units.

(3) For stated dangerous goods or combustible liquids stored in an outdoor area, the occupier must display the placard either—

- (a) adjacent to the goods or liquids; or
- (b) for goods or liquids in a tank, adjacent to the goods or liquids or on the external surface of the tank.

Maximum penalty—30 penalty units.

(4) The occupier must display a warning placard in a position separated from any other sign or notice so that the placard is not obscured by, or capable of being confused with, the other sign or notice.

Maximum penalty—30 penalty units.

53 Form and dimensions of HAZCHEM outer warning placard

The occupier must ensure a HAZCHEM outer warning placard at the occupier's facility or location complies with schedule 3.

Maximum penalty—30 penalty units.

54 Form and dimensions of information placards for stated dangerous goods or combustible liquids in tanks

(1) The occupier must ensure an information placard for stated dangerous goods or combustible liquids stored in tanks at the occupier's facility or location complies with schedule 3.

(2) Subsection (1) does not apply if—

- (a) the goods or liquids are contained in a tank intended for transport and placarded under the ADG Code; or
- (b) the liquids are combustible liquids in a quantity not exceeding 10 000 L and stored separately and isolated from dangerous goods; or
- (c) the goods or liquids are stated dangerous goods of class 2.1 or 3 or combustible liquids, when stored in an underground tank at retail premises where the goods or liquids are used to refuel vehicles.

Maximum penalty—30 penalty units.

55 Form and dimensions of information placards for stated dangerous goods or combustible liquids in packages

The occupier must ensure an information placard for stated dangerous goods or combustible liquids stored in packages at the occupier's facility or location complies with schedule 3.

Maximum penalty—30 penalty units.

Subdivision 11—Risk minimisation by fire protection

56 Fire protection

(1) The occupier must ensure that—

- (a) the areas of the occupier's facility or location where stated dangerous goods or combustible liquids are stored or handled are provided with a fire protection system that—
 - (i) is designed and constructed for the types and quantities of the goods or liquids and the conditions under which they are stored and handled; and
 - (ii) uses firefighting media compatible with the goods or liquids and effective in the control of incidents involving the types and quantities of the goods or liquids; and
- (b) the fire protection system is—
 - (i) properly installed, tested and maintained and a dated written record kept of the results of the testing; and

- (ii) at all times accessible to persons on the facility or location and to emergency services; and
- (c) fire hydrants and fire hose coupling points at the occupier's facility or location that may be used by the Queensland Fire and Rescue Authority are suitable for use by that authority.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(2) The occupier must, if any of the components of the fire protection system become unserviceable or inoperative, ensure that—

- (a) the implications of the components being unserviceable or inoperative are assessed; and
- (b) alternative measures are taken to control, to the same level of effectiveness, those risks that were controlled by the system when functioning fully; and
- (c) the system is returned to full operation as soon as possible.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a dangerous goods location—30 penalty units.

(3) For subsection (2)(b), the occupier must have regard to the need to—

- (a) provide alternative fire protection measures; and
- (b) reduce the quantities of stated dangerous goods or combustible liquids; and
- (c) stop or limit the processes used for the storage and handling of stated dangerous goods or combustible liquids; and
- (d) modify systems of work.

Division 2—Further obligations applying to occupiers of major hazard facilities and large dangerous goods locations

57 Definition for div 2

In this division—

“occupier” means the occupier of—

- (a) a major hazard facility; or
- (b) a large dangerous goods location.

58 Manifest

The occupier must keep a manifest of dangerous goods or combustible liquids, that complies with schedule 4, readily available at the occupier’s facility or location for use by emergency services.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a large dangerous goods location—30 penalty units.

59 Manifest must be kept up to date

The occupier must update a manifest at the occupier’s facility or location as soon as practicable after a change to information mentioned in schedule 4.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a large dangerous goods location—30 penalty units.

60 Location of manifest

The occupier must keep the manifest in a red weatherproof container inside, and as close as practicable to, the main entry to the occupier’s facility or location so that it is easily accessible to emergency services.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a large dangerous goods location—30 penalty units.

61 Emergency plans and procedures

The emergency plans and procedures mentioned in section 23(2)(a)⁶ of the Act must include details of the following—

- (a) the dangerous goods and combustible liquids stored or handled at the facility or location;
- (b) the potential hazardous materials emergencies for the goods and liquids;
- (c) the organisational structure in place to deal with a hazardous materials emergency, including the roles and responsibilities of persons holding positions mentioned in the structure;
- (d) the resources and equipment available to deal with a hazardous materials emergency;
- (e) the procedures that must be followed if a hazardous materials emergency happens;
- (f) the site layout of the facility or location showing where—
 - (i) the dangerous goods and combustible liquids are stored or handled; and
 - (ii) the resources and equipment available to deal with a hazardous materials emergency are located;
- (g) the telephone or other contact details of emergency services and other persons who may help in a hazardous materials emergency.

Maximum penalty—

- (a) for a major hazard facility—100 penalty units;
- (b) for a large dangerous goods location—30 penalty units.

6 Section 23 (Obligations of occupiers) of the Act

Division 3—Further obligation applying to occupiers of large dangerous goods locations**62 Notification about large dangerous goods location**

(1) For section 49⁷ of the Act, notification in the approved form must be given to the chief executive—

- (a) for a place that is a large dangerous goods location at the commencement of this section—within 3 months after the commencement; or
- (b) for a place that becomes a large dangerous location after the commencement—within 1 month after the place becomes a large dangerous goods location.

(2) Further notification in the approved form must be given to the chief executive at least once every 2 years after the first notification.

Division 4—Obligations applying to occupiers of workplaces that are not major hazard facilities or dangerous goods locations**63 Definition for div 4**

In this division—

“**occupier**” means the occupier of a workplace, that is not a major hazard facility or dangerous goods location, where stated dangerous goods or combustible liquids are stored or handled.

64 Identification of hazards

The occupier must review the following to ensure that hazards associated with the storage or handling of stated dangerous goods or combustible liquids at the occupier’s workplace are identified—

- (a) the MSDS for the goods;

7 Section 49 (Obligation to notify chief executive of possible large dangerous goods location) of the Act

- (b) the hazardous properties of the liquids.

Maximum penalty—20 penalty units.

65 Assessment and minimisation of risk

If a hazard is identified under section 64, the occupier must—

- (a) review the way stated dangerous goods or combustible liquids are stored or handled at the occupier's workplace; and
- (b) take the action necessary to eliminate unsafe practices and achieve an acceptable level of risk.

Maximum penalty—20 penalty units.

66 Clearing of decommissioned storage or handling systems

(1) This section applies if a storage or handling system at the occupier's workplace is to be disposed of or no longer used for the storage or handling of stated dangerous goods or combustible liquids.

(2) The occupier must ensure that the storage or handling system is—

- (a) thoroughly cleaned so that the system is, as far as practicable, free from stated dangerous goods or combustible liquids; or
- (b) otherwise made safe.

Maximum penalty—20 penalty units.

67 Induction, information, education, training and supervision

(1) The occupier must ensure that a person involved with the storage or handling of stated dangerous goods or combustible liquids at the occupier's workplace is provided with induction, information, education, training and supervision that is—

- (a) in a language or manner appropriate to the person; and
- (b) relevant to the roles and duties undertaken by the person and the risks associated with the roles and duties.

Maximum penalty—20 penalty units.

(2) The occupier must ensure that the induction, information, education and training provided to the person includes instruction in—

- (a) the nature of the hazards and properties of the stated dangerous goods or combustible liquids; and
- (b) the use and maintenance of the processes for the control of the risks associated with the person's roles and duties; and
- (c) the appropriate use and fitting of personal protective equipment.

Maximum penalty—20 penalty units.

68 Personal protective or safety equipment for workers

(1) This section applies if the occupier requires an employee or other person exposed to stated dangerous goods or combustible liquids to use personal protective equipment or safety equipment to achieve an acceptable level of risk.

(2) The occupier must provide and maintain personal protective equipment or safety equipment that is suitable for use with the goods or liquids.

Maximum penalty—20 penalty units.

(3) A person must not wilfully damage or make ineffective personal protective equipment or safety equipment.

Maximum penalty—20 penalty units.

69 Security at workplace

The occupier must, as far as practicable, prevent access by unauthorised persons to stated dangerous goods or combustible liquids stored at the occupier's workplace.

Maximum penalty—20 penalty units.

70 Preventing interaction with other goods

The occupier must ensure stated dangerous goods or combustible liquids that are not compatible with other goods or liquids (including other stated dangerous goods or combustible liquids) are stored separately from the other goods or liquids so that a loss of containment can not cause a dangerous situation.

