

Version No. 002
Dangerous Goods (Storage and Handling)
Regulations 2000

S.R. No. 127/2000

Version incorporating amendments as at 1 October 2005

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PART 1—PRELIMINARY

101. Objectives

The objectives of these Regulations are—

- (a) to revoke the Dangerous Goods (Storage and Handling) Regulations 1989; and
- (b) to provide for the safe storage and handling of dangerous goods.

102. Authorising provision

These Regulations are made under section 52 of the **Dangerous Goods Act 1985**.

103. Commencement

(1) These Regulations, other than—

- (a) Division 2 of Part 3;
- (b) Division 2 of Part 4;
- (c) Subdivision 1 of Division 5 of Part 4;
- (d) Subdivision 2 of Division 5 of Part 4;
- (e) Division 6 of Part 4;
- (f) Division 8 of Part 4;
- (g) Division 2 of Part 5—

come into operation on 8 December 2000.

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- (2) The following provisions of these Regulations come into operation on 1 July 2001—
- (a) Division 2 of Part 3;
 - (b) Subdivision 1 of Division 5 of Part 4;
 - (c) Subdivision 2 of Division 5 of Part 4;
 - (d) Division 6 of Part 4;
 - (e) Division 8 of Part 4;
 - (f) Division 2 of Part 5.
- (3) Division 2 of Part 4 of these Regulations comes into operation on 1 January 2002.

104. Revocation

The Dangerous Goods (Storage and Handling) Regulations 1989¹ are **revoked**.

105. Definitions

In these Regulations—

"1989 Regulations" means the Dangerous Goods (Storage and Handling) Regulations 1989 as in force immediately before 8 December 2000;

"Act" means the **Dangerous Goods Act 1985**;

"administrative controls" means controls that use systems of work to eliminate or reduce **risk** and that do not involve engineering controls or the use of personal protective equipment;

"AS 1940–1993" means Australian Standard AS 1940–1993, "The storage and handling of flammable and combustible liquids", published by Standards Australia, as amended from time to time;

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"AS 2430.1–1987" means Australian Standard AS 2430.1–1987, "Classification of hazardous areas, Part 1: Explosive gas atmospheres", published by Standards Australia, as amended from time to time;

"AS 2700S–1996 (R13)" means Australian Standard AS 2700S–1996 (R13), "Colour Standards for general purposes—Signal Red", published by Standards Australia, as amended from time to time;

"AS 2700S–1996 (Y11)" means Australian Standard AS 2700S–1996 (Y11), "Colour Standards for general purposes—Canary", published by Standards Australia, as amended from time to time;

"AS/NZS 2106" means the series of Australian and New Zealand Standards referred to in clause 1 of Schedule 1, published jointly by Standards Australia and Standards New Zealand, as amended from time to time;

"AS/NZS 2430" means the series of Australian and New Zealand Standards referred to in clause 2 of Schedule 1, published jointly by Standards Australia and Standards New Zealand, as amended from time to time;

"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 in an undivided quantity exceeding 400 kg, that are not in a container;

"C1 combustible liquid" means liquid dangerous goods that have—

- (a) a **flashpoint** that is higher than 61°C, but no higher than 150°C; and
- (b) a **firepoint** that is less than the boiling point;

"capacity" means the internal volume expressed in litres of a container at 15°C;

"Class", in relation to dangerous goods, has the same meaning as it has in regulation 2.3 of the **Commonwealth Regulations**;

"Class label" means a label of a type specified in the ADG Code for the **Class** of dangerous goods;

"combustible liquid" means any liquid dangerous goods whose **flashpoint** is higher than 61°C;

"Commonwealth Regulations" means the Road Transport Reform (Dangerous Goods) Regulations 1997 of the Commonwealth, as amended from time to time;

"compatible", in relation to 2 or more substances or items, means that they will not react together to cause a fire, explosion, harmful reaction or the evolution of flammable, corrosive or toxic vapours;

"control temperature" means the maximum temperature at which dangerous goods can be safely stored and handled as specified or determined by, or in accordance with, "Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria ST/SG/AC.10/11/Rev.3" and "Transport of Dangerous Goods, Model Regulations ST/SG/AC.10/1/Rev.11",

published by the United Nations, as amended from time to time;

