



New South Wales

Occupational Health and Safety Amendment (Dangerous Goods) Regulation 2005

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Commerce

Explanatory note

The object of this Regulation is to amend the *Occupational Health and Safety Regulation 2001* to protect the health and safety of the public from hazards arising from the storage and handling of dangerous goods.

The storage and handling of dangerous goods is currently regulated in New South Wales under the *Dangerous Goods Act 1975*. That legislation requires the keeping, conveyance and use of dangerous goods to be licensed by the WorkCover Authority. The legislation is not confined to the workplace but covers all dangerous goods wherever they are located.

The principal object of the *Occupational Health and Safety Act 2000* (the **OHS Act**) is to secure the health, safety and welfare of persons at work.

The *Occupational Health and Safety Amendment (Dangerous Goods) Act 2003*, which is to commence on the same date as this Regulation, repeals the *Dangerous Goods Act 1975* and amends the OHS Act to permit the extension of the operation of the OHS Act to the regulation of dangerous goods, whether or not at places of work.

The National Occupational Health and Safety Commission under the *National Occupational Health and Safety Commission Act 1985* of the Commonwealth has declared a national standard relating to the storage and handling of workplace dangerous goods.

This Regulation inserts a new Chapter, Chapter 6A (Dangerous goods), into the *Occupational Health and Safety Regulation 2001*. The new Chapter adopts and applies as law in New South Wales the hazard identification and risk assessment approach for the regulation of the storage and handling of dangerous goods as outlined in the National Occupational Health and Safety Commission's national standard.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods) Regulation 2005

Explanatory note

The new Chapter also contains provisions relating to the manufacture and supply of dangerous goods and provisions that set out specific risk control measures that deal with the following:

- (a) the physical control of dangerous goods (eg their stability and interaction with other substances),
- (b) preparedness for emergencies involving dangerous goods,
- (c) use of plant and equipment relating to dangerous goods,
- (d) provision of information relating to dangerous goods,
- (e) the requirement to place warning placards and have and keep manifests in relation to dangerous goods,
- (f) obligations relating to serious incidents and other incidents involving dangerous goods,
- (g) notifying the WorkCover Authority of the presence of large specified quantities of dangerous goods on premises.

This Regulation refers to the following documents:

- (a) the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, as published by the Australian Government,
- (b) AS 1940—2004, *The storage and handling of flammable and combustible liquids* as published by Standards Australia and in force from time to time,
- (c) AS/NZS 1596—2002 *The storage and handling of LP Gas* as published by Standards Australia,
- (d) AS 2700S—1996 (R13), *Colour Standards for general purposes—Signal Red* as published by Standards Australia,
- (e) the *List of Designated Hazardous Substances* [NOHSC: 10005 (1999)] as published by the NOHS Commission, as in force from time to time,
- (f) the *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC: 1003 (1995)] as published by the NOHS Commission, as in force from time to time,
- (g) the International Civil Aviation Organization's *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, the International Maritime Organization's *International Maritime Dangerous Goods Code* or the International Air Transport Association's *IATA Dangerous Goods Regulations*,
- (h) the *Recommendations on the Transport of Dangerous Goods* published by the United Nations.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including Part 3 (Regulations) and section 135A (Dangerous goods—extension of Act), which is inserted into the OHS Act by the *Occupational Health and Safety Amendment (Dangerous Goods) Act 2003*.

Occupational Health and Safety Amendment (Dangerous Goods) Regulation 2005

under the

Occupational Health and Safety Act 2000

1 Name of Regulation

This Regulation is the *Occupational Health and Safety Amendment (Dangerous Goods) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

3 Amendment of Occupational Health and Safety Regulation 2001

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* approved by the Ministerial Council for Road Transport and published by the Australian Government from time to time.

chemical name of a substance means a recognised chemical name of the substance that is generally used in scientific or technical texts.

consumer package means a container that is intended for retail display and sale, and includes a container that is transported and distributed as part of a larger consolidated container that consists of a number of identical consumer packages.

emergency service includes any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) NSW Police,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

generic name of a substance means a name that describes the category or group of chemicals to which the substance belongs (for example, azo dyes or halogenated aromatic amines).

health practitioner means a health practitioner within the meaning of the *Health Care Complaints Act 1993*.

ingredient means any component of a substance, and includes any impurity that is mixed in with the substance.

LEL (lower explosive limit) means the concentration of flammable gas or vapour in air below which the gas atmosphere is not explosive.

product name of a substance means the brand name, trade name, code name or code number specified by the supplier of the substance.

retail warehouse operator means a person who operates a warehouse at which unopened packaged goods intended for retail sale are held, but does not include a retailer.

retailer means a person who sells goods to members of the public who are not themselves engaged in any further resale of those goods.

risk phrase, in relation to a substance, means a phrase that describes the hazards of the substance, as referred to in the document entitled *List of Designated Hazardous Substances* [NOHSC: 10005 (1999)] published by the NOHS Commission, as in force from time to time.

safety phrase, in relation to a substance, means a phrase that describes the procedures for the safe handling or storage of the substance, or the use of personal protective equipment in conjunction with the substance, as referred to in the document entitled *List of Designated Hazardous Substances* [NOHSC: 10005 (1999)] published by the NOHS Commission, as in force from time to time.

[2] Clause 3 (1)

Omit the definition of *dangerous goods*. Insert instead:

dangerous goods, except in Chapter 6A, has the same meaning as in the ADG Code.

[3] Clause 3 (1)

Insert “6A,” after “6,” in the definition of *employer*.

[4] Clause 9 Employer to identify hazards

Insert after clause 9 (2) (c):

(c1) dangerous goods (including the storage or handling of dangerous goods), and

[5] Clause 66 Definitions

Omit the definition of *LEL*.

[6] Clause 82 Definitions

Omit “the *Dangerous Goods Act 1975*,” from the definition of *pressure piping*.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

[7] Clause 82, definition of “pressure piping”

Insert “or a pipeline within the meaning of clause 3 of Schedule 3 to this Regulation” after “the *Pipelines Act 1967*”.

[8] Clause 83 Plant affecting public safety

Omit clause 83 (c) (i).

[9] Clause 83 (f)

Insert after clause 83 (e):

(f) gas cylinders.

[10] Clause 87 Designer to assess risks

Insert “, dangerous goods,” after “hazardous substances” in clause 87 (2) (e).

[11] Clause 101 Manufacturer to assess risks

Insert “, dangerous goods,” after “hazardous substances” in clause 101 (c).

[12] Clause 125 Hirer or lessor to assess risks

Insert “, dangerous goods,” after “hazardous substances” in clause 125 (1) (b).

[13] Clause 145 Definitions

Omit the definitions of *chemical name*, *consumer package*, *generic name*, *health practitioner*, *ingredient*, *product name*, *retail warehouse operator*, *retailer*, *risk phrase* and *safety phrase* from clause 145 (1).

[14] Clause 150 Manufacturer to prepare material safety data sheet

Insert before clause 150 (2) (a):

(a1) be in English, and

(a2) contain the date on which it was last reviewed or, if it has not been reviewed, the date of its preparation, and

[15] Clause 150 (7)

Insert at the end of clause 150:

(7) If a hazardous substance manufactured by a manufacturer is also dangerous goods, the MSDS prepared for the substance for the purposes of this clause:

(a) may be a single MSDS that complies with both clause 174J and this clause if it is prepared before 1 September 2006, or

- (b) must be a single MSDS that complies with both clause 174J and this clause if it is prepared on or after 1 September 2006.

[16] Clause 155 Supplier to provide MSDS

Insert after clause 155 (1) (a):

- (a1) on the first occasion the hazardous substance is supplied following a revision of the MSDS, and

[17] Clause 167 Employer to keep register of hazardous substances

Insert after clause 167 (3):

- (3A) The employer may keep and maintain a single register both for the purposes of this clause and for the purposes of clause 174ZW (Employer to keep register of dangerous goods).

[18] Clause 167 (4)

Omit “This clause does”. Insert instead “Subclauses (1)–(3) do”.

[19] Clause 174 Employer to provide information to WorkCover and emergency services

Omit clause 174 (2).

[20] Chapter 6A

Insert after Chapter 6:

Chapter 6A Dangerous goods

Note. Chapter 5 (Plant) of this Regulation, at clauses 87 and 101, also contains provisions that require designers and manufactures of plant to have regard to the risks posed by dangerous goods.

Part 6A.1 Preliminary

174A Meaning of “dangerous goods”

In this Chapter, *dangerous goods* means the following (whether or not they are packaged for transport or under pressure):

- (a) substances or articles that under the ADG Code are listed or described as:
- (i) dangerous goods of Class 2, 3, 4, 5, 6.1, 8 or 9, or
 - (ii) goods too dangerous to be transported,
- (b) C1 combustible liquids.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

174B Definitions

(1) In this Chapter:

AS 1940 means AS 1940—2004, *The storage and handling of flammable and combustible liquids*.

bulk means:

- (a) a quantity of dangerous goods in a container that has a capacity greater than the maximum container size specified for packaged dangerous goods of that type, or
- (b) solid dangerous goods that are not in a container in an undivided quantity exceeding 400 kg.

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.