Maximum penalty—20 penalty units.

71 Preventing contamination of food or personal products

The occupier must ensure that stated dangerous goods or combustible liquids stored or handled at the occupier's workplace can not contaminate food, food packaging or personal use products.

Maximum penalty—20 penalty units.

72 Elimination of ignition sources

(1) The occupier must ensure ignition sources in a hazardous area at the occupier's workplace—

- (a) are eliminated; or
- (b) if it is not reasonably practicable to eliminate the sources—are controlled so that risk is at an acceptable level.

Maximum penalty—20 penalty units.

(2) In this section—

“**hazardous area**” has the meaning given by AS 2430—‘Classification of Hazardous Areas’.

73 Spill containment

(1) The occupier must ensure that procedures are in place and equipment is available to contain and clean up a spill or leak of stated dangerous goods or combustible liquids stored or handled at the occupier's workplace.

Maximum penalty—20 penalty units.

(2) If a spill or leak of stated dangerous goods or combustible liquids happens, the occupier must ensure that immediate action is taken to clean up and dispose of the goods or liquids.

Maximum penalty—20 penalty units.

74 Material safety data sheets

(1) The occupier must, for stated dangerous goods stored or handled, or proposed to be stored or handled, at the occupier's workplace—

- (a) obtain a current MSDS on or before the first occasion the goods are supplied to the workplace; and

- (b) ensure that a current MSDS is readily accessible to persons at the workplace and to emergency services.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply in relation to stated dangerous goods that are—

- (a) in transit; or
- (b) stored or handled at a retail outlet in consumer packages that are sold unopened.

(3) If, because of subsection (2), an occupier is not required to have, and does not have, a MSDS for stated dangerous goods, the occupier must ensure that alternative information for the safe storage and handling of the goods is readily accessible to persons at the occupier's workplace.

Maximum penalty—20 penalty units.

(4) If an occupier who provides a MSDS for stated dangerous goods also provides other information about the safe storage and handling of the goods, the occupier must ensure that the other information is—

- (a) consistent with the information contained in the MSDS; and
- (b) clearly identified as information provided by the occupier.

Maximum penalty—20 penalty units.

75 Register of stated dangerous goods or combustible liquids

(1) The occupier must ensure that—

- (a) a register is kept and maintained for stated dangerous goods or combustible liquids stored or handled at the occupier's workplace; and
- (b) the register contains a list of all stated dangerous goods or combustible liquids stored or handled at the workplace and, if required, a MSDS for each of the stated dangerous goods; and
- (c) the register is readily accessible to persons at the workplace.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to stated dangerous goods or combustible liquids—

- (a) received in packages not large enough to require marking under the ADG Code; or
- (b) in transit.

76 Marking of packages

(1) If the occupier receives a package of stated dangerous goods or combustible liquids at the occupier's workplace and the occupier knows, or ought reasonably to know, the package is not marked under section 9⁸ so that it complies with the ADG Code, the occupier must either—

- (a) not accept the goods; or
- (b) accept the goods and mark the package under the ADG Code.

Maximum penalty—20 penalty units.

(2) The occupier must ensure that, while stated dangerous goods or combustible liquids are at the occupier's workplace, the marking of the package complies with the ADG Code.

Maximum penalty—20 penalty units.

(3) The occupier must ensure that, once stated dangerous goods or combustible liquids at the occupier's workplace are removed from the package and the package is free of the goods or liquids, the marking on the package is removed or otherwise made illegible.

Maximum penalty—20 penalty units.

77 Information placards for stated dangerous goods or combustible liquids in tanks

(1) This section applies to stated dangerous goods or combustible liquids stored in tanks at the occupier's workplace, other than goods or liquids contained in a tank intended for transport and placarded under the ADG Code.

(2) The occupier of a workplace must display an information placard for the goods or liquids that—

- (a) complies with schedule 3; and

8 Section 9 (Packing and marking by manufacturer or importer)

(b) is clearly visible from normal approaches to the tank.

Maximum penalty—20 penalty units.

PART 4—FLAMMABLE AND COMBUSTIBLE LIQUIDS

Division 1—Application of part

78 Application

(1) This part applies to the storage and handling of flammable and combustible liquids to which AS 1940 applies.

(2) However, this part does not apply to the storage of flammable or combustible liquids—

- (a) on land having an area of more than 5 ha used or intended to be used by the occupier for agricultural, horticultural, floricultural or pastoral purposes, unless the flammable or combustible liquid is stored for resale; or
- (b) if the storage is classified as minor storage under AS 1940.

79 Devolution to local government

The administration and enforcement of this part about flammable and combustible liquids is devolved to each local government for its local government area.

80 Separation distances

(1) For the purpose of measuring separation distances under AS 1940 in its application under this part, the boundary of licensed premises is taken to be protected works.

(2) However, subsection (1) does not apply to an application for a licence, an application to amend a licence or an application to renew a licence under this part if—

- (a) the occupier of the premises adjoining the boundary has agreed in writing that the boundary of licensed premises is not to be taken to be protected works; and
 - (b) the chief executive officer to whom the application is made consents to the agreement and notes the chief executive officer's consent on the licence.
- (3) The chief executive officer's consent applies only for the duration of the agreement.

Division 2—Offences

81 False or misleading statements

A person must not, for an application made under this part, state anything the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

82 Storage of flammable and combustible liquids on premises

The occupier of premises must not store flammable or combustible liquid on the premises, or permit flammable or combustible liquid to be stored on the premises, except under a licence.

Maximum penalty—20 penalty units.

83 Licensee must comply with licence conditions

- (1) A licensee must not contravene a condition of the licence.

Maximum penalty—20 penalty units.

- (2) The penalty under subsection (1) may be imposed whether or not the licence is suspended or cancelled because of the contravention.

Division 3—Licences to store flammable or combustible liquids**84 Application for licence**

(1) The occupier of premises may apply to the chief executive officer for a licence to store flammable or combustible liquid on the premises.

(2) The application must comply with section 107.

(3) The application also must—

- (a) state the location of the premises; and
- (b) if the applicant wants the licence to end earlier than 1 year from the date the licence becomes effective, state the earlier date; and
- (c) be accompanied by a site plan of the premises showing the relative positions on the premises of all existing and proposed drum depots, tank depots, package stores, protected works and other buildings; and
- (d) give details of the maximum quantities of flammable and combustible liquids proposed to be stored on the premises (including details of the class and packing group of the flammable liquids, the category of the combustible liquids and the respective quantities proposed to be stored on separate parts of the premises); and
- (e) give details of how the flammable and combustible liquids are proposed to be stored (including a description of the tanks, drums or other packages proposed to be used for storage and details about whether the tanks are, or are proposed to be, above-ground or underground); and
- (f) state Australian Standards under which tanks on the premises are proposed to be, or have been, built; and
- (g) give details of existing or proposed fixed fire-extinguishing systems or water supply systems for firefighting purposes; and
- (h) be accompanied by drawings (in duplicate and to scale) showing the layout of the proposed storage or handling systems; and
- (i) state the type of business, trade or industry proposed to be carried on at the premises; and

- (j) give other details, and be accompanied by other documents, relevant to the application that the chief executive officer may, by written notice, reasonably require.

85 Consideration of application for licence

The chief executive officer must consider the application and either grant, or refuse to grant, the application.

86 Criteria for granting application for licence

(1) The chief executive officer may grant the application only if the chief executive officer is satisfied—

- (a) the premises are suitable for the proposed storage of the flammable or combustible liquids; and
- (b) the applicant is a suitable person to hold a licence.

(2) In deciding whether or not a person is a suitable person, the chief executive officer may have regard to the following matters—

- (a) whether or not the person is likely to breach a licence condition;
- (b) whether the person has a conviction for an offence under this part or the *Building (Flammable and Combustible Liquids) Regulation 1994*, other than a spent conviction;
- (c) whether the person has previously been refused a licence or has had a licence suspended or cancelled under this part or the *Building (Flammable and Combustible Liquids) Regulation 1994*;
- (d) whether the person is affected by bankruptcy action;

- (e) whether the person is an externally administered body corporate within the meaning of the Corporations Act;⁹
- (f) if the applicant is a corporation—whether a related body corporate within the meaning of the Corporations Act,¹⁰ or an executive officer of the corporation or a related body corporate, is a person mentioned in paragraphs (a) to (c);
- (g) whether the person or, if the applicant is a corporation, an executive officer of the corporation or of a related body corporate, is ordinarily accustomed to acting under the direction of a person mentioned in paragraphs (a) to (c).