"current MSDS" means the most recent **MSDS** that complies with regulation 306 or 307 and, if applicable, has been reviewed and revised in accordance with regulation 308;

"dangerous goods in transit" means dangerous goods that—

- (a) are supplied to **premises** in containers that are not opened at the **premises**; and
- (b) are not used at the **premises**; and
- (c) are kept at the **premises** for a period of not more than 5 consecutive days;

"emergency" means an event that exposes a person or property in the vicinity of the event to an immediate **risk** through—

- (a) an explosion, fire, harmful reaction or the evolution of flammable, corrosive or toxic vapours involving dangerous goods; or
- (b) the escape, spillage or leakage of any dangerous goods;

"emergency services authority", in relation to any **premises** where dangerous goods are stored and handled, means—

- (a) the Metropolitan Fire and Emergency Services Board; or
- (b) the Country Fire Authority—

whichever is appropriate to the location of the **premises**;

"employer" has the same meaning as it has in the **Occupational Health and Safety Act 1985**;

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"firepoint" has the same meaning as it has in **AS 1940–1993**;

"fire protection system" means the fire protection equipment and fire fighting equipment used to combat or mitigate any **emergency** occurring at the **premises**;

"fire risk dangerous goods" means dangerous goods of **Class 2.1, 3, 4.1, 4.2, 4.3, 5.1 or 5.2** or dangerous goods of **Subsidiary Risk 2.1, 3, 4.1, 4.2, 4.3, 5.1 or 5.2**;

"first supplier", in relation to dangerous goods, means a person who—

- (a) has not manufactured the dangerous goods in Victoria; and
- (b) is, or intends to be, the first person to supply the dangerous goods to another person;

"flashpoint" means the temperature at which a liquid first evolves vapour in a sufficient quantity to be ignited when tested in accordance with—

- (a) **AS/NZS 2106**; or
- (b) a technical standard that specifies a test that is equivalent to that specified in **AS/NZS 2106**;

"goods too dangerous to be transported" means goods of that description that are declared to be dangerous goods by an Order in Council made under section 9B of the **Act**;

"handling" includes—

- (a) conveying the dangerous goods within **premises**, including within **pipework**; and

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- (b) manufacturing, processing, using, treating, dispensing, packing, supplying, transferring, rendering harmless, disposing of or destroying the dangerous goods;

"hazard" means any thing, activity, occurrence or circumstance of any kind that has the potential to cause injury to persons or damage to property by—

- (a) an explosion, fire, harmful reaction or the evolution of flammable, corrosive or toxic vapours involving dangerous goods; or
- (b) the escape, spillage or leakage of any dangerous goods;

"hazardous area" means a hazardous area within the meaning of **AS 2430.1–1987** and **AS/NZS 2430**;

"hazardous substance" has the same meaning as it has in the Occupational Health and Safety (Hazardous Substances) Regulations 1999;

"health and safety representative" means a person who has been elected as a health and safety representative under section 30 of the **Occupational Health and Safety Act 1985** and who has not ceased to be a health and safety representative;

"IBC" (intermediate bulk container) 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** in a composite, fibreboard, flexible, wooden or rigid plastics or wooden container—1500 L; or

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- (ii) for solids of **Packing Group I** in a metal container—3000 L; or
 - (iii) for solids or liquids of **Packing Groups II and III**—3000 L; and
 - (b) is designed for mechanical handling; and
 - (c) is resistant to the stresses produced in usual **handling** and transport;

"ignition source" means a source of energy sufficient to ignite a flammable atmosphere and includes—

- (a) a naked flame, exposed incandescent material, an electrical welding arc, or a mechanical or static spark;
- (b) any electrical or mechanical equipment that is not specifically designed to be used in a **hazardous area**;

"incident" means—

- (a) an **emergency**; or
- (b) an unintended event that, but for the intervention of a risk control measure or human intervention, is likely to result in an **emergency**;

"isolation", in relation to the isolation 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;

"MSDS" means a Material Safety Data Sheet;

"package" means the complete product of the packing of dangerous goods for transport of the 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; or
 - (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;

"packaging" means the container in which dangerous goods are received or held for transport, and includes any thing that enables the container to receive or hold the goods or to be closed;