C1 combustible liquid means a combustible liquid within the meaning of AS 1940 that has a flashpoint of greater than 60.5 degrees Celsius but not greater than 150 degrees Celsius.

compatible, in relation to 2 or more substances, means that if the substances interact with, or react to, each other, they will not cause, or substantially increase the likelihood of, a serious incident (within the meaning of section 87 of the Act).

container means anything in or by which dangerous goods are or have been wholly or partly encased, covered, enclosed, contained or packed (whether empty, partially full or completely full) and includes any components or materials necessary for the container to perform its containment function.

corresponding legislation means the legislation of the Commonwealth or another State or Territory that assigns a UN Number, Class, Subsidiary Risk and Packing Group to dangerous goods for their transport by road, rail, air or sea.

dangerous goods in transit means dangerous goods at premises that:

- (a) are part of a transport load that is in compliance with the relevant transport code, and
- (b) are loaded on a vehicle, vessel or aircraft or being transhipped from one vehicle, vessel or aircraft to another, and
- (c) are not intended to be at the premises for more than 5 consecutive days (not including public holidays) and have not been at the premises for more than 5 consecutive days (not including public holidays), and

(d) are not intended to be consumed or processed at the premises and have not been consumed or processed at the premises, and

(e) are not intended for sale at the premises.

fire risk dangerous goods means dangerous goods of Class 2.1, 3, 4 or 5 or Subsidiary Risk 2.1, 3, 4 or 5, and C1 combustible liquids, that burn readily or support combustion.

food includes:

(a) a substance prepared or intended or represented as being for human consumption, and

(b) a substance intended to be an ingredient of, or additive to, a substance referred to in paragraph (a).

food packaging means:

(a) a container that contains, or is designed or intended to contain, food, or

(b) material designed or intended to be used in such a container.

free from dangerous goods, in relation to an empty container, means if the container last held:

(a) a gas or volatile liquid—the concentration of gas or vapour in the atmosphere of the container is less than the concentration listed in the document entitled *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC: 1003 (1995)] published by the NOHS Commission, as in force from time to time, or

(b) dangerous goods of Class 2.1, Class 3 or Subsidiary Risk 2.1 or 3—the concentration of those goods or their vapours in the atmosphere of the container is less than 5 per cent of the LEL (lower explosive limit) for the goods when sampled at ambient temperature, or

(c) a non-volatile liquid or solid—the container has been thoroughly cleaned.

goods too dangerous to be transported has the same meaning as in the ADG Code.

handling has the same meaning as in section 135A of the Act.

hazardous area means an area or space in which the atmosphere contains or may be reasonably be expected to contain any material or substance (including, but not limited to, combustible dusts, combustible fibres, flammable vapours, flammable liquids,

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

flammable gases, flammable or combustible fumes) at a concentration that is capable of being ignited by an ignition source.

ignition source means any source of energy sufficient to ignite combustible dusts, combustible fibres, flammable vapours, flammable gases or flammable or combustible fumes and includes the following:

- (a) a naked flame,
- (b) exposed incandescent material,
- (c) hot surfaces,
- (d) radiant heat,
- (e) a spark from mechanical friction,
- (f) a spark from static electricity,
- (g) an electrical arc,
- (h) any electrical, electronic, mechanical or other equipment.

incident involving dangerous goods means an incident within the meaning of section 86 of the Act (whether or not it occurs at a place of work) that involves dangerous goods.

intermediate bulk container or **IBC** means a rigid or flexible portable packaging for the transport of dangerous goods that:

- (a) has a capacity of not more than:
 - (i) for solids of Packing Group I packed in a composite, fibreboard, flexible, wooden or rigid plastics container—1,500 L, or
 - (ii) for solids of Packing Group I packed in a metal container—3,000 L, or
 - (iii) for solids or liquids of Packing Groups II and III—3,000 L, and
- (b) is designed for mechanical handling, and
- (c) is resistant to the stresses produced in usual handling and transport as determined by tests under the ADG Code.

MSDS means a material safety data sheet prepared in accordance with clause 174J.

package means the complete product of the packing of dangerous goods, and consists of the goods and their packaging.

packaged dangerous goods means:

- (a) Class 2 dangerous goods that are in a container with a capacity of not more than 500 L, or

- (b) goods too dangerous to be transported or dangerous goods of a Class other than Class 2 that are in a container with:
 - (i) a capacity of not more than 450 L, and
 - (ii) a net mass of not more than 400 kg, or
- (c) C1 combustible liquids in a container with a capacity of not more than 450 L.

Packing Group means the packing group assigned to dangerous goods under the ADG Code.

pipework means a pipe or an assembly of pipes, pipe fittings, valves and pipe accessories used to convey dangerous goods.

pool chlorine means dangerous goods of Class 5.1, being calcium hypochlorite, sodium dichloroisocyanurate, sodium trichloroisocyanurate, potassium dichloroisocyanurate, dichloroisocyanuric acid, trichloroisocyanuric acid and other oxidising agents, in solid form, used for chlorinating water.

proper shipping name has the same meaning as in the ADG Code.

relevant transport code, in relation to dangerous goods in transit, means the ADG Code, the International Civil Aviation Organization's *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, the International Maritime Organization's *International Maritime Dangerous Goods Code* or the International Air Transport Association's *IATA Dangerous Goods Regulations* as appropriate.

serious incident has the same meaning as in section 87 (1) of the Act.

storage location means any place or area where one type of dangerous goods or compatible dangerous goods are kept either in bulk or in a quantity exceeding the relevant quantity specified in the column headed "Placarding quantity" in the Table to Schedule 5 (and includes a building, structure, room, compartment, tank or other bulk container, store or receptacle in or on which dangerous goods are stored or handled either in bulk or in a quantity exceeding the relevant quantity specified in the column headed "Placarding quantity" in the Table to Schedule 5).

storing has the same meaning as in section 135A of the Act.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

Subsidiary Risk has the same meaning as in the ADG Code.

tank means a container, other than an IBC, that is used or designed to be used to transport, store or handle dangerous goods in the form of a gas or a liquid in bulk and includes fittings, closures and any other equipment that forms part of the container.

UN Number or ***UN*** followed by a number, in relation to dangerous goods, means either of the following:

- (a) the substance identification serial number shown in Appendices 1 and 2 of the ADG Code in relation to those goods,
- (b) the number assigned to the goods by the United Nations Committee of Experts on the Transport of Dangerous goods in the document entitled *Recommendations on the Transport of Dangerous Goods* published by the United Nations from time to time.

water capacity, of a container, means the total internal volume of the container in litres of water measured at a temperature of 15 degrees Celsius.

- (2) In this Chapter, a reference to litres in relation to dangerous goods of Class 2 means the water capacity of the container that holds those dangerous goods.

174C Dangerous goods to which section 135A of the Act applies

- (1) For the purposes of this Chapter, dangerous goods within the meaning of clause 174A are declared to be dangerous goods to which section 135A of the Act applies.
- (2) However, for the purposes of Parts 6A.2–6A.4 of this Chapter and despite subclause (1), the following dangerous goods are not dangerous goods to which section 135A of the Act applies at premises that are not places of work unless the quantity of the goods at those premises exceeds any minimum quantity set out in relation to the goods in the Table to this clause.
- (3) In the Table to this clause, ***kg or L*** means, where this combination of letters immediately follows numbers, the combined total of:
 - (a) the number of kilograms of non-liquid dangerous goods, and
 - (b) the number of litres of liquid dangerous goods.

Table

Dangerous goods	Minimum quantity
Liquified Petroleum Gas (LP Gas) (being dangerous goods of Class 2.1)	500 L (water capacity)
Dangerous goods of Class 2.1 (other than Liquified Petroleum Gas (LP Gas))	200 L (water capacity)
Dangerous goods of Class 2.2	300 L (water capacity)
Note. Dangerous goods of Class 2.3 are not covered by this table and therefore are dangerous goods to which section 135A of the Act applies at all premises (whether or not a place of work).	
Dangerous goods of Class 3	100 L
Pool chlorine	100 kg
Sodium Hypochlorite designated by UN Number 1791	100 L
Dangerous goods of Class 9	100 kg or L
Dangerous goods of Packing Group I	5 kg or L
C1 combustible liquids	1,000 L
Any dangerous goods other than those specified above (not including dangerous goods of Class 2.3)	100 kg or L

174D Application of Chapter

This Chapter applies to:

- (a) all dangerous goods at places of work, and
- (b) dangerous goods to which section 135A of the Act applies (regardless of whether those goods are at a place of work or are for use at work).

174E Non-application of Chapter

(1) This Chapter does not apply to the following:

- (a) the transport of dangerous goods by road, rail, sea or air, or any associated activity or matter, to the extent to which it is regulated by the following:
 - (i) the *Road and Rail Transport (Dangerous Goods) Act 1997* or any regulation made under that Act,

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (ii) the International Civil Aviation Organization's *Technical Instructions for the Safe Transport of Dangerous Goods by Air*,
 - (iii) the International Maritime Organization's *International Maritime Dangerous Goods Code*,
 - (iv) the International Air Transport Association's *IATA Dangerous Goods Regulations*,
- (b) dangerous goods that form part of batteries that are incorporated into plant,
 - (c) dangerous goods in a fuel container that is fitted to a vehicle, vessel or aircraft, or used in or consumed by a vehicle, vessel, aircraft, mobile plant, appliance or other device, where the goods are necessary for its propulsion or are part of, or necessary for the operation of, its equipment or accessories (but not dangerous goods being stored in a spare fuel or goods container),
 - (d) dangerous goods in a fuel container of a domestic, portable or transportable fuel burning appliance,
 - (e) dangerous goods that form part of the refrigeration system of refrigerated freight containers,
 - (f) dangerous goods in portable fire fighting equipment (such as fire extinguishers), portable safety equipment and portable medical equipment at premises for use at the premises,
 - (g) dangerous goods of Class 2.2 in portable gas cylinders that are used or intended to be used for medical purposes,
 - (h) compressed gas in pneumatic tyres,
 - (i) potable liquids in consumer packages at retail premises (for example, bottled alcoholic spirits at bottle shops),
 - (j) naturally occurring gas in an underground mine.
- (2) This Chapter does not apply to the following substances if their use is not related to a work activity:
- (a) food,
 - (b) therapeutic agents,
 - (c) cosmetics,
 - (d) tobacco and tobacco products,
 - (e) toiletries and toilet products.

Part 6A.2 Manufacture, import and supply of dangerous goods

Note. See clause 7 (2) as to the extent of a manufacturer's duties under this Part.

Division 1 General

174F Application—importers to ensure manufacturers' responsibilities are met

A person who imports dangerous goods manufactured outside New South Wales for supply to others or for the person's own use must ensure that the responsibilities of a manufacturer under this Part are met in relation to those goods.

Note. Importing from outside New South Wales includes importing from another State or Territory of Australia.

174G Manufacturer to identify dangerous goods

- (1) A manufacturer of goods must, before the goods are handled or supplied to another person, determine in accordance with the ADG Code, or in the case of goods that are combustible liquids, in accordance with AS 1940, whether the goods are dangerous goods.

Maximum penalty: Level 4.

- (2) If a manufacturer determines that goods are dangerous goods, the manufacturer:
 - (a) must determine in accordance with the ADG Code whether the goods are goods too dangerous to be transported, and
 - (b) must:
 - (i) in the case of combustible liquids—assign a classification under AS 1940 to the liquids, or
 - (ii) in relation to all other dangerous goods—assign to the goods the appropriate UN Number, Class, Subsidiary Risk and Packing Group under the ADG Code.