(3) For subsection (2)(d), a person is affected by bankruptcy action if the person—

- (a) is bankrupt; or
- (b) has compounded with creditors; or
- (c) has otherwise taken, or applied to take, advantage of any law about bankruptcy.

87 Inquiries into application for licence

(1) Before deciding the application, the chief executive officer—

- (a) may investigate the applicant; and
- (b) may, by written notice given to the applicant, require the applicant to give the chief executive officer, within a reasonable

9 The Corporations Act, section 9—

“externally-administered body corporate” means a body corporate:

- (a) that is being wound up;
- (b) in respect of property of which a receiver, or a receiver and manager, has been appointed (whether or not by a court) and is acting;
- (c) that is under administration;
- (ca) that has executed a deed of company arrangement that has not yet terminated; or
- (d) that has entered into a compromise or arrangement with another person the administration of which has not been concluded.

10 The Corporations Act, section 9—

“related body corporate”, in relation to a body corporate, means a body corporate that is related to the first-mentioned body by virtue of section 50.

period of at least 28 days stated in the notice, further information or a document the chief executive officer reasonably requires to decide the application.

(2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a requirement under subsection (1)(b).

(3) A notice under subsection (1)(b) must be given to the applicant within 60 days after the chief executive officer receives the application.

88 Decision on application for licence

(1) If the chief executive officer decides to grant the application, the chief executive officer must issue a licence to the licensee.

(2) If, under section 92(c), the chief executive officer decides to impose conditions on the licence, the chief executive officer must give the licensee an information notice for the decision.

(3) If the chief executive officer decides to refuse to grant the application, the chief executive officer must give the applicant an information notice for the decision.

89 Failure to decide application for licence

(1) Subject to subsections (2) and (3), if the chief executive officer fails to decide the application within 60 days after its receipt, the failure is taken to be a decision by the chief executive officer to refuse to grant the application.

(2) Subsection (3) applies if—

- (a) a person has made an application for a licence; and
- (b) the chief executive officer has under section 87(1)(b), required the applicant to give the chief executive officer further information or a document.

(3) The chief executive officer is taken to have refused to grant the application if the chief executive officer does not decide the application within 28 days after the chief executive officer receives the further information or document.

(4) Subsection (5) applies if the chief executive officer has failed to decide an application under subsection (1) or (3) but the applicant has not appealed under division 9.

(5) The chief executive officer must consider and decide the application as soon as practicable.

90 When licence becomes effective

A licence has effect on the day stated in the licence.

91 Term of licence

(1) A licence ends 1 year after its issue or renewal, or on the earlier date stated in the licence.

(2) An earlier date may be stated only if requested by the applicant.

(3) If chief executive officer grants a licence ending on a date other than that requested, the chief executive must give the licensee an information notice for the decision.

92 Conditions of licence

A licence is subject to the following conditions—

- (a) the licensee must comply with the Act;
- (b) the licensee may store only the flammable and combustible liquids stated in the licence in not more than the quantities stated in the licence;
- (c) other reasonable conditions—
 - (i) the chief executive officer considers appropriate to give effect to the Act; and
 - (ii) stated in the licence.

93 Form of licence

A licence is to be in the form decided by the chief executive officer and must state the following particulars—

- (a) the licensee's name;

- (b) the location of the premises on which flammable or combustible liquids may be stored;
- (c) the date the licence becomes effective;
- (d) the term of the licence;
- (e) the licence number;
- (f) the maximum quantity of each class and packing group of flammable liquid and each category of combustible liquid that may be stored;
- (g) other licence conditions imposed by the chief executive officer.

Division 4—Renewal of licences

94 Applications for renewal of licence

(1) A licensee may apply to the chief executive officer for the renewal of a licence before the licence ends.

(2) The application must comply with section 107.

(3) The chief executive officer must consider the application and renew, or refuse to renew, the licence.

(4) In deciding whether to grant the application, the chief executive officer may have regard to the matters to which the chief executive officer may have regard in deciding whether an applicant for a licence is a suitable person to hold the licence.¹¹

(5) Also, the chief executive officer may renew a continued licence for premises that do not comply with this part only if the chief executive officer is satisfied the risk associated with the storage of flammable or combustible liquids at the premises is at an acceptable level.

(6) If the chief executive officer decides to refuse to renew the licence, the chief executive officer must immediately give the licensee an information notice for the decision.

(7) A licence may be renewed by—

¹¹ See section 86 for a list of the matters.

- (a) endorsing the existing licence; or
- (b) cancelling the existing licence and issuing another licence.

95 Inquiries into application for renewal of licence

(1) Before deciding the application, the chief executive officer may, by written notice given to the licensee, require the licensee to give the chief executive officer, within a reasonable period of at least 28 days stated in the notice, further information or a document the chief executive officer reasonably considers is needed to decide the application.

(2) The licensee is taken to have withdrawn the application if, within the stated period, the licensee does not comply with the requirement.

96 Licence taken to be in force while application for renewal is considered

(1) If an application is made under section 94, the licensee's licence is taken to continue in force from the day that it would, apart from this section, have expired until the application is decided under section 94 or taken to have been withdrawn under section 95(2).

(2) However, if the application is refused, the licence continues in force until the information notice for the decision is given to the licensee.

(3) Subsection (1) does not apply if the licence is earlier suspended or cancelled.

Division 5—Amendment of licences

97 Application for amendment of licence

(1) A licensee may apply to the chief executive officer for an amendment of a licence.

(2) The application must comply with section 107.

(3) The chief executive officer must consider the application and amend, or refuse to amend, the licence.

(4) The chief executive officer may amend the licence only if the chief executive officer is satisfied on reasonable grounds that the premises comply with the requirements of this part.

(5) However, the chief executive officer may amend a continued licence for premises that do not comply with this part if the chief executive officer is satisfied the risk associated with the storage of flammable or combustible liquids at the premises is at an acceptable level.

(6) If the chief executive officer decides to refuse to amend the licence, the chief executive officer must immediately give the licensee an information notice for the decision.

(7) A licence may be amended by—

- (a) endorsing the existing licence with details of the amendment; or
- (b) cancelling the existing licence and issuing another licence containing the amendment.

98 Inquiries into application for amendment

(1) Before deciding the application, the chief executive officer may, by written notice given to the licensee, require the licensee to give the chief executive officer, within a reasonable period of at least 28 days stated in the notice, further information or a document the chief executive officer reasonably considers is needed to decide the application.

(2) The licensee is taken to have withdrawn the application if, within the stated period, the licensee does not comply with the requirement.

Division 6—Transfer of licences

99 Application for transfer of licence

(1) A licensee may apply to the chief executive officer for the transfer of a licence.

(2) The application must comply with section 107.

(3) The chief executive officer must consider the application and transfer, or refuse to transfer, the licence.

(4) In deciding whether to grant the application, the chief executive officer may, in relation to the proposed transferee, have regard to the

matters to which the chief executive officer may have regard in deciding whether a person is a suitable person to hold a licence.¹²

(5) If the chief executive officer decides to refuse to transfer the licence, the chief executive officer must immediately give the licensee an information notice for the decision.

(6) A licence may be transferred by—

- (a) endorsing the existing licence with details of the transfer; or
- (b) cancelling the existing licence and issuing another licence to the transferee.

100 Inquiries into application for transfer of licence

(1) Before deciding the application, the chief executive officer may, by written notice given to the licensee, require the licensee to give the chief executive officer, within a reasonable period of at least 28 days stated in the notice, further information or a document the chief executive officer reasonably considers is needed to decide the application.

(2) The licensee is taken to have withdrawn the application if, within the stated period, the licensee does not comply with the requirement.

Division 7—Suspension or cancellation of licences

101 Grounds for suspension or cancellation

(1) Each of the following is a ground for suspending or cancelling a licence—

- (a) the licensee is not, or is no longer, a suitable person to hold the licence;
- (b) the licensee has contravened a condition of the licence;
- (c) because of a change of circumstances involving the licensed premises, the licensee can not comply with this part as far as it relates to the premises;

¹² See section 86 for a list of the matters.

- (d) the licence was issued because of a materially false or misleading representation or declaration.

(2) For forming a belief that the ground mentioned in subsection (1)(a) exists, the chief executive officer may have regard to the matters to which the chief executive officer may have regard in deciding whether a proposed licensee is a suitable person to hold the licence.¹³

102 Show cause notice

(1) If the chief executive officer believes a ground exists to suspend or cancel a licence, the chief executive officer must give the licensee a written notice under this section (a “**show cause notice**”).

(2) The show cause notice must state the following—

- (a) the action (the “**proposed action**”) the chief executive officer proposes taking under this division;
- (b) the grounds for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the grounds;
- (d) if the proposed action is suspension of the licence—the proposed suspension period;
- (e) an invitation to the licensee to show within a stated period (the “**show cause period**”) why the proposed action should not be taken.

(3) The show cause period must be a period ending not less than 21 days after the show cause notice is given to the licensee.

103 Representations about show cause notices

(1) The licensee may make representations about the show cause notice to the chief executive officer in the show cause period.

(2) The chief executive officer must consider all written representations (the “**accepted representations**”) made under subsection (1).

¹³ See section 86 for a list of the matters.

104 Ending show cause process without further action

(1) This section applies if, after considering the accepted representations for the show cause notice, the chief executive officer no longer believes a ground exists to suspend or cancel the licence.

(2) The chief executive officer must not take any further action about the show cause notice.

(3) The chief executive officer must give the licensee a notice that no further action is to be taken about the show cause notice.

105 Suspension or cancellation

(1) This section applies if, after considering the accepted representations for the show cause notice, the chief executive officer—

- (a) still believes a ground exists to suspend or cancel the licence; and
- (b) believes suspension or cancellation of the licence is warranted.

(2) This section also applies if there are no accepted representations for the show cause notice.

(3) The chief executive officer may—

- (a) if the proposed action stated in the show cause notice was to suspend the licence for a stated period—suspend the licence for not longer than the stated period; or
- (b) if the proposed action stated in the show cause notice was to cancel the licence—either cancel the licence or suspend it for a period.

(4) The chief executive officer must immediately give an information notice for the decision to the licensee.

(5) The decision takes effect on—

- (a) the day the information notice is given to the licensee; or
- (b) if a later day of effect is stated in the information notice—the later day.

106 Return of cancelled licence to chief executive officer

(1) This section applies if the chief executive officer has cancelled a licence and given an information notice for the decision to the licensee.

(2) The licensee must return the licence to the chief executive officer within 7 days after receiving the information notice, unless the licensee has a reasonable excuse.

Maximum penalty for subsection (2)—10 penalty units.

Division 8—Other provisions about licences

107 Applications

(1) This section applies to the following applications—

- (a) an application for a licence under section 84;
- (b) an application for the renewal of a licence under section 94;
- (c) an application for an amendment of a licence under section 97;
- (d) an application for the transfer of a licence under section 99.

(2) The application must be—

- (a) in writing; and
- (b) in the form decided by the chief executive officer; and
- (c) signed by or for the applicant; and
- (d) accompanied by the fee for the application.

(3) The fee mentioned in subsection (2)(d) is the amount that—

- (a) the chief executive officer considers to be reasonable; and
- (b) is not more than the reasonable cost of doing the thing for which the fee is payable.

108 Licence issued to more than 1 person

If a licence is issued jointly to more than 1 person, a reference in this part to the licensee is a reference to each of the persons.

109 Surrender of licence

(1) A licensee may surrender the licence by written notice given to the chief executive officer.

- (2) The licence must accompany the notice.
- (3) The surrender takes effect on the later of the following—
 - (a) the day the notice is given;
 - (b) the day specified in the notice.

110 Replacement of licences

(1) A licensee may apply to the chief executive officer for the replacement of a licence if it has been lost, stolen, destroyed or damaged.

(2) The chief executive officer must consider the application and either grant, or refuse to grant, the application.

(3) The chief executive officer must grant the application if the chief executive officer is satisfied the licence has been lost, stolen or destroyed, or damaged in a way to require its replacement.

(4) If the chief executive officer grants the application, the chief executive officer must, on payment of the reasonable cost of replacing the licence, issue another licence to the applicant to replace the lost, stolen, destroyed or damaged licence.

(5) If the chief executive officer refuses to grant the application, the chief executive officer must immediately give the applicant an information notice for the decision.

Division 9—Reviews and appeals

Subdivision 1—Internal review of decisions

111 Appeal process starts with internal review

(1) Subject to this subdivision, a person who is given, or is entitled to be given, an information notice for a decision under this part (the “**original decision**”) may appeal against the decision under this division.

(2) The appeal must be, in the first instance, by way of an application for internal review under section 112.

112 Application for review to be made to the chief executive officer

The person may apply to the chief executive officer for a review of the original decision.

113 Applying for review

(1) The application must be made within 28 days after—

- (a) if the person is given an information notice for the decision—the day the person is given the information notice; or
- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.

(2) The chief executive officer may, at any time, extend the time for applying for the review.

(3) The application must be in writing and state fully the grounds of the application.

114 Review decision

(1) After reviewing the original decision, the chief executive officer must make a further decision (the “**review decision**”) to—

- (a) confirm the original decision; or
- (b) amend the original decision; or
- (c) substitute another decision for the original decision.

(2) The chief executive officer must immediately give the applicant written notice of the review decision (the “**review notice**”).

(3) If the review decision is not the decision sought by the applicant, the review notice must also state—

- (a) the reasons for the review decision; and
- (b) that the applicant may appeal against the review decision to a Magistrates Court within 28 days after the person is given the notice; and
- (c) how to appeal; and
- (d) that the applicant may apply to the court for a stay of the review decision.

(4) If the chief executive officer does not give the notice within 60 days after the application is made, the chief executive officer is taken to have made a review decision confirming the original decision on the 60th day after the application is made.

(5) If the review decision confirms the original decision, for the purpose of an appeal to the court, the original decision is taken to be the review decision.

(6) If the review decision amends the original decision, for the purpose of an appeal to the court, the original decision as amended is taken to be the review decision.

115 Stay of operation of decision

(1) If an application is made for review of an original decision, the applicant may immediately apply to a Magistrates Court for a stay of the decision.

(2) The court may stay the decision to secure the effectiveness of the review and any later appeal to the court.

(3) The stay—

- (a) may be given on conditions the court considers appropriate; and
- (b) operates for the period fixed by the court; and
- (c) may be revoked or amended by the court.

(4) The period of the stay must not extend past the time when the chief executive officer makes a review decision about the original decision and any later period the court allows the applicant to enable the applicant to appeal against the review decision.

(5) The application affects the decision, or carrying out of the decision, only if the decision is stayed.

Subdivision 2—Appeals

116 Who may appeal

A person who has applied for the review of an original decision under subdivision 1 and is dissatisfied with the review decision may appeal to a Magistrates Court against the review decision.

117 Court to which appeal may be made

The appeal may be made to the Magistrates Court nearest the premises to which the application for or about a licence relates.

118 Starting appeals

(1) The appeal is started by—

- (a) filing a written notice of appeal with the court; and
- (b) serving a copy of the notice on the chief executive officer.

(2) The notice of appeal must be filed within 28 days after—

- (a) if the person is given a review notice for the review decision—the day the person is given the notice; or
- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the review decision.

(3) The court may, at any time, extend the period for filing the notice of appeal.

(4) The notice of appeal must state fully the grounds of the appeal.

119 Stay of operation of decisions

(1) The court may grant a stay of the operation of the review decision to secure the effectiveness of the appeal.

(2) The stay—

- (a) may be given on conditions the court considers appropriate; and
- (b) operates for the period fixed by the court; and
- (c) may be revoked or amended by the court.

(3) The period of the stay must not extend past the time when the court decides the appeal.

(4) The appeal affects the decision, or carrying out of the decision, only if the decision is stayed.

120 Hearing procedures

(1) In deciding the appeal, the court—

- (a) has the same powers as the chief executive officer; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) The appeal is by way of re-hearing.

121 Powers of court on appeal

- (1) In deciding the appeal, the court may—
- (a) confirm the review decision; or
 - (b) amend the review decision; or
 - (c) substitute another decision for the review decision; or
 - (d) set aside the review decision and return the issue to the chief executive officer with the directions the court considers appropriate.

(2) If the court amends the review decision or substitutes another decision for the review decision, the amended or substituted decision is, for this part (other than this division) taken to be the chief executive officer's decision.

122 Appeals to District Court only on questions of law

A person aggrieved by the court's decision may appeal to the District Court, but only on a question of law.

Division 10—Transitional

123 Definitions

In this division—

“former regulation” means the *Building (Flammable and Combustible Liquids) Regulation 1994*.

124 Pending applications about licences

(1) This section applies to the following applications made under the former regulation—

- (a) an application for a licence;
- (b) an application for the renewal of a licence;
- (c) an application for the amendment of a licence;
- (d) an application for the transfer of a licence.

(2) If the application was pending immediately before the commencement of this regulation, the application is taken to have been made under the relevant section of this regulation.

125 Licences

(1) This section applies if a person was the holder of a licence for premises under the former regulation immediately before the commencement of this regulation.