Maximum penalty: Level 3.

174H Packing and labelling by manufacturer

- (1) A manufacturer of dangerous goods who assigns a UN Number, Class, Subsidiary Risk and Packing Group to those goods, before the goods are supplied to another person, must ensure that the provisions of the ADG Code are complied with in relation to the condition of the goods and:

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (a) in relation to dangerous goods in bulk—the container and placarding for the goods, and
- (b) in relation to all other dangerous goods—the packing and package labelling for the goods.

Maximum penalty: Level 4.

- (2) A manufacturer of C1 combustible liquids or goods too dangerous to be transported, before the liquids or goods are supplied to another person, must ensure that the liquids or goods are packed in packaging that is:

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

Maximum penalty: Level 4.

- (3) A manufacturer of dangerous goods complies with subclause (1) or (2) if the dangerous goods are:

- (a) in relation to dangerous goods in bulk—contained in containers, and are placarded, in accordance with corresponding legislation, and
- (b) in relation to all other dangerous goods—packed, or the packages are labelled, in accordance with corresponding legislation.

- (4) Subclause (2) does not apply to C1 combustible liquids or goods too dangerous to be transported that are supplied in bulk.

174I Restrictions on supply

- (1) A person (other than the manufacturer of the dangerous goods) who supplies dangerous goods to another person must, before the goods are supplied to the other person, ensure that the provisions of the ADG Code are complied with in relation to the condition of the goods, and:

- (a) in relation to dangerous goods in bulk—the container and placarding for the goods, and
- (b) in relation to all other dangerous goods—the packing and package labelling for the goods.

Maximum penalty: Level 4.

-
- (2) A person (other than the manufacturer of the combustible liquids or goods too dangerous to be transported) who supplies C1 combustible liquids or goods too dangerous to be transported to another person must, before the liquids or goods are supplied to the other person, ensure that the liquids or goods are packed in packaging that is:
- (a) of a type and in a condition that will retain the liquids or goods and will not react adversely with the liquids or goods, and
 - (b) clearly labelled with the product name of the liquids or goods.
- Maximum penalty: Level 4.
- (3) A supplier of dangerous goods complies with subclause (1) or (2) if the dangerous goods are:
- (a) in relation to dangerous goods in bulk—contained in containers, and are placarded, in accordance with corresponding legislation, and
 - (b) in relation to all other dangerous goods—packed, or the packages are labelled, in accordance with corresponding legislation.
- (4) Subclauses (1) and (2) do not apply to a retailer who supplies dangerous goods in a container provided by the purchaser, but only if:
- (a) the capacity of the container does not exceed 30 kg or 30 L, and
 - (b) the retailer:
 - (i) in relation to dangerous goods of Class 2—has ensured that the container is a package that meets the requirements of the ADG Code that relate to packages for the goods, and
 - (ii) in relation to all other dangerous goods—has taken all reasonable steps to ensure that the container:
 - (A) is of a type and in a condition that will retain the goods and will not react adversely with the goods, and
 - (B) is clearly marked with the product name of the goods, and
 - (C) is not a container that could be mistaken for or confused with one that is used for food.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (5) Subclause (2) does not apply to C1 combustible liquids or goods too dangerous to be transported that are supplied in bulk.

Division 2 Material safety data sheets

174J Manufacturer to prepare material safety data sheet

- (1) A manufacturer of dangerous goods must prepare a material safety data sheet (*MSDS*) for the dangerous goods before the dangerous goods are supplied to another person.
Maximum penalty: Level 4.
- (2) The MSDS must:
- (a) be in English, and
 - (b) contain the date on which it was last reviewed or, if it has not been reviewed, the date of its preparation, and
 - (c) clearly identify the dangerous goods to which it relates, and
 - (d) set out the following information in relation to the dangerous goods to which it relates:
 - (i) their recommended uses,
 - (ii) their chemical and physical properties,
 - (iii) any relevant health-hazard or physical-hazard information,
 - (iv) information concerning the precautions to be followed in relation to their safe storage and handling,
 - (v) if applicable, the proper shipping name, UN Number, Class, Subsidiary Risk and Packing Group,
 - (vi) in the case of goods too dangerous to be transported, the name of the goods as specified in Appendix 5 to the ADG Code,
 - (vii) in the case of C1 combustible liquids, the appropriate classification under AS 1940, and
 - (e) set out the name, and Australian address and telephone numbers (including an emergency number), of the manufacturer.
- (3) The manufacturer must review and revise the MSDS as often as is reasonably necessary to keep it up to date and, in any event, at intervals not exceeding 5 years.
Maximum penalty: Level 4.

- (4) If the dangerous goods manufactured by a manufacturer are also a hazardous substance, the MSDS prepared for the dangerous goods for the purposes of this clause:
 - (a) may be a single MSDS that complies with both clause 150 and this clause if it is prepared before 1 September 2006, or
 - (b) must be a single MSDS that complies with both clause 150 and this clause if it is prepared on or after 1 September 2006.

174K Manufacturer to provide MSDS

- (1) A manufacturer of dangerous goods must provide a copy of a current MSDS for the dangerous goods:
 - (a) to any person who supplies the dangerous goods for use, and
 - (b) to any person who claims to be associated with the handling or storage of the dangerous goods and who asks to be provided with a copy of the MSDS, and
 - (c) to any medical practitioner or health practitioner who requires it for the purpose of providing emergency medical treatment.

Maximum penalty: Level 3.

- (2) This clause commences on 1 September 2006.

174L Manufacturer to disclose ingredients to medical practitioner

- (1) If an MSDS or label does not disclose the chemical name of an ingredient of dangerous goods, the manufacturer of the dangerous goods must disclose the chemical identity of the ingredient to any medical practitioner or health practitioner who applies to the manufacturer for the disclosure of that information for the purpose of the management of the practitioner's patient.
- (2) The manufacturer must immediately respond to the application but, on or after supplying any information, may require the medical practitioner or health practitioner concerned to sign a written undertaking that he or she will use the information only for the purpose for which it has been provided.

Maximum penalty: Level 3.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

174M Supplier to provide MSDS

- (1) A person who supplies dangerous goods must ensure that a current MSDS in relation to the goods prepared by the manufacturer is provided:
 - (a) on the first occasion the dangerous goods are supplied, and
 - (b) on the first occasion the dangerous goods are supplied following a revision of the MSDS, and
 - (c) at any other time, to any person who claims to be associated with the storage or handling of the dangerous goods and who asks to be provided with a copy of the MSDS, and
 - (d) to any medical practitioner or health practitioner who requires it for the purpose of providing emergency medical treatment.Maximum penalty: Level 4.
- (2) Subclause (1) (a) and (b) do not apply to a supplier who is a retailer if:
 - (a) the dangerous goods are packaged dangerous goods supplied in a consumer package with a capacity that does not exceed 30 kg or 30 L, or
 - (b) the dangerous goods are supplied in a container provided by the purchaser with a capacity that does not exceed 30 kg or 30 L, or
 - (c) the retailer is supplying fuel to the fuel tank of a vehicle, vessel or aircraft.
- (3) This clause commences on 1 September 2006.

Part 6A.3 Obligations of occupiers

Division 1 Preliminary

174N Definitions

In this Part:

controller of dangerous goods premises means the controller of premises at or in which dangerous goods to which section 135A of the Act applies are stored or handled.

controller of premises includes:

- (a) a person who has only limited control of the premises concerned, and
- (b) a person who has, under any contract or lease, an obligation to maintain or repair the premises concerned.

occupier means the following:

- (a) if dangerous goods are stored or handled at an employer's place of work—the employer,
- (b) a controller of dangerous goods premises.

Division 2 Hazard identification and risk assessment

174O Duties in relation to dangerous goods

- (1) An occupier must ensure that all persons (including members of the public) are not exposed to risks to their health and safety arising from dangerous goods at the occupier's premises.

Maximum penalty: Level 4.

Note. Other general laws and specific legislation may provide that occupiers have obligations with regard to dangerous goods that relate to risks to property or the environment, both inside and beyond the premises of the occupier, arising from those goods.

- (2) Nothing in this clause is to be construed:
 - (a) as conferring a right of action in any civil proceedings in respect of any contravention, whether by act or omission, of this clause, or
 - (b) as conferring a defence to an action in any civil proceedings or as otherwise affecting a right of action in any civil proceedings.

Note. Section 10 (2) of the Act provides that person who has control of any plant or substance used by people at work must ensure that the plant or substance is safe and without risks to health when properly used.

174P Extension of hazard identification and risk assessment provisions

- (1) Division 1 (General duties of controllers of premises) of Part 4.2 of Chapter 4 of this Regulation extends to controllers of dangerous goods premises (regardless of whether or not the premises are a place of work or are used for work).

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (2) A reference in Chapter 2 (Places of work—risk management and other matters) and Division 1 (General duties of controllers of premises) of Part 4.2 of Chapter 4 of this Regulation to occupational health and safety (however expressed) includes, where the hazard concerned is a hazard that arises from dangerous goods, a reference to public health and safety.
- (3) For the avoidance of doubt:
 - (a) when complying with clause 11 or 36, an occupier, when considering how to control a risk associated with the storage and handling of dangerous goods (where it is not reasonably practicable to eliminate the risk), must control the risk by taking the measures set out in clause 5, and
 - (b) clauses 6 and 8 apply in relation to duties and responsibilities of occupiers and other persons at dangerous goods premises that are not places of work.

174Q Risk assessment

- (1) An occupier must review each risk assessment conducted for the purposes of clause 10 or 35 at the times required by clause 12 or 37, but in any case each risk assessment must be reviewed at least once every 5 years.
- (2) The occupier must:
 - (a) if the occupier is an employer, make a record of each risk assessment and any review of a risk assessment by:
 - (i) making a notation in the register of dangerous goods kept under clause 174ZW if no specific measures are necessary to control the risks associated with the storage or handling of dangerous goods, or
 - (ii) preparing a report on the risk assessment if specific measures are necessary to control the risks associated with the storage or handling of the dangerous goods, and
 - (b) if the occupier is not an employer, make a record of each risk assessment and any review of a risk assessment, and
 - (c) keep a copy of that record while the risk assessment is current or being reviewed.