(2) On the commencement of this regulation, the licence is taken to have been issued to the person for the premises under this regulation.

(3) Subject to this part, a continued licence remains in force for the remainder of the period for which the licence was issued under the former regulation.

(4) Subsection (2) applies to a licence even if the licence was suspended at the commencement of this regulation.

(5) However, a suspended licence does not take effect under this section—

- (a) until the end of the period for which it was suspended; or
- (b) if its term ends during the suspension period.

SCHEDULE 1

PRESCRIPTION FOR DANGEROUS GOODS LOCATIONS AND LARGE DANGEROUS GOODS LOCATIONS

section 5

1 What are stated dangerous goods or combustible liquids

The dangerous goods or combustible liquids mentioned in columns 1 and 2 of the table in this schedule are stated dangerous goods or combustible liquids with the following exceptions—

- (a) batteries while they are in use;
- (b) dangerous goods or combustible liquids in a fuel container that is fitted to a vehicle or boat;
- (c) dangerous goods in the form of an appliance or plant that forms part of a vehicle or boat and is necessary for its operation;
- (d) dangerous goods in portable firefighting equipment, portable safety equipment or portable medical equipment for use at particular premises;
- (e) class 2.1 dangerous goods if stored as fuel for a domestic appliance at a place principally used for residential purposes.

2 When is a place a dangerous goods location

(1) A place, other than a rural place, is a dangerous goods location if the quantity stored or handled at the place, or likely to be stored or handled at the place, of the stated dangerous goods or combustible liquids mentioned in columns 1 and 2 of the table in this schedule, is equal to or more than the quantity in column 3 opposite the goods or liquids.

(2) In this section—

“**rural place**” means a place—

- (a) that has an area of 5 ha or more; and

SCHEDULE 1 (continued)

- (b) used by its occupier for agricultural, horticultural, floricultural, aquacultural or pastoral purposes; and
- (c) at which there are no stated dangerous goods or combustible liquids being stored for resale.

3 When is a dangerous goods location a large dangerous goods location

A dangerous goods location is a large dangerous goods location if the quantity stored or handled at the location, or likely to be stored or handled at the location, of the stated dangerous goods or combustible liquids mentioned in columns 1 and 2 of the table in this schedule, is equal to or more than the quantity in column 4 opposite the goods or liquids.

	Column 1	Column 2	Column 3	Column 4
Item	Stated dangerous goods or combustible liquids	Packing group	Quantity for dangerous goods location	Quantity for a large dangerous goods location
1.	Class 2	Not applicable	500 L	5 000 L
	. Class 2.1	Not applicable	2 000 L	10 000 L
	. Class 2.2—Subsidiary risk 5.1	Not applicable	5 000 L	10 000 L
	. Class 2.2—Other	Not applicable	50 L	500 L
	. Class 2.3	Not applicable	5 000 L	10 000 L
	. Aerosols .Cryogenic fluids	Not applicable	1 000 L	10 000 L
2.	Any one of class 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1 or 8	I	50 kg or L	500 kg or L
		II	250 kg or L	2 500 kg or L
		III	1 000 kg or L	10 000 kg or L

SCHEDULE 1 (continued)

	Column 1	Column 2	Column 3	Column 4
Item	Stated dangerous goods or combustible liquids	Packing group	Quantity for dangerous goods location	Quantity for a large dangerous goods location
2. (cont.)		Mixed packing groups in a single class with the quantity of each packing groups below the quantity specified for the packing group	1 000 kg or L	10 000 kg or L
3.	Class 9	II	1 000 kg or L	10 000 kg or L
		III	5 000 kg or L	10 000 kg or L
		Mixed packing groups in class 9 with the quantity of each packing group below the quantity specified for the packing group	5 000 kg or L	10 000 kg or L

SCHEDULE 1 (continued)

	Column 1	Column 2	Column 3	Column 4
Item	Stated dangerous goods or combustible liquids	Packing group	Quantity for dangerous goods location	Quantity for a large dangerous goods location
4(a).	Mixed classes of stated dangerous goods where none of the classes, types or packing groups (if any) present exceeds the quantities specified in items 1, 2 and 3 of this table	Not applicable	2 000 kg or L Where the quantity specified in this schedule for each of the classes is 2 000 kg or L or less	10 000 kg or L
4(b).	Mixed classes of stated dangerous goods where none of the classes, types or packing groups (if any) present exceeds the quantities specified in items 1, 2 and 3 of this table	Not applicable	5 000 kg or L Where the quantity specified in this schedule for one or more of the classes is 5 000 kg or L and placarding is not required for items 1, 2, 3 and 4(a)	10 000 kg or L
5.	Goods too dangerous to be transported	Not applicable	5 kg or L	50 kg or L
6.	Combustible liquids with fire risk dangerous goods	Not applicable	1 000 kg or L Includes both C1 and C2	10 000 kg or L Includes both C1 and C2

SCHEDULE 1 (continued)

	Column 1	Column 2	Column 3	Column 4
Item	Stated dangerous goods or combustible liquids	Packing group	Quantity for dangerous goods location	Quantity for a large dangerous goods location
7.	C1 combustible liquids	Not applicable	10 000 L in a tank 50 000 L in packages 50 000 L in tanks and packages combined provided the quantity of C1s in tanks does not exceed 10 000 L	100 000 L in tanks or packages

4 How to calculate quantity of stated dangerous goods or combustible liquids in packages

(1) For the table in this schedule, the quantity of stated dangerous goods or combustible liquids in packages must be calculated under this section.

(2) For non-liquid stated dangerous goods (other than class 2), the quantity is to be calculated by the net mass in kilograms of the goods in the package.

(3) For liquid stated dangerous goods (other than class 2) or combustible liquids, the quantity is to be calculated by the net capacity of the package.

(4) For class 2 stated dangerous goods, the quantity is to be calculated by the total capacity of the package.

SCHEDULE 1 (continued)

5 How to calculate quantity of stated dangerous goods or combustible liquids in tanks

(1) For the table in this schedule, the quantity of stated dangerous goods or combustible liquids in tanks must be calculated under this section.

(2) For non-liquid stated dangerous goods (other than class 2), the quantity is to be calculated by the mass in kilograms the tank is designed to hold.

(3) For liquid stated dangerous goods (other than class 2) or combustible liquids, the quantity is to be calculated by the design capacity of the tank in litres.

(4) For class 2 stated dangerous goods, the quantity is to be calculated by the total capacity of the tank.

6 How to calculate quantity of solid stated dangerous goods not in a tank or package

For the table in this schedule, the quantity of solid stated dangerous goods not in tanks or packages is the undivided mass of the goods in kilograms.

7 How to calculate quantity of articles or things

For the table in this schedule, the quantity of stated dangerous goods that are part of an article or thing is the net quantity of that part of the article or thing that is stated dangerous goods.

SCHEDULE 2

HAZARDOUS MATERIALS AND PRESCRIBED QUANTITIES FOR MAJOR HAZARD FACILITIES

section 6

1 Prescribed quantity for a hazardous material or for a type, class or category of hazardous material

(1) The third column of table 1 states the prescribed quantity for the hazardous materials mentioned in columns 1 and 2.

(2) The third column of table 2 states the prescribed quantity for hazardous materials of the type, class or category mentioned in columns 1 and 2.

(3) If a hazardous material is mentioned in table 1, the prescribed quantity of the material is that mentioned in table 1, whether or not the material also belongs to a type, class or category mentioned in table 2.

(4) If a hazardous material is not mentioned in table 1, and the material belongs to a type, class or category mentioned in table 2, the prescribed quantity for that material is the quantity mentioned in table 2 for the type, class or category.

(5) If a hazardous material is not mentioned in table 1, and the material belongs to more than 1 of the types, classes or categories mentioned in table 2, the prescribed quantity is the quantity applying to the type, class or category which has the lower or lowest prescribed quantity.

2 Calculating prescribed quantity for more than 1 hazardous material

(1) If there is more than 1 material stored or handled, a prescribed quantity of materials exists if the result of the following aggregation formula exceeds 1:

$$\frac{q_x}{Q_x} + \frac{q_y}{Q_y} + \dots + \frac{q_n}{Q_n}$$

SCHEDULE 2 (continued)

Where—

- $x, y \dots n$ are the materials stored or handled or likely to be stored or handled
- $q_x, q_y \dots q_n$ is the quantity of each material $x, y \dots$ and n stored or handled or likely to be stored or handled in an isolated quantity greater than 2% of its individual prescribed quantity
- $Q_x, Q_y \dots Q_n$ is the individual prescribed quantity of each material $x, y \dots$ and n in tables 1 or 2.

(2) In this section—

“**material**” means—

- (a) a hazardous material mentioned in table 1; or
- (b) hazardous material of a type, class or category mentioned in table 2.

3 How to calculate quantity of material

(1) Each of the following must be included to calculate the quantity of materials stored or handled, or likely to be stored or handled, at a facility—

- (a) the maximum amount of the material normally present in process vessels and interconnecting piping systems;
- (b) the maximum capacity of storage tanks and vessels;
- (c) the maximum quantity of the material that is likely to be present in package storage areas;
- (d) the maximum quantity of materials contained in pipelines outside process areas or the maximum quantity of material that could escape from a pipeline if the pipeline fails.

(2) However, an isolated quantity of a material that does not exceed 2% of its prescribed quantity need not be included.

(3) In this section—

“**material**” means—

- (a) a hazardous material mentioned in table 1; or

SCHEDULE 2 (continued)

- (b) hazardous material of a type, class or category mentioned in table 2.

TABLE 1

Column 1	Column 2	Column 3
HAZARDOUS MATERIAL	UN Nos INCLUDED UNDER NAME	PRESCRIBED QUANTITY (tonnes)
ACETONE CYANOHYDRIN	1541	20
ACETYLENE	1001	50
ACROLEIN	1092	200
ACRYLONITRILE	1093	200
ALLYL ALCOHOL	1098	20
ALLYLAMINE	2334	200
AMMONIA, ANHYDRIOUS, LIQUIFIED or AMMONIA SOLUTIONS, relative density less than 0.880 at 15°C in water, with more than 50% ammonia	1005	200
AMMONIUM NITRATE FERTILISERS	2067 2068 2069 2070	5000
AMMONIUM NITRATE, with not more than 0.2% combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance	1942	2500
ARSENIC PENTOXIDE, Arsenic (V) Acid and other salts	1559	10

SCHEDULE 2 (continued)

Column 1	Column 2	Column 3
HAZARDOUS MATERIAL	UN Nos INCLUDED UNDER NAME	PRESCRIBED QUANTITY (tonnes)
ARSENIC TRIOXIDE, Arsenious (III) Acid and other salts	1561	0.10
ARSINE	2188	0.01
BROMINE or BROMINE SOLUTIONS	1744	100
CARBON DISULFIDE	1131	200
CHLORINE	1017	25
DIOXINS		0.10
DIPHENYLMETHANE 4,4 -DIISOCYAN- ATE	2489	200
ETHYL NITRATE	—	50
ETHYLENE DIBROMIDE	1605	50
ETHYLENE OXIDE	1040	50
ETHYLENEIMINE	1185	50
FLUORINE	1045	25
FORMALDEHYDE	1198 2209	50
HYDROFLUORIC ACID SOLUTION (with concentration greater than 50%)	1790	50
HYDROGEN	1049	50
HYDROGEN CHLORIDE		
- Anhydrous	1050	250
- Refrigerated liquid	2186	250

SCHEDULE 2 (continued)

Column 1	Column 2	Column 3
HAZARDOUS MATERIAL	UN Nos INCLUDED UNDER NAME	PRESCRIBED QUANTITY (tonnes)
HYDROGEN CYANIDE	1051 1614	20
HYDROGEN FLUORIDE	1052	50
HYDROGEN SULFIDE	1053	50
LP GASES	1011 1012 1075 1077 1978	200
METHYL BROMIDE	1062	200
METHANE or NATURAL GAS	1971 1972	200
METHYL ISOCYANATE	2480	0.15
OXIDES OF NITROGEN, including nitrous oxide, nitrogen dioxide and nitrogen trioxide	1067 1070 1660 1975 2201 2421	50
OXYGEN	1072 1073	2000
PHOSGENE	1076	0.75
PROPYLENEIMINE	1921	200
PROPYLENE OXIDE	1280	50
SODIUM CHLORATE, solid	1495	200

SCHEDULE 2 (continued)

Column 1	Column 2	Column 3
HAZARDOUS MATERIAL	UN Nos INCLUDED UNDER NAME	PRESCRIBED QUANTITY (tonnes)
SULFURIC ANHYDRIDE (Alt: SULFUR TRIOXIDE)	1829	75
SULFUR DICHLORIDE	1828	1
SULFUR DIOXIDE, LIQUIFIED	1079	200
TOLUENE DIISOCYANATE	2078	200

Note to Table 1:

The UN Number listed against the named material is given for information only. It does not restrict the meaning of the name, which also applies to materials falling outside the UN Number, for example, because they are too dangerous to be transported or are part of mixtures covered by another UN Number. However, any materials which are covered by the listed UN Numbers must be included in the quantity of the material named.

TABLE 2

Column 1	Column 2	Column 3
HAZARDOUS MATERIAL	TYPE, CLASS OR CATEGORY	PRESCRIBED QUANTITY (tonnes)
Explosives materials	• Explosive of class 1.1A	10
	• All other explosives of class 1.1	50
	• Explosives of class 1.2	200
	• Explosives of class 1.3	200

SCHEDULE 2 (continued)

Column 1	Column 2	Column 3
HAZARDOUS MATERIAL	TYPE, CLASS OR CATEGORY	PRESCRIBED QUANTITY (tonnes)
Compressed and liquified gases	<ul style="list-style-type: none"> • Compressed or liquified gases of class 2.1 or subsidiary risk 2.1 	200
	<ul style="list-style-type: none"> • Liquified gases of subsidiary risk 5 	200
	<ul style="list-style-type: none"> • Compressed or liquified gases which meet the criteria for very toxic in table 4 	20
	<ul style="list-style-type: none"> • Compressed or liquified gases which meet the criteria for toxic in table 4 	200
Flammable materials	<ul style="list-style-type: none"> • Liquids which meet the criteria for class 3 packaging group I (Except for crude oil in remote locations) 	200
	<ul style="list-style-type: none"> • Crude oil in remote locations which meets the criteria for class 3 packaging group I 	2000
	<ul style="list-style-type: none"> • Liquids which meet the criteria for class 3 packaging group II or III 	50 000
	<ul style="list-style-type: none"> • Liquids with flashpoints <61°C kept above their boiling points at ambient conditions 	200
	<ul style="list-style-type: none"> • Materials which meet the criteria for class 4.1 packaging group I 	200

SCHEDULE 2 (continued)

Column 1	Column 2	Column 3
HAZARDOUS MATERIAL	TYPE, CLASS OR CATEGORY	PRESCRIBED QUANTITY (tonnes)
	<ul style="list-style-type: none"> • Spontaneously combustible materials which meet the criteria for class 4.2 packaging group I or II • Materials which liberate flammable gases or react violently on contact with water which meet the criteria for class 4.3 packaging group I or II • Materials which belong to classes 3 or 8 packaging group I or II which have hazchem codes of 4WE (materials which react violently with water) 	<p>200</p> <p>200</p> <p>500</p>
Oxidising materials	<ul style="list-style-type: none"> • Oxidising material listed in appendix 5 of the ADG Code (6th edition) 	50
	<ul style="list-style-type: none"> • Oxidising materials that meet the criteria for class 5.1 packaging group I or II 	200
Peroxides	<ul style="list-style-type: none"> • Peroxides which are listed in appendix 5 of the ADG Code (6th edition) 	50
	<ul style="list-style-type: none"> • Organic peroxides which meet the criteria for class 5.2 	200
Toxic solids and liquids	<ul style="list-style-type: none"> • Materials which meet the criteria for very toxic in table 4 	20
	<ul style="list-style-type: none"> • Materials which meet the criteria for toxic in table 4 	200

Notes to Table 2:

- (a) The quantities stated for explosives relate to the weight of explosive exclusive of packing, casings and non-explosive components.

SCHEDULE 2 (continued)

- (b) If explosives of different hazard divisions are present in the same area or storage, all of the explosives are taken to be classified under the following table—

**TABLE 3—CLASSIFICATION OF EXPLOSIVES WHEN
STORED IN THE SAME AREA**

Division	1.1	1.2	1.3	1.4	1.5	1.6
1.1A	1.1A	1.1A	1.1A	1.1A	1.1A	1.1A
1.1	1.1	1.1	1.1	1.1	1.1	1.1
1.2	1.1	1.2	1.1	1.2	1.1	1.2
1.3	1.1	1.1	1.3	1.3	1.1	1.3
1.4	1.1	1.2	1.3	1.4	1.5	1.6
1.5	1.1	1.1	1.1	1.5	1.5	1.5
1.6	1.1	1.2	1.3	1.6	1.5	1.6

SCHEDULE 2 (continued)

TABLE 4—CRITERIA FOR TOXICITY FOR TABLE 2

Description	Oral Toxicity	Dermal Toxicity	Inhalation Toxicity
	LD ₅₀ (mg/kg)	LD ₅₀ (mg/kg)	LC ₅₀ (mg/L)
Very toxic	LD ₅₀ ≤ 5	LD ₅₀ ≤ 40	LC ₅₀ ≤ 0.5
Toxic	5 < LD ₅₀ ≤ 50	40 < LD ₅₀ ≤ 200	0.5 < LC ₅₀ ≤ 2

Note to Table 4:

These criteria are under the ADG Code (6th edition).