Maximum penalty: Level 4.

Division 3 Particular risk control measures

Subdivision 1 Stability and interaction with dangerous goods

174R Stability of dangerous goods

- (1) An occupier must ensure, so far as is reasonably practicable, that the dangerous goods at the occupier's premises do not inadvertently become unstable, decompose or change so as to:
 - (a) create a hazard that is different from the hazard originally created by the dangerous goods, or
 - (b) increase the risk associated with the dangerous goods.Maximum penalty: Level 4.
- (2) Without limiting subclause (1), the occupier must ensure that:
 - (a) if the stability of the dangerous goods is dependent on the maintenance of levels of stabilisers, those levels are maintained as specified by the manufacturer of the dangerous goods, and
 - (b) if the dangerous goods are required to be stored or handled with a particular temperature range specified by the manufacturer, they are stored or handled within that temperature range.
- (3) Subclause (2) does not apply in relation to dangerous goods that are about to be used in a manufacturing process.
- (4) In this clause, *stabiliser* means any substance (including any diluent, inhibitor, desensitiser, phlegmatizer, solvent, wetting agent or adulterant) added to, or present in, dangerous goods that overcomes the chemical instability inherent in the dangerous goods.

174S Separation of dangerous goods

- (1) Without affecting the generality of clauses 11 and 36, an occupier must ensure that the risk to other dangerous goods storage or handling areas and to persons and property at or beyond the premises that arises from an incident involving dangerous goods:
 - (a) is eliminated, or
 - (b) if it is not reasonably practicable to eliminate the risk, is controlled so far as is reasonably practicable by separation.Maximum penalty: Level 4.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (2) In this clause, *separation*, in relation to the separation of dangerous goods from a person, property or thing, means the physical separation of the dangerous goods from the person, property or thing, by either distance or a physical barrier.

174T Preventing interaction with other substances

An occupier must ensure that dangerous goods on the occupier's premises that are not compatible with other substances (including other dangerous goods) are stored or handled separately from the other substances so that a loss of containment or any other interaction cannot cause a serious incident.

Maximum penalty: Level 4.

174U Ignition sources in hazardous areas

- (1) An occupier must ensure that ignition sources in any hazardous area within the occupier's premises:
- (a) are eliminated, or
 - (b) if it is not reasonably practicable to eliminate those ignition sources, the risk arising from those sources is controlled.

Maximum penalty: Level 4.

- (2) An occupier must identify any hazardous area that is within, or arises as a result of dangerous goods stored or handled at, the occupier's premises.

Maximum penalty: Level 4.

174V Atmospheric emissions

An occupier must ensure that any risk produced by atmospheric emissions from dangerous goods that are toxic, corrosive, flammable, explosive or asphyxiant:

- (a) is eliminated, or
- (b) if it is not reasonably practicable to eliminate the risk, is reduced so far as is reasonably practicable.

Maximum penalty: Level 4.

Note. The obligation imposed by this clause is in addition to any obligations under Division 5 of Part 4.3 of Chapter 4.

174W Preventing contamination of food and personal products

An occupier must ensure that dangerous goods on the occupier's premises cannot contaminate food, food packaging or personal use products.

Maximum penalty: Level 4.

174X Containers for dangerous goods in bulk

An occupier of premises at which dangerous goods in bulk in a container are present must ensure that:

- (a) the container and any associated pipework are provided with stable foundations and supports, and
- (b) any pipework or equipment connected to the container is installed so as to prevent excessive stress on the container, pipework or equipment, and
- (c) the container and any associated pipework are protected from deterioration.

Maximum penalty: Level 4.

174Y Containment of spills

- (1) An occupier must ensure that, in each place at the occupier's premises where dangerous goods are stored or handled, provision is made for containment of spills or leaks so as:
 - (a) to eliminate the risk from any spill or leak of dangerous goods, or if it is not reasonably practicable to eliminate the risk, reduce it so far as is reasonably practicable, and
 - (b) so far as is reasonably practicable, to contain safely within the premises the dangerous goods that have been spilled or leaked and any effluent arising from an incident.
- (2) In the case of dangerous goods containment, any area or receptacle intended to contain spills or leaks must not be shared with any other substances, including other dangerous goods, that are not compatible with the dangerous goods to be contained.
- (3) In the event of a spill or leak of dangerous goods, the occupier must ensure that:
 - (a) immediate action is taken to reduce any risk associated with the spill or leak so far as is reasonably practicable, and
 - (b) the dangerous goods and any resulting effluent are, as soon as reasonably possible, cleaned up and disposed of or otherwise made safe.

Maximum penalty: Level 4.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

174Z Transfer of dangerous goods

- (1) An occupier must ensure that any risk associated with the transfer of dangerous goods within, to or from the occupier's premises is eliminated, or if it is not reasonably practicable to eliminate the risk, is controlled so far as is reasonably practicable.
- (2) In eliminating or controlling a risk in accordance with subclause (1), the occupier must, as relevant, have regard to:
 - (a) the need for measures to:
 - (i) control spills and leaks, and
 - (ii) minimise static electricity, and
 - (iii) control vapour generation, and
 - (b) the suitability of pipework, attachments and associated safety systems at the premises with the risk elimination or control measures proposed.

Maximum penalty: Level 4.

174ZA Impact protection

An occupier must ensure, as far as is reasonably practicable, that any containers, pipework, attachments, equipment containing, or associated with, of dangerous goods on the occupier's premises are protected from physical damage resulting from activities in or on the premises, including impacts, imposed loads and mechanical stress.

Maximum penalty: Level 4.

Subdivision 2 Preparedness for emergencies

174ZB Fire protection

- (1) An occupier must ensure that:
 - (a) the occupier's premises are provided with a fire protection system that:
 - (i) has been designed and constructed having taken account of any risk assessment of the premises, and
 - (ii) is designed and constructed to take account of:
 - (A) the types and quantities of dangerous goods and the conditions under which they are stored and handled, and
 - (B) other materials and substances that make up the premises or are stored or handled at the premises, and

- (iii) is compatible with the dangerous goods and the other materials and substances and is effective in the control of incidents involving the types and quantities of dangerous goods and other materials and substances, and
- (b) the fire protection system is:
 - (i) properly installed, tested and maintained, and
 - (ii) at all times accessible to persons on the premises and to the relevant emergency services, and
 - (iii) capable of being used, without adaptation or modification, with the equipment used by the New South Wales Fire Brigades and the NSW Rural Fire Service.

Maximum penalty: Level 4.

- (2) The occupier must, if any of the components of the fire protection system are rendered inoperative, ensure that:
 - (a) the implications of any of the components of the system 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 fire protection system is returned to full operation as soon as is reasonably practicable.

Maximum penalty: Level 4.

- (3) If the implications of the system becoming unserviceable or inoperative, as assessed by the occupier under subclause (2) (a), include a significant reduction in the effectiveness of the fire protection system, the occupier must notify the relevant emergency services of the condition of the fire protection system.

Maximum penalty: Level 4.

- (4) In determining the alternative measures required under subclause (2) (b) the occupier must have regard to the need for:
 - (a) the provision of alternative fire protection measures, and
 - (b) a reduction of the quantities of dangerous goods stored or handled at the premises, and
 - (c) stopping or reducing the processes used for the storage and handling of dangerous goods at the premises, and
 - (d) modifications to systems of work at the premises.

Maximum penalty: Level 4.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (5) In this clause, *fire protection system* includes fixed or portable fire detection, fire suppression and fire fighting equipment.

174ZC Planning for emergencies

- (1) This clause applies in relation to premises where dangerous goods are stored and handled in quantities that exceed the relevant quantities specified in the column headed “Manifest quantity” in the Table to Schedule 5.
- (2) An occupier of premises to which this clause applies must ensure that a written plan for dealing with any emergency associated with the storage and handling of dangerous goods on those premises (an *emergency plan*) is:
- (a) developed, implemented and maintained, and
 - (b) communicated to:
 - (i) persons who are engaged by the occupier to work at the premises and who may be exposed to risk as a result of an emergency, and
 - (ii) persons in control of adjacent premises to the extent that the emergency plan applies to those person, if persons or property on the adjacent premises may be exposed to risk as a result of an emergency.

Maximum penalty: Level 4.

- (3) In developing or reviewing the emergency plan, the occupier must:
- (a) provide a draft of the emergency plan to the Commissioner of the New South Wales Fire Brigades, and
 - (b) have regard to any written advice received from the Commissioner of the New South Wales Fire Brigades.

Maximum penalty: Level 4.

- (4) The occupier of the premises must provide a copy of the emergency plan to:
- (a) if the premises to which this clause applies are within a rural fire district within the meaning of the *Rural Fires Act 1997*—the NSW Rural Fire Service, or
 - (b) in any other case—the Commissioner of the New South Wales Fire Brigades.

Maximum penalty: Level 4.

- (5) The occupier must review the emergency plan:
 - (a) if there is a change in circumstances at the premises, or any adjacent premises, such as to raise the possibility of an emergency of a kind that is not dealt with by the plan, and
 - (b) at intervals of not more than 5 years from the date on which the plan was developed or last reviewed.Maximum penalty: Level 4.
- (6) The occupier must communicate the revised plan to the persons specified in subclause (2) (b).
Maximum penalty: Level 4.
- (7) This clause commences on 1 September 2006.

Subdivision 3 Safety equipment and safe access

174ZD Safety equipment

- (1) An occupier must ensure that, where safety equipment is required to control an identified risk in relation to the storage or handling of dangerous goods (including personal protective equipment and clean up equipment such as neutralisers, decontaminants and associated equipment), that equipment is provided, maintained and accessible to persons authorised to be on the premises.
- (2) A person must not wilfully damage or make ineffective any safety equipment referred to in subclause (1).
Maximum penalty: Level 4.

174ZE Safe access

An occupier must ensure that safe means of access to and from and within the occupier's premises are provided and maintained.
Maximum penalty: Level 4.

Subdivision 4 Plant, equipment and containers

174ZF Cleaning or decommissioning plant, equipment and containers

- (1) An occupier must ensure that any plant, equipment or container that was used in connection with dangerous goods and:
 - (a) is to be disposed of, or
 - (b) has not had dangerous goods placed in or taken from it for a continuous period of 12 months,is made free from dangerous or otherwise made safe.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (2) If a dangerous goods container has been made free from dangerous goods and the container is to be reused for a purpose other than its original purpose, the occupier must ensure that any references, signs, symbols or warning relating to the dangerous goods that it formerly contained are removed or obliterated.
- (3) If an underground, partially underground or fully mounded tank (other than an LPG tank) has been used to contain dangerous goods and 2 years have elapsed since any dangerous goods were last put in or taken from the tank, the occupier of the premises in which it is situated (or in the case of a LPG tank, the owner of the tank) must:
 - (a) remove any remaining dangerous goods from, and abandon, the tank in compliance with AS 1940, and
 - (b) within 7 days of the abandonment, notify WorkCover in the approved form of the abandonment.

Maximum penalty: Level 4.

Note. See clause 174ZZE for obligations in relation to LPG tanks.

Subdivision 5 Provision of information

174ZG Occupier to obtain MSDS

- (1) For all dangerous goods stored or handled on an occupier's premises, the occupier:
 - (a) must obtain from the supplier of the goods an MSDS before or on the first occasion on which they are supplied, and
 - (b) must ensure that the MSDS is readily accessible to any person at the premises who could store or handle the goods, and
 - (c) must ensure that the MSDS is not altered, otherwise than where it is appropriate that an overseas MSDS be reformatted by the occupier.
- (2) The provisions of subclause (1) (a) and (b) do not apply to:
 - (a) dangerous goods in transit, and
 - (b) dangerous goods that are supplied to a retailer, retail warehouse operator or transport warehouse operator in a consumer package that:
 - (i) holds less than 30 kg or 30 L of the goods, and
 - (ii) is intended for retail sale, and

-
- (iii) is not intended to be opened on the premises of the retailer or operator.

Maximum penalty: Level 4.

- (3) This clause commences on 1 September 2006.

174ZH Occupier to ensure containers are labelled and enclosed systems are identified

- (1) An occupier must ensure that packaged dangerous goods at the occupier's premises, including those supplied to or produced within the occupier's premises, are labelled in accordance with the ADG Code, and that the labels are not removed, defaced or altered.

Maximum penalty: Level 4.

- (2) Without limiting subclause (1), an occupier must ensure that any such label:

- (a) clearly identifies the dangerous goods, and
- (b) provides basic health and safety information about the dangerous goods, including any relevant risk phrases and safety phrases.

Maximum penalty: Level 4.

- (3) However:

- (a) a container into which dangerous goods are transferred for use within the next 12 hours need only be labelled with the product name and the relevant risk phrases and safety phrases, and
- (b) a container into which dangerous goods are transferred for immediate use need not be labelled, so long as it is cleaned immediately after it has been emptied of the dangerous goods.

- (4) An occupier must ensure that the identity of any dangerous goods contained in an enclosed system at the occupier's premises (such as a pipe or piping system, or a process or reactor vessel) is notified to a person who could handle the dangerous goods.

Maximum penalty: Level 1.

- (5) This clause does not apply to dangerous goods in transit.

Subdivision 6 Placards

174ZI Commencement of Subdivision

This Subdivision commences on 1 September 2006.

174ZJ Outer warning placards

- (1) If the quantities of dangerous goods stored and handled at an occupier's premises exceed the relevant quantities specified in the column headed "Placarding quantity" in the Table to Schedule 5, the occupier must ensure that a "HAZCHEM" outer warning placard as specified in Schedule 6 is displayed at the entrances to the premises that emergency services would use or be likely to use in the event of an emergency.

Maximum penalty: Level 4.

- (2) Subclause (1) does not apply to retail service stations.

174ZK Other placarding requirements

- (1) An occupier must ensure that the following are placarded in accordance with this clause:
 - (a) any container or other form of storage of dangerous goods in bulk,
 - (b) any storage location of packaged dangerous goods.

Note. See the definition of "storage location" in clause 174B.
- (2) Subclause (1) does not apply to any of the following:
 - (a) dangerous goods in bulk in any container, including an IBC, that is intended for transport and marked in accordance with the ADG Code,
 - (b) C1 combustible liquids in bulk in a quantity not exceeding 10,000 L that are separated from other dangerous goods,
 - (c) dangerous goods of Class 2.1 or 3 or C1 combustible liquids, that are stored in an underground tank at a retail service station where the goods are used to refuel vehicles.
- (3) The dimensions, design, layout and content of a placard must be in accordance with Schedule 6 or the ADG Code.
- (4) A placard must be kept clean, in good order and unobstructed.

-
- (5) A placard required by subclause (1) or by clause 174ZJ must be located:
- (a) so that it is clearly legible by persons approaching the premises, bulk container or other form of storage or storage location (as appropriate), and
 - (b) so that it is separate from any other sign or writing which contradicts, qualifies or distracts attention from the placard.
- (6) A placard required by subclause (1) (a) must be located on or adjacent to each bulk container or other form of storage.
- (7) A placard required by subclause (1) (b) must be located:
- (a) at the entrance to any building in which the dangerous goods are stored, and
 - (b) within a building referred to in paragraph (a), at the entrance to each room or other closed or walled section of the building in which the dangerous goods are stored, and
 - (c) adjacent to any external storage location where the dangerous goods are stored.
- (8) If the dangerous goods to which placards apply are permanently removed from the premises, the occupier must remove the placards.
Maximum penalty: Level 4.

174ZL Different location permitted

- (1) An occupier of premises that are required to be placarded may place placards in locations different from those specified in this Part if the relevant emergency services agree with the placards being in those different locations.
- (2) The occupier must ensure that the agreement of the relevant emergency services is in writing and is readily available for inspection by WorkCover.

174ZM Revision

An occupier must ensure that all placards required by this Subdivision are revised as soon as reasonably practicable after any change to the type or quantity of dangerous goods stored at the occupier's premises that requires different information to be displayed.

Maximum penalty: Level 4.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

Subdivision 7 Manifests

174ZN Manifest to be maintained

- (1) An occupier of premises where dangerous goods are stored and handled in quantities that exceed the relevant quantities specified in the column headed "Manifest quantity" in the Table to Schedule 5 must keep a manifest of dangerous goods, that contains the information and site plans required by Schedule 7, readily available for use by an inspector or the emergency services.
- (2) The occupier must ensure that a copy of the manifest is kept, and is readily accessible, at the main entrance to the occupier's premises unless the occupier and the Commissioner of the New South Wales Fire Brigades or the NSW Rural Fire Service, as appropriate, have agreed to a different location for keeping a copy of the manifest.
- (3) The occupier must ensure that the manifest is revised as soon as possible after a change in any of the information specified in Schedule 7.
- (4) This clause does not apply in relation to dangerous goods in transit.
Maximum penalty: Level 4.
- (5) This clause commences on 1 September 2006.

Subdivision 8 Serious incidents and other incidents

Note. Sections 86 and 87 of the Act, and clauses 341, 341A and 342 of this Regulation, make provision for the notification to WorkCover of serious incidents and certain other incidents at places of work and for the non-disturbance of plant and areas surrounding the place of a serious incident.

174ZO Response to serious incidents and other incidents

- (1) An occupier must respond to a serious incident or other incident involving dangerous goods at the occupier's premises by ensuring that:
 - (a) immediate action is taken to assess and control any risk associated with the serious incident or other incident, including making any plant or equipment associated with the serious incident or other incident and the surrounding area safe so far as is reasonably practicable, and
 - (b) only persons essential to carrying out the action referred to in paragraph (a) remain in the vicinity of the serious incident or other incident, and

-
- (c) the risk to each person engaged by the occupier at the premises to carry out the action referred to in paragraph (a) is reduced so far as is reasonably practicable.

Maximum penalty: Level 4.

- (2) Clauses 341–343 extend to controllers of dangerous goods premises and to premises on or in which dangerous goods to which section 135A of the Act applies (regardless of whether or not the premises are a place of work or are used for work).

Note. Sections 86 and 87 of the Act apply to premises on or in which dangerous goods to which section 135A of the Act applies are stored or handled (regardless of whether or not the premises are a place of work or are used for work): see section 135A (3) (c) of the Act.

- (3) The obligations of the occupier under subclause (1) (b) and (c) do not apply in respect of members of the emergency services responding to the serious incident or other incident.

174ZP Investigation of serious incidents and other incidents

An occupier must ensure that:

- (a) any serious incident or other incident involving dangerous goods occurring at the premises is investigated and that the investigation, so far as possible, determines the cause or likely cause of the serious incident or other incident, and
- (b) a record of the investigation is:
- (i) made, and
 - (ii) kept for at least 5 years, and
 - (iii) readily available, on request, to WorkCover.

Maximum penalty: Level 4.

174ZQ Risk assessment and control following serious incidents and other incidents

An occupier of premises where a serious incident or other incident involving dangerous goods has occurred must:

- (a) review the risk assessment carried out in accordance with this Regulation, taking into account the results of the investigation into the serious incident or other incident, and
- (b) if the review identifies deficiencies in any risk control measures, alter those measures or implement new measures.

Maximum penalty: Level 4.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

174ZR WorkCover may request information

- (1) WorkCover may request any information from an occupier in relation to:
 - (a) the cause or effect of a serious incident or other incident that has occurred on the occupier's premises, and
 - (b) any action taken by the occupier as a result of the serious incident or other incident.
- (2) A request for information must:
 - (a) be in writing, and
 - (b) specify a reasonable period within which the occupier must respond.
- (3) The occupier must provide the requested information:
 - (a) in writing, and
 - (b) within the period specified by WorkCover.Maximum penalty: Level 4.
- (4) This clause does not apply to a serious incident or other incident at premises that are not a place of work.