SCHEDULE 3

REQUIREMENTS FOR WARNING PLACARDS

sections 53, 54, 55 and 77

1 HAZCHEM outer warning placard

(1) A HAZCHEM outer warning placard must conform to the following requirements—

- (a) the form shown in figure 1;
- (b) dimensions not less than those shown in figure 1.

(2) The placard must display the word 'HAZCHEM' in red letters not less than 100 mm high and of the style shown in figure 1, on a white or silver background.

(3) For the purposes of subsection (2), 'red' means the colour 'signal red' under AS2700S-1996 (R13).



Figure 1—Form and dimensions of a HAZCHEM outer warning placard

2 Information placard for stated dangerous goods of class 2, 3, 4, 5, 6.1, 8 or 9 stored in tanks

(1) An information placard for stated dangerous goods of class 2, 3, 4, 5, 6.1, 8 or 9 stored in tanks must comply with this section.

(2) The placard must—

SCHEDULE 3 (continued)

- (a) comply with the form shown in figure 2 and the note to the figure; and
 - (b) subject to subsection (5), have dimensions not less than those in figure 2 and the note to the figure.
- (3) The information placard must contain the following information—
- (a) in space (p) in figure 2, the proper shipping name;
 - (b) in space (q) in figure 2, the UN number;
 - (c) in space (r) in figure 2, the hazchem code for the stated dangerous goods specified in the ADG Code;
 - (d) in space (s) in figure 2, the class label and subsidiary risk label, if any.
- (4) For the purposes of subsection (3)(d)—
- (a) the class label and the subsidiary risk label, if any, must have the form and colouring specified in the ADG Code; and
 - (b) if there is more than 1 subsidiary risk label, the width of the right hand portion of the placard may be extended.
- (5) For subsection (2)(b), for tanks of a capacity of not more than 3000 L, the dimensions may be less than, but must be at least half, those shown in figure 2.
- (6) Despite this section, an emergency information panel under the ADG Code that contains all the information required in an information placard for the storage of stated dangerous goods in tanks may be used instead of the placard.

3 Information placard for tanks containing goods too dangerous to be transported

- (1) An information placard for tanks containing goods too dangerous to be transported must comply with this section.
- (2) The placard must—
- (a) be in the form shown in figure 2 and the note to the figure; and
 - (b) subject to subsection (4), have dimensions not less than those shown in figure 2 and the note to the figure.

SCHEDULE 3 (continued)

(3) The placard must comply with the following requirements—

- (a) in space (p) in figure 2, the name for the goods specified in appendix 5 of the ADG Code must be stated;
- (b) space (q) in figure 2, must be left blank;
- (c) space (r) in figure 2, must be left blank;
- (d) in space (s) in figure 2, the label specified in figure 4 must be included.

(4) For subsection (2)(b), for tanks of a capacity of not more than 3000 L, the dimensions may be less than, but must be at least half, those shown in figure 2.

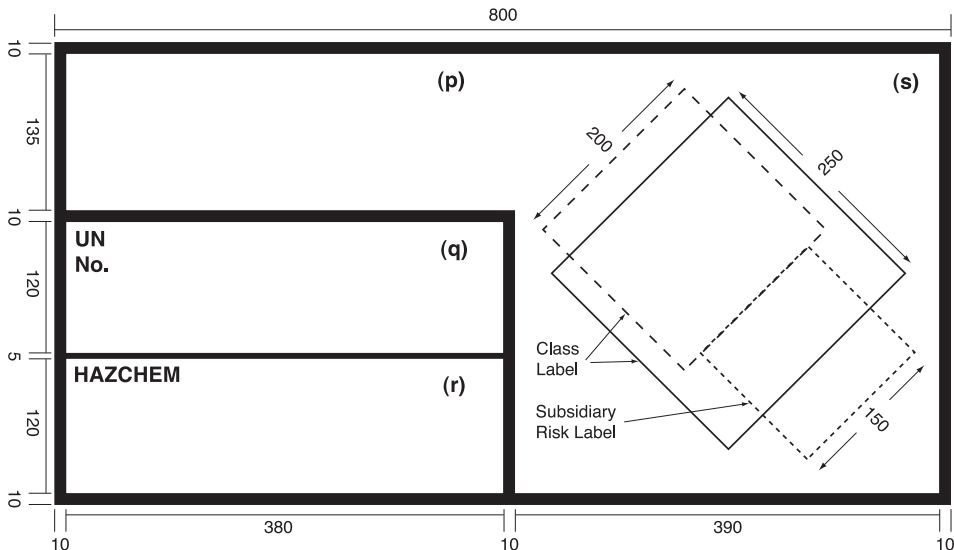


Figure 2—Template for an information placard for stated dangerous goods stored in tanks

Note to figure 2:

The numerals and letters used for showing the proper shipping name or name of the goods, UN number and hazchem code must be—

SCHEDULE 3 (continued)

- (a) black on a white background, except where a letter of the hazchem code is white on a black background; and
- (b) at least 100 mm high, except where the proper shipping name requires 2 lines to be used, in which case the lettering must be at least 50 mm high.

4 Information placard for stated dangerous goods stored in packages

(1) An information placard for packages of stated dangerous goods must comply with this section.

(2) The placard must—

- (a) be in the form shown in figure 3; and
- (b) be of sufficient size to accommodate the labels to be displayed on the placard; and
- (c) have a white or silver background.

(3) The placard must contain the following information—

- (a) the class label for each class of stated dangerous goods present in a quantity that exceeds the quantity specified in column 3 (Quantity for dangerous goods location) in the table in schedule 1;
- (b) if the total quantity of mixed classes of stated dangerous goods exceeds the mixed classes quantity specified in column 3 of item 4 of the table in schedule 1—
 - (i) a class label for each class of stated dangerous goods present that exceeds 50% of the quantity specified for the class and packing group in items 1, 2 or 3 of the table; or
 - (ii) if no class of stated dangerous goods present exceeds 50% of the quantity specified for the class and packing group in items 1, 2 or 3 of the table, a mixed class label;
- (d) for combustible liquids with fire risk dangerous goods in an aggregate quantity exceeding 1000 kg or litres, a class 3 class label;

SCHEDULE 3 (continued)

(e) for goods too dangerous to be transported, the label specified in figure 4.

(4) The class label, mixed class label and label for goods too dangerous to be transported must have sides at least 100 mm long.

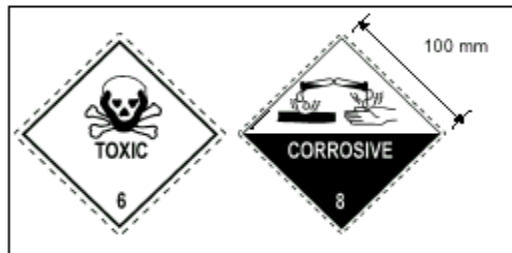


Figure 3—Form and dimensions of information placard for packages of stated dangerous goods

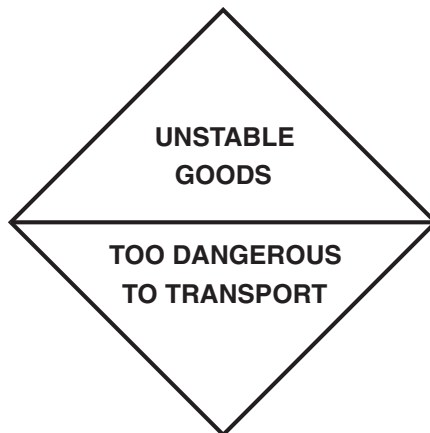


Figure 4—Form of a label for goods too dangerous to be transported

SCHEDULE 3 (continued)

5 Information placard for stated combustible liquids in tanks or packages

- (1) An information placard for tanks or packages containing stated combustible liquids must comply with this section.
- (2) The placard must—
- (a) be in the form shown in figure 5; and
 - (b) have dimensions not less than those shown in figure 5; and
 - (c) have black letters on a white or silver background.



Figure 5 Information placard for stated combustible liquids

SCHEDULE 4

INFORMATION TO BE CONTAINED IN A MANIFEST

sections 58 and 59

1 Information that manifest must contain

A manifest of a major hazard facility or large dangerous goods location must contain the information stated in this schedule.

2 General information

A manifest must include—

- (a) the name of the occupier of the facility or location; and
- (b) the address of the facility or location; and
- (c) the date it was last reviewed or, if it has not been reviewed, the date of its preparation.

3 Emergency contacts

A manifest must also include contact details for at least 2 persons who may be contacted if a major accident happens at the facility or location.

4 Dangerous goods or combustible liquids stored in tanks other than in IBCs

(1) For each tank, other than an IBC, containing dangerous goods or combustible liquids the manifest must include—

- (a) the identification number or code of the tank; and
- (b) the type and capacity of the tank; and
- (c) details of the contents of the tank.

(2) For subsection (1)(c) the details must include the following—

SCHEDULE 4 (continued)

- (a) for dangerous goods other than goods too dangerous to be transported—the proper shipping name, UN number, class and packing group of the dangerous goods;
- (b) for combustible liquids—the product name and the statement ‘Combustible liquid’;
- (c) for goods too dangerous to be transported—the name of the goods specified in appendix 5 to the ADG Code and the statement ‘Goods too dangerous to be transported’.

5 Dangerous goods or combustible liquids in packages or IBCs

(1) This section applies for each storage area that—

- (a) contains dangerous goods or combustible liquids in packages or IBCs; and
- (b) is required to have an information placard.

(2) The manifest must include the following—

- (a) the identification number or code for the storage area;
- (b) for dangerous goods of packing group I or class 2.3 that are kept or likely to be kept in the area—
 - (i) the proper shipping name of the dangerous goods and their class; and
 - (ii) the maximum quantity of each of the dangerous goods kept or likely to be kept;
- (c) for goods too dangerous to be transported that are kept or likely to be kept in the area—
 - (i) the name of the goods specified in appendix 5 to the ADG Code; and
 - (ii) the statement ‘Goods too dangerous to be transported’; and
 - (iii) the maximum quantity of each of the goods kept or likely to be kept;
- (d) for other dangerous goods that are kept or likely to be kept in the area, the class of the goods and the maximum quantity of each class;

SCHEDULE 4 (continued)

- (e) for combustible liquids that are kept or likely to be kept in the area, the statement 'Combustible liquid' and the maximum quantity of the combustible liquids.

6 Dangerous goods or combustible liquids in manufacture

For each area in which dangerous goods or combustible liquids are manufactured, the manifest must include the following—

- (a) the identification number or code of the area;
- (b) for dangerous goods, other than goods too dangerous to be transported, the class and the maximum quantity of each class in manufacture;
- (c) for goods too dangerous to be transported, the statement 'Goods too dangerous to be transported' and the maximum quantity of the goods in manufacture;
- (d) for combustible liquids, the statement 'Combustible liquid' and the maximum quantity of the liquids in manufacture.

7 Dangerous goods in transit

(1) This section applies to dangerous goods in transit at a facility or location for which there are shipping documents that comply with the ADG Code.

(2) The information required by sections 4 and 5 of this schedule is taken to be included in the manifest if the shipping documents are attached to the manifest.

8 Plan of premises

A plan of a major hazard facility or large dangerous goods location must be included in the manifest and must—

- (a) show the location of—
 - (i) tanks of dangerous goods or combustible liquids mentioned in section 4 of this schedule; and

SCHEDULE 4 (continued)

- (ii) the storage areas for dangerous goods or combustible liquids in packages or IBCs mentioned in section 5 of this schedule; and
 - (iii) the areas mentioned in section 6 of this schedule where dangerous goods or combustible liquids are manufactured; and
 - (iv) the areas where dangerous goods in transit may be located; and
- (b) provide the identification number or code for tanks and areas mentioned in paragraph (a); and
- (c) show the location of—
- (i) the main entrance and the other points of entry to the facility or location; and
 - (ii) essential site services, including fire services and isolation points for fuel and power; and
 - (iii) drains on the facility or location; and
 - (iv) the manifest; and
- (d) describe the nature of the occupancy of adjoining premises or places.

SCHEDULE 5

DICTIONARY

section 3

“**boundary**” has the meaning given by AS 1940.

“**C1 combustible liquid**” is a combustible liquid with a flashpoint of 150 °C or less.

“**C2 combustible liquid**” is a combustible liquid with a flashpoint of more than 150 °C.

“**chief executive officer**” means the chief executive officer of a local government.

“**class**” means the class allocated to dangerous goods under the ADG Code.

“**class label**”, for a class, means the label specified in the ADG Code for the class of dangerous goods.

“**compatible**”, in relation to 2 or more goods, means the goods will not react together to cause a fire, explosion, harmful reaction or the evolution of flammable, toxic or corrosive vapours.

“**consumer package**” means a package of goods normally sold through a retailer or retail warehouse operator for household or personal use.

“**continued licence**” means a licence taken to have been issued to a person under section 125(2).

“**conviction**” means a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.

“**corresponding legislation**” means legislation of the Commonwealth or another State that assigns the UN number, class, subsidiary risk and packing group to dangerous goods for their transport by road, rail, air or sea.

“**fire risk dangerous goods**” means dangerous goods of class 2.1, 3, 4 or 5 or subsidiary risk of 2.1, 3, 4 or 5 that burn readily or support combustion.

SCHEDULE 5 (continued)

“goods too dangerous to be transported” means goods defined under the ADG Code as goods too dangerous to be transported.

“hazchem code” means the Hazchem Emergency Action Code defined in the ADG Code.

“IATA Regulations” means the Dangerous Goods Regulations published by the International Air Transport Association (IATA).

“IBC” means an intermediate bulk container.

“IMDG Code” means the International Maritime Dangerous Goods Code published by the International Maritime Organisation (IMO).

“information notice”, for a decision of a chief executive officer under part 4, is a written notice stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person to whom the notice is given may have the decision reviewed within 28 days;
- (d) how the person may have the decision reviewed;
- (e) if the decision is that a licence be cancelled—a direction to the person to return the licence to the chief executive officer within 7 days after receiving the notice.

“installation” has the meaning given by AS 1940.

“intermediate bulk container” means a rigid or flexible portable tank for the transport of dangerous goods defined under the ADG Code.

“in transit”, for stated dangerous goods or combustible liquids at a place, means—

- (a) at the place for not more than 5 days; and
- (b) not used or to be used at the place; and
- (c) if supplied in tanks or packages, the tanks or packages are not opened.

“licence” means a licence in force under part 4.

“licensed premises” means premises to which a licence relates.

“MSDS” stands for Material Safety Data Sheet.

SCHEDULE 5 (continued)

“NOHSC” means the National Occupational Health and Safety Commission established under the *National Occupational Health and Safety Commission Act 1985* (Cwlth).

“package” means—

- (a) for class 2 dangerous goods, a container having a capacity of not more than 500 L; or
- (b) for other classes of dangerous goods, a container with a capacity of not more than 450 L and a net mass of not more than 400 kg.

“packing group” means the packing group allocated to a dangerous good under the ADG Code.

“protected works” has the meaning given by AS 1940.

“remote location”, for schedule 2, means a location that is more than 100 km from any town having a population of more than 200 people.

“retail warehouse operator” means an operator of a warehouse where unopened packaged goods, intended for retail sale, are stored.

“risk assessment” means an assessment under section 18 of the risks associated with a hazard.

“spent conviction” means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

“stated combustible liquids” means combustible liquids prescribed as stated combustible liquids under section 5 and schedule 1.

“stated dangerous goods” means dangerous goods prescribed as stated dangerous goods under section 5 and schedule 1.

“subsidiary risk”, for a dangerous good, has the same meaning as in the ADG Code.

“subsidiary risk label” means the label under the ADG Code indicating the subsidiary risk for a dangerous good.

“tank” means—

SCHEDULE 5 (continued)

- (a) for class 2 dangerous goods, a container having a capacity of more than 500 L; or
- (b) for other classes of dangerous goods, a container with either a capacity of more than 450 L or a net mass of more than 400 kg.

“underground tank” means a tank intended to remain in place and which is—

- (a) wholly buried below the surface of the ground and covered by at least 150 mm of soil or sand; or
- (b) partially buried below the surface of the ground and all of the tank covered by at least 150 mm of soil or sand.

“UN number”, for dangerous goods, means the identification serial number for the goods shown in ADG Code.

ENDNOTES

1. Made by the Governor in Council on 1 November 2001.
2. Notified in the gazette on 2 November 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Emergency Services.