Subdivision 9 Notification

174ZS Notification to WorkCover

- (1) An occupier of premises where dangerous goods are stored and handled in quantities that in total exceed or are likely to exceed the relevant quantities specified in the column headed "Manifest quantity" in the Table to Schedule 5 must ensure that WorkCover is notified of the presence of those dangerous goods.
- (2) A notification to WorkCover under subclause (1) must:
 - (a) be given within 14 days after the obligation to notify arises, and
 - (b) be accompanied by a fee in such amount as WorkCover may determine as the appropriate amount to cover expenses in connection with the processing and review of notifications required by this clause, and
 - (c) include the following information:
 - (i) the name of the occupier (and any other occupiers of the premises concerned),
 - (ii) the address of the premises where the dangerous goods are stored and handled,

-
- (iii) the occupier's contact details,
 - (iv) the nature of the principal activities involving the dangerous goods,
 - (v) the Class, Packing Group and the maximum quantity of the dangerous goods stored and handled in bulk or as packaged dangerous goods,
 - (vi) descriptions and details and the maximum quantity of any C1 combustible liquids stored and handled in bulk or as packaged dangerous goods,
 - (vii) the product name and the maximum quantity of goods too dangerous to be transported,
 - (viii) any other documents or information specifically requested by WorkCover.
- (3) The occupier must ensure that WorkCover is provided with further notification, containing the information required under subclause (2), every 12 months, or at such longer intervals as are specified by WorkCover.
- (4) On receiving a notification under this clause, WorkCover must send the occupier a written acknowledgment of the notification.
- (5) WorkCover may give any information contained in a notification to a relevant local government council and the emergency services.
- (6) This clause does not apply in relation to dangerous goods in transit.
Maximum penalty: Level 4.

Subdivision 10 Miscellaneous

174ZT Security at premises

An occupier must, so far as is reasonably practicable, prevent:

- (a) access to dangerous goods on the occupier's premises by unauthorised persons, and
- (b) unauthorised activities occurring on those premises.

Maximum penalty: Level 4.

174ZU Lighting

An occupier must ensure that lighting is provided that:

- (a) does not create excessive glare or reflection, and

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (b) is adequate to allow persons to move safely within the occupier's premises, and
- (c) facilitates safe access to and egress from the premises, including emergency exits.

Maximum penalty: Level 4.

Part 6A.4 Obligations of employers

174ZV Employer to retain records of induction and training

An employer must retain records in a suitable form of all induction or other training required by clause 13 to be provided to employees who are likely to store or handle dangerous goods at the employer's place of work for at least 5 years after the date of creation of the record.

Maximum penalty: Level 1.

174ZW Employer to keep register of dangerous goods

- (1) An employer must ensure that a register is kept and maintained for all dangerous goods stored or handled at the employer's place of work.
- (2) The employer must ensure that the register includes:
 - (a) a list of all dangerous goods used at the employer's place of work, and
 - (b) the relevant MSDS (if any) for each of those dangerous goods, and
 - (c) any notations required under clause 174ZX.
- (3) The employer must ensure that the register is readily accessible to all employees who may store or handle dangerous goods while at the employer's place of work.
- (4) This clause does not apply to the following dangerous goods:
 - (a) dangerous goods that are supplied to a retailer or retail warehouse operator in a consumer package holding less than 30 kg or 30 L of the dangerous goods, that is intended for retail sale and that is not intended to be opened on the premises of the retailer or operator,
 - (b) dangerous goods in transit.

- (5) The employer may keep and maintain a single register both for the purposes of this clause and for the purposes of clause 167 (Employer to keep register of hazardous substances).

Maximum penalty: Level 1.

- (6) This clause commences on 1 September 2006.

174ZX Employer to record risk assessments

- (1) An employer must record the results of a risk assessment relating to the storage or handling of dangerous goods by:

- (a) making a notation in the register of dangerous goods kept under clause 174ZW if no specific measures are necessary to control the risks associated with the dangerous goods, or
- (b) preparing a report on the risk assessment if specific measures are necessary to control the risks associated with the dangerous goods.

Maximum penalty: Level 3.

- (2) The employer must ensure that any risk assessment report prepared in relation to dangerous goods that are stored or handled at the employer's place of work is readily accessible to any employee or other person working at the employer's place of work who could store or handle the dangerous goods.

Maximum penalty: Level 1.

- (3) This clause commences on 1 September 2006.

Part 6A.5 Specific provisions applying to all dangerous goods to which section 135A of Act applies

174ZY Application

This Part applies to all dangerous goods to which section 135A of the Act applies (regardless of whether or not they are at a place of work).

174ZZ Self-service fuel dispensing units

- (1) A person who keeps dangerous goods, being vehicle fuel, for sale or supply by means of a self-service fuel dispensing unit must, in relation to the unit, comply (or cause compliance) with the provisions of this clause.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (2) Instructions for the operation of the unit, and a statement of the requirements of subclauses (8) and (9), must be clearly displayed on or immediately adjacent to it.
- (3) The unit and the area surrounding it must be adequately illuminated when the unit is in operation.
- (4) A person (an *operator*) must be appointed to control and supervise from a control point the safe operation of the unit when it is in operation for the sale of fuel.
- (5) Subclause (4) does not apply to a premises at which one or more coin or card operated self-service fuel dispensing units are located during such times (if any) as the premises are not staffed.
- (6) A person must not be appointed as an operator unless he or she:
 - (a) is a competent and reliable person of or over the age of 18 years, and
 - (b) is fully conversant with the manner of operation of the unit by the users and the system employed for the sale of fuel by means of the unit.
- (7) The person referred to in subclause (1) must take all practicable steps to ensure that the self-service fuel dispensing unit is not operated by a person under 16 years of age.
- (8) When a vehicle is standing near a self-service fuel dispensing unit, the driver of the vehicle must ensure that its engine:
 - (a) is stopped before the fuel tank is opened, and
 - (b) remains stopped while the fuel is being dispensed into the vehicle.
- (9) A person must not smoke, create a spark or introduce any other ignition source within 3 metres of a self-service fuel dispensing unit (including the nozzle of a hose that is part of such a unit). For the purposes of this subclause, the normal movement of a vehicle does not constitute the introduction of an ignition source.
Maximum penalty: Level 4.

174ZZA Fuel dispensing units generally

- (1) When a vehicle is standing near a fuel dispensing unit, the driver of the vehicle must ensure that its engine:
 - (a) is stopped before the fuel tank is opened, and
 - (b) remains stopped while the fuel is being dispensed into the vehicle.

- (2) A person must not smoke, create a spark or introduce any other ignition source within 3 metres of a fuel dispensing unit (including the nozzle of a hose that is part of such a unit). For the purposes of this subclause, the normal movement of a vehicle does not constitute the introduction of an ignition source.
- Maximum penalty: Level 4.

174ZZB Positioning of liquefied gas cylinders

A person must not keep, convey or use a cylinder containing dangerous goods of Class 2.1, being liquefied flammable gas, unless the cylinder is positioned so that the safety relief device communicates directly with the vapour space in the cylinder.

Maximum penalty: Level 4.

174ZZC Valves

- (1) A person who keeps a cylinder or other container containing dangerous goods of Class 2 must, unless it is connected by permanent piping to a consuming device, ensure that its valve is kept securely closed at all times except when the container is being filled or goods are being taken from it.
- (2) If piping or a pipeline is equipped with one or more excess flow valves, a person must not convey dangerous goods of Class 2 by means of the piping or pipeline unless each valve is set for the minimum diameter of that part of the piping or pipeline that the goods would enter through the valve without first passing through another such valve.
- Maximum penalty: Level 4.

174ZZD Filling of balloons and other containers

- (1) A person must not:
- (a) fill a balloon or other collapsible container with flammable, toxic or anaesthetic gas, or
 - (b) keep, convey, sell or use a balloon or other collapsible container that contains any such gas.
- (2) This clause does not prevent an activity carried out for the purposes of or in connection with scientific research or for any medical purpose.
- Maximum penalty: Level 4.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

174ZZE Decommissioning of LPG tanks

If an LPG tank has been used to contain dangerous goods and 2 years have elapsed since any dangerous goods were last put in or taken from the tank, the owner of the tank must:

- (a) remove any remaining dangerous goods from, and abandon, the tank in compliance with AS/NZS 1596—2002 *The storage and handling of LP Gas*, and
- (b) within 7 days of the abandonment, notify WorkCover in the approved form of the abandonment.

Maximum penalty: Level 4.

[21] Clause 228 Responsibility of principal contractor to keep register of hazardous substances

Insert after clause 228 (3) (but before the maximum penalty amount):

- (4) The principal contractor, if also required to keep and maintain a register of hazardous substances or dangerous goods under clause 167 or 174ZV, may keep and maintain a single register for the purposes of this clause and for the purposes of those clauses.

[22] Clause 341 Notification of incidents—additional incidents to be notified

Insert “(within the meaning of the ADG Code)” after “dangerous goods” wherever occurring in clause 341 (e) and (j) (ii).

[23] Clause 356 False or misleading information in applications

Insert “or 174ZR” after “clause 117” in clause 356 (2) (b).

[24] Schedule 2 Penalty notices

Insert in appropriate order under the heading **Offence under this Regulation:**

Clause 174K	600
Clause 174M	600
Clause 174O	1,000
Clause 174Q	200
Clause 174S	1,000
Clause 174U	1,000
Clause 174Z	1,000
Clause 174ZC	1,000
Clause 174ZF (3) (b)	600

Clause 174ZG	600
Clause 174ZN	200
Clause 174ZO	600
Clause 174ZP (a)	600
Clause 174ZP (b)	200
Clause 174ZR	600
Clause 174ZS	600
Clause 174ZT	600
Clause 174ZV	200
Clause 174ZW	200
Clause 174ZX	200
Schedule 3, clause 4—in relation to clause 261 (3) of the <i>Dangerous Goods (General) Regulation 1999</i>	550
Schedule 3, clause 4—in relation to clause 263 (1) of the <i>Dangerous Goods (General) Regulation 1999</i>	550
Schedule 3, clause 4—in relation to clause 264 (1) of the <i>Dangerous Goods (General) Regulation 1999</i>	550
Schedule 3, clause 4—in relation to clause 265 (a) of the <i>Dangerous Goods (General) Regulation 1999</i>	550
Schedule 3, clause 4—in relation to clause 265 (b) of the <i>Dangerous Goods (General) Regulation 1999</i>	550
Schedule 3, clause 4—in relation to clause 267 (1) of the <i>Dangerous Goods (General) Regulation 1999</i>	220
Schedule 3, clause 4—in relation to clause 268 (1) of the <i>Dangerous Goods (General) Regulation 1999</i>	220
Schedule 3, clause 4—in relation to clause 276 (3) of the <i>Dangerous Goods (General) Regulation 1999</i>	550
Schedule 3, clause 4—in relation to clause 278 (1) of the <i>Dangerous Goods (General) Regulation 1999</i>	550

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

Schedule 3, clause 4—in relation to clause 278 (2) of the *Dangerous Goods (General) Regulation 1999* 550

Schedule 3, clause 4—in relation to clause 293 (2) of the *Dangerous Goods (General) Regulation 1999* 550

Schedule 3, clause 4—in relation to clause 331 of the *Dangerous Goods (General) Regulation 1999* 550

[25] Schedule 3 Savings and transitional provisions

Insert at the end of the Schedule:

3 Saving of certain Dangerous Goods Regulation provisions relating to pipelines

- (1) Despite the repeal of the *Dangerous Goods Act 1975* and the *Dangerous Goods (General) Regulation 1999*, the following provisions (which relate to pipelines) continue to have effect:
 - (a) clauses 192, 193 and 198 of that Regulation,
 - (b) for the purpose of those clauses, the definition of *pipeline* in section 4 of that Act.
- (2) Contravention of a provision referred to in subclause (1) is an offence against this clause.
Maximum penalty: Level 4.
- (3) The provisions referred to in subclause (1) do not apply to:
 - (a) the transport of any dangerous goods by road or rail, or
 - (b) any associated activity or matter,to the extent to which the transport, activity or matter is regulated by the *Road and Rail Transport (Dangerous Goods) Act 1997* or any regulations under that Act.

4 Saving of Dangerous Goods Regulation relating to ports

- (1) Despite the repeal of the *Dangerous Goods Act 1975* and the *Dangerous Goods (General) Regulation 1999*, the provisions of Part 11 (Special requirements relating to ports) of that Regulation continue to have effect.
- (2) Contravention of a provision referred to in subclause (1) is an offence against this clause.
Maximum penalty: Level 4.

- (3) For the purposes of section 108 (9) (b) (Penalty notices for certain offences) of the Act, a member of staff of a Port Corporation (within the meaning of the *Ports Corporatisation and Waterways Management Act 1995*) to whom the Port Corporation issued written authorisation for the purposes of the *Dangerous Goods (General) Regulation 1999* is declared to be an authorised officer in relation to an offence against this clause:
- (a) that relates to the contravention of a provision of Part 11 of the *Dangerous Goods (General) Regulation 1999* that was prescribed by that Regulation as an offence for which a penalty notice may have been served, and
 - (b) that is committed in an area where a Port Corporation exercises port safety functions to which an operating licence held by it under that Act applies.

5 Other Dangerous Goods Regulation savings and transitional provisions

- (1) Despite the repeal of the *Dangerous Goods Act 1975* and the *Dangerous Goods (General) Regulation 1999*, clause 99 (Notices and labels to be exhibited at depots) of that Regulation continues to have effect until 1 September 2006.
- (2) A person who held a licence under the *Dangerous Goods Act 1975* immediately before the repeal of that Act is not required to comply with clause 174ZS (Notification to WorkCover) of this Regulation until whichever of the following dates is the earlier:
 - (a) the date of the day after the day on which that licence would have expired,
 - (b) the date of the day that is 12 months after the date of repeal of that Act.

[26] Schedule 4 Application of Regulation to mines

Insert after Part 9:

Part 9A Dangerous goods

10A Application of provisions about dangerous goods to mines

Chapter 6A applies to a mine.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

[27] Schedules 5–7

Insert after Schedule 4:

Schedule 5 Quantities of dangerous goods

(Clauses 174ZC, 174ZJ, 174ZN and 174ZS)

- 1 For the purposes of the Table below, the placarding quantity or manifest quantity is equal to the total of the quantities determined in accordance with items 2 and 3.
- 2 In relation to:
 - (a) packaged dangerous goods in a container that are:
 - (i) non-liquid dangerous goods (other than Class 2 dangerous goods)—the quantity is to be determined by the net mass in kilograms of the goods in the container, and
 - (ii) liquid dangerous goods (other than Class 2 dangerous goods)—the quantity is to be determined by the net capacity of the container, and
 - (iii) Class 2 dangerous goods—the quantity is to be determined by the water capacity of the container, and
 - (b) dangerous goods in bulk that are:
 - (i) non-liquid dangerous goods (other than Class 2 dangerous goods)—the quantity is to be determined by the mass in kilograms that the container is designed to hold, and
 - (ii) liquid dangerous goods (other than Class 2 dangerous goods)—the quantity is to be determined by the design capacity of the container in litres, and
 - (iii) Class 2 dangerous goods—the quantity is to be determined by the water capacity of the container, and
 - (iv) solid dangerous goods not in a container—the quantity is to be determined by the undivided mass in kilograms, and
 - (c) dangerous goods that are articles or things—the quantity is to be determined by the net quantity of that part of the article or thing that is in itself dangerous goods.

- 3** In the Table below, *kg or L* means, where this combination of letters immediately follows numbers, the combined total of:
- (a) the number of kilograms of non-liquid dangerous goods (other than Class 2 dangerous goods), and
 - (b) the number of litres of liquid dangerous goods (other than Class 2 dangerous goods), and
 - (c) the water capacity of containers of Class 2 dangerous goods,
- in accordance with item 2.
- 4** For the purposes of the Table below, *separately*, in relation to the storage or handling of dangerous goods separately from other dangerous goods, means the physical separation of the dangerous goods from other dangerous goods, by either distance or a physical barrier

Table

Group	Description of dangerous goods	Packing Group	Placarding quantity	Manifest quantity
1	Class 2			
	Class 2.1	Not Applicable	500 L	5,000 L
	Class 2.2 Subsidiary Risk 5.1	Not Applicable	2,000 L	10,000 L
	Other Class 2.2	Not Applicable	5,000 L	10,000 L
	Class 2.3	Not Applicable	50 L	500 L
	Aerosols	Not Applicable	5,000 L	10,000 L
	Cryogenic Fluids	Not Applicable	1,000 L	10,000 L
2	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

2005 No 531Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

Group	Description of dangerous goods	Packing Group	Placarding quantity	Manifest quantity
		Mixed Packing Groups in a single Class with the quantity of each Packing Group below the specified quantity 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 specified quantity for the Packing Group.	5,000 kg or L	10,000 kg or L
4	Mixed Classes of dangerous goods where none of the Classes, types or Packing Groups (if any) present exceeds the quantities specified for the relevant quantity in Item 1, 2 or 3 of this Table.	Not Applicable	5,000 kg or L—The quantity applies only if the placarding quantity for an individual Class that is present is 5,000 kg or L.	10,000 kg or L

Group	Description of dangerous goods	Packing Group	Placarding quantity	Manifest quantity
			2,000 kg or L—The quantity applies only if the placarding quantity for all of the Classes present is 2,000 kg or L or less.	
5	C1 combustible liquids stored and handled with fire risk dangerous goods where none of the Classes, types or Packing Groups (if any) present exceeds the relevant quantities in Item 1, 2 or 3 of this Table.	Not Applicable	1,000 kg or L	10,000 kg or L
6	Goods too dangerous to be transported that are not kept in a laboratory.	Not Applicable	Any quantity	Any quantity
7	C1 combustible liquids in bulk stored and handled separately from other dangerous goods.	Not Applicable	10,000 L	100,000 L

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

Group	Description of dangerous goods	Packing Group	Placarding quantity	Manifest quantity
	C1 combustible liquids stored and handled in packages separately from other dangerous goods.	Not Applicable	50,000 L	100,000 L
	C1 combustible liquids in bulk and in packages stored and handled separately from other dangerous goods provided the quantity in bulk is 10,000 L or less.	Not Applicable	50,000 L	100,000 L

Note. For the purposes of item 3 in the Table, where Class 9 dangerous goods do not have a Packing Group assigned to them, they are deemed to be assigned to Packing Group III.

Schedule 6 Placarding requirements

(Clauses 174ZJ and 174ZK)

1 Outer warning placard

- (1) The placard must have:
 - (a) the form shown in Figure 1, and
 - (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 subclause (2), *red* means the colour Signal Red in accordance with AS 2700S—1996 (R13), *Colour Standards for general purposes—Signal Red*.

Figure 1—Form and dimensions of an outer warning placard



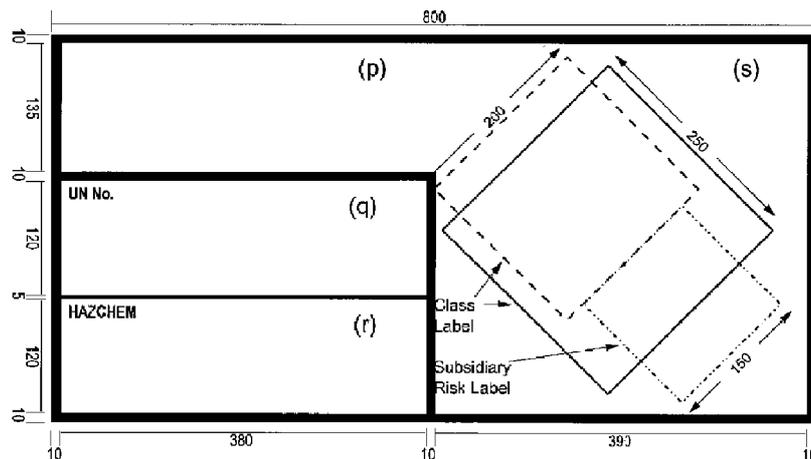
- 2 Placard for dangerous goods in bulk of Class 2.1, 2.2, 2.3, 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1, 8 or 9**
- (1) The placard must have:
 - (a) the form shown in Figure 2, and
 - (b) dimensions not less than those shown in Figure 2.
 - (2) The placard must contain the following information:
 - (a) in space (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 dangerous goods specified in the ADG Code,
 - (d) in space (s) in Figure 2, the Class label and Subsidiary Risk label, if any.
 - (3) For the purposes of subclause (2) (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 one Subsidiary Risk label, the width of the right hand portion of the placard may be extended.
- 3 Placard for dangerous goods in bulk that are goods too dangerous to be transported**
- (1) The placard must have:
 - (a) the form shown in Figure 2, and
 - (b) dimensions not less than those shown in Figure 2.
 - (2) The placard must contain the following information:
 - (a) in space (p) in Figure 2, the name for the goods specified in Appendix 5 of the ADG Code,
 - (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.

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

**Figure 2—Template for a placard for dangerous goods
(other than C1 combustible liquids) in bulk**



Notes.

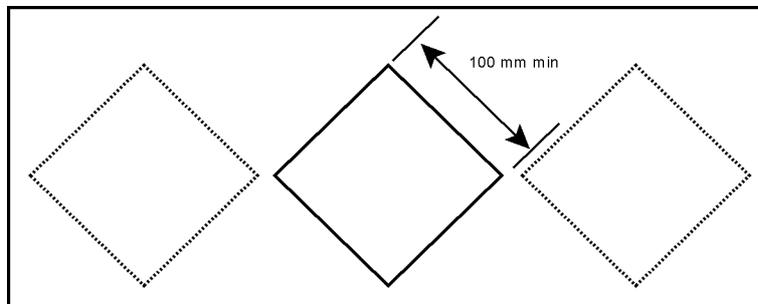
- 1 The numerals and letters used for showing the proper shipping name or name of the goods, UN Number and Hazchem Code must be:
 - (a) black on a white background, except where a letter of the Hazchem Code is white on a black background, and
 - (b) at least 100 mm high, except where the proper shipping name requires 2 lines to be used, in which case the lettering must be at least 50 mm high.
- 2 An Emergency Information Panel of a size and layout in accordance with the ADG Code for the dangerous goods that contains the information required by clause 2 or 3 may be used as a placard for a storage of dangerous goods in bulk instead of the placards referred to in clause 2 (1) or 3 (1).

4 Placard for packaged dangerous goods

- (1) The placard must have the form shown in Figure 3 and be of sufficient size to accommodate the labels to be displayed on it.
- (2) The placard must have a white or silver background.
- (3) The placard must display:
 - (a) for dangerous goods present in the storage location, other than goods too dangerous to be transported:
 - (i) the corresponding Class label for each Class of dangerous goods present in a quantity that exceeds the quantity specified in the column headed

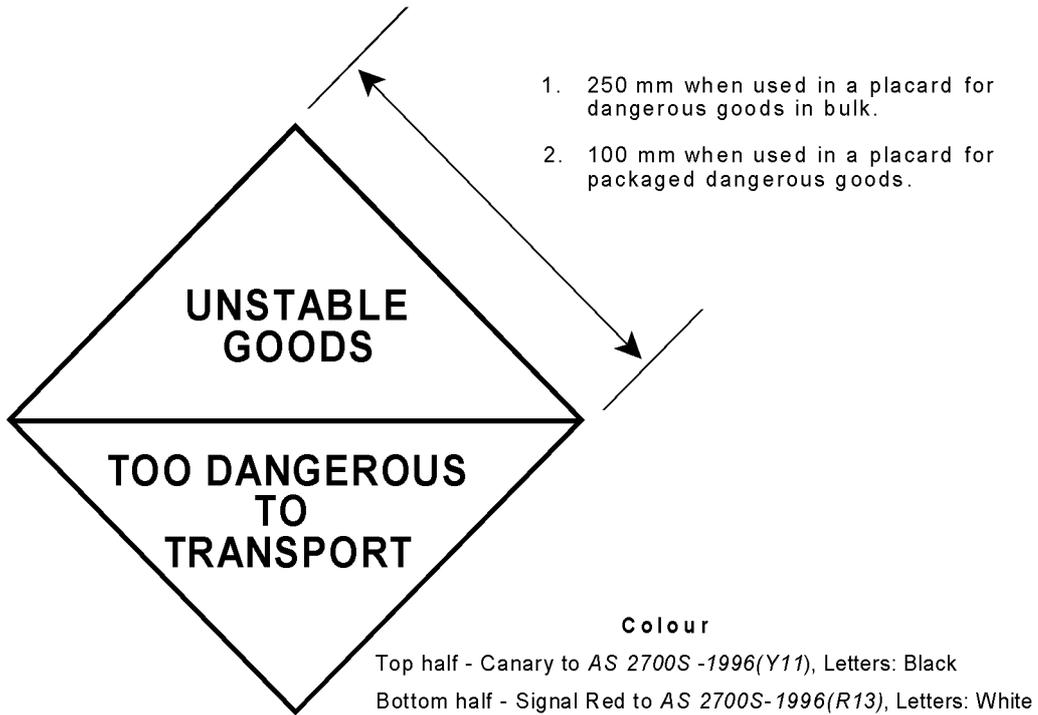
-
- “Placarding quantity” in the Table to Schedule 5,
and
- (ii) if the total quantity of mixed Classes of dangerous goods exceeds the mixed Classes quantity specified in Item 4 of the Table to Schedule 5:
 - (A) a Class label for each Class of dangerous goods present that exceeds 50% of the quantity specified for the Class in Item 1, 2 or 3 of the Table, or
 - (B) if no other Class label is required, a mixed Class label, and
 - (iii) for C1 combustible liquids and fire risk dangerous goods in an aggregate quantity exceeding 1,000 L—
a Class 3 Class label, and
- (b) for goods too dangerous to be transported present in the storage location, the label specified in Figure 4.

Figure 3—Form and dimensions of a placard for storages of packaged dangerous goods



Note. The Class label, mixed Class label and the label required by clause 4 (3) must have sides at least 100 mm long.

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



5 Placard for C1 combustible liquids (in bulk and in packages)

A placard for C1 combustible liquids in bulk and in packages must display the words “COMBUSTIBLE LIQUID” as shown in Figure 5 in black letters in the style shown, not less than 100 mm high and on a white or silver background.

Figure 5—Placard for C1 combustible liquids



Schedule 7 Information to be contained in a manifest

(Clause 174ZN)

1 General information

- (1) The name of the occupier of the premises.
- (2) The address of the premises.
- (3) The date when the manifest was prepared or last revised.

2 Emergency contacts

Contact information for at least 2 persons (or for one person if that person is available at all times) who may be contacted in the event of an emergency for information as to the nature and quantity of dangerous goods likely to be on the premises.

3 Summary information about Classes of dangerous goods

A summary list that specifies the maximum quantity of:

- (a) each Packing Group of each Class of dangerous goods that has Packing Groups, and
- (b) each Class of dangerous goods that does not have Packing Groups, and
- (c) C1 combustible liquids, and
- (d) each type of goods too dangerous to be transported, that the premises may store or handle.

4 Dangerous goods stored in bulk other than in IBCs

- (1) In relation to each container (other than an IBC) and each other form of storage of dangerous goods in bulk at the premises:
 - (a) the identification number or code, and
 - (b) the type and capacity.
- (2) In relation to dangerous goods that are:
 - (a) dangerous goods other than C1 combustible liquids or goods too dangerous to be transported—the proper shipping name, the UN Number and Class of the dangerous goods, and
 - (b) C1 combustible liquids—the product name and the statement “Combustible Liquid”, and

- (c) goods too dangerous to be transported—the name of the goods specified in Appendix 5 of the ADG Code and the statement “Goods too dangerous to be transported”.

5 Packaged dangerous goods

In relation to each storage location that contains packaged dangerous goods or dangerous goods in IBCs, and that is required to be placarded in accordance with Subdivision 6 of Division 3 of Part 6A.3:

- (a) the identification number or code for the storage location, and
- (b) for dangerous goods of Packing Group I or Class 2.3 that are likely to be kept in the storage location:
 - (i) the proper shipping name of the dangerous goods that are assigned to a Class, and
 - (ii) the Class, and
 - (iii) the maximum quantity of each of the dangerous goods that may be stored or handled in the storage location, and
- (c) for goods too dangerous to be transported that are likely to be kept in the storage location:
 - (i) the name of the dangerous goods specified in Appendix 5 of the ADG Code, and
 - (ii) the statement “Goods too dangerous to be transported”, and
 - (iii) the maximum quantity of each of the dangerous goods that may be stored or handled in the storage location, and
- (d) for other dangerous goods that are likely to be kept in the storage location:
 - (i) for dangerous goods with an assigned Class—the Class for the dangerous goods, and
 - (ii) for C1 combustible liquids—the statement “Combustible Liquid”, and
 - (iii) in any case, the maximum quantity of each Class and the maximum quantity of C1 combustible liquids that may be stored or handled in the storage location.

6 Dangerous goods in manufacture

In relation to each location where dangerous goods are manufactured:

- (a) the identification number or code of the manufacturing location, and
- (b) for dangerous goods with an assigned Class—the Class of each type of dangerous goods and the maximum quantity of each Class that can be handled in the location, and
- (c) for goods too dangerous to be transported—the statement “Goods too dangerous to be transported” and the maximum quantity of those goods that can be handled in the location, and
- (d) for C1 combustible liquids—the statement “C1 combustible liquid” and the maximum quantity of C1 combustible liquids that can be handled in the location.

7 Dangerous goods loaded onto vehicle, vessel or aircraft

If, in relation to any dangerous goods loaded onto a vehicle, vessel or aircraft at the premises, there are dangerous goods shipping documents that comply with the ADG Code available for the goods, the information required by clauses 3, 4 and 5 may be provided in the form of a compilation of those shipping documents.

8 Plan of premises

A plan of the premises that:

- (a) shows the location of:
 - (i) the containers and other forms of storage of dangerous goods in bulk referred to in clause 4, and
 - (ii) the storage locations for packaged dangerous goods and dangerous goods in IBCs referred to in clause 5, and
 - (iii) the locations where dangerous goods are manufactured referred to in clause 6, and
- (b) includes a description in words of the location of:
 - (i) the items referred to in paragraph (a), and
 - (ii) areas where dangerous goods loaded onto a vehicle, vessel or aircraft may be located, and
- (c) provides the identification number or code for the items referred to in paragraph (b), and

2005 No 531

Occupational Health and Safety Amendment (Dangerous Goods)
Regulation 2005

Schedule 1 Amendments

- (d) provides a legend for the identification numbers and codes referred to in paragraph (c), and
- (e) shows the location of:
 - (i) the main entrance and the other points of entry to the premises, and
 - (ii) essential site services, including fire services and isolation points for fuel and power, and
 - (iii) the manifest, and
 - (iv) all drains on the site, and
- (f) describes the nature of the occupancy of adjoining sites or premises.

BY AUTHORITY