"Packing Group" has the same meaning as it has in regulation 2.5 of the **Commonwealth Regulations**;

"pipework" means—

- (a) a pipe or an assembly of pipes; and
- (b) associated pipe fittings, valves and pipe accessories—

used to convey dangerous goods;

"plant" includes any machinery, equipment, appliance, implement and tool, any component thereof and anything fitted connected or appurtenant thereto;

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"pool chlorine" means calcium hypochlorite, dichloroisocyanuric acid and its salts or trichloroisocyanuric acid;

"practicable" means practicable having regard to—

- (a) the severity of the **hazard** or **risk** in question; and
- (b) the state of knowledge about that **hazard** or **risk** and any ways of removing or mitigating that **hazard** or **risk**; and
- (c) the availability and suitability of ways to remove or mitigate that **hazard** or **risk**; and
- (d) the cost of removing or mitigating that **hazard** or **risk**;

"premises" has the same meaning as it has in the **Act**, but does not include a vehicle or boat;

"product name" means the brand name or trade name given to dangerous goods by the manufacturer or any supplier of the dangerous goods;

"proper shipping name" has the same meaning as it has in the ADG Code;

"receptacle" means a container, **plant**, **pipework** or any other thing that can contain dangerous goods;

"risk" means the likelihood of injury to a person or damage to property being caused by a **hazard**;

"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;

"Subsidiary Risk" has the same meaning as it has in regulation 2.4 of the **Commonwealth Regulations**;

"subsidiary risk label", in relation to dangerous goods, means a label of a type specified in the ADG Code for the **Subsidiary Risk** of the dangerous goods;

"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;

"underground tank" means a permanent **tank** that is wholly or partially located beneath the ground;

"UN Number", or **"UN"** followed by a number, in relation to dangerous goods, means the identification serial number shown in Appendix 1 and in Column 1 of Appendix 2 of the ADG Code in relation to those goods;

"workplace" means any place, whether or not in a building or structure, where persons work who are employed under a contract of employment or a contract of training or who are self-employed persons.

106. Application

These Regulations do not apply to—

- (a) dangerous goods that are explosives; or
- (ab) dangerous goods that are declared to be HCDG and which have no UN Number; or

Reg. 106(ab)
inserted by
S.R. No.
96/2005
reg. 802.

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- (b) dangerous goods that are used in the manufacture of explosives in accordance with Part 3 of the Dangerous Goods (Explosives) Regulations 2000; or
 - (c) dangerous goods that are batteries while they are in use; or
 - (d) dangerous goods in a fuel container that is fitted to a vehicle or boat; or
 - (e) dangerous goods in the form of an appliance or **plant** that forms part of a vehicle or boat and is necessary for its operation; or
 - (f) dangerous goods in the fuel container of a domestic or portable fuel burning appliance; or
 - (g) dangerous goods that are **combustible liquids** other than **C1 combustible liquids**; or
 - (h) dangerous goods in portable fire fighting equipment, portable safety equipment or portable medical equipment for use at the **premises**; or
 - (i) asbestos designated by **UN 2212** or **UN 2509**; or
 - (j) a **receptacle** in respect of which an occupier has complied with regulation 420; or
 - (k) the following dangerous goods at **premises** that are not a **workplace**—
 - (i) compressed gas of **Class 2.1**, **Class 2.2** or compressed oxygen if—
 - (A) each is in one or more containers in an aggregate capacity of not more than 50 L; and
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- (B) the dangerous goods as a whole form part of a welding set or are used or intended to be used with a portable flame torch;
- (ii) compressed oxygen or air that is used or intended to be used for medical purposes;
 - (iii) dangerous goods of **Class 3** in an aggregate quantity of not more than 250 L;
 - (iv) **pool chlorine** in an aggregate quantity of not more than 100 kg;
 - (v) sodium hypochlorite designated by **UN 1791** in an aggregate quantity of not more than 100 L;
 - (vi) **Class 9** dangerous goods in an aggregate quantity of not more than 100 kg;
 - (vii) dangerous goods of **Packing Group 1** in an aggregate quantity of not more than 5 kg;
 - (viii) **C1 combustible liquids** in an aggregate quantity of not more than 1000 L;
 - (ix) any dangerous goods other than those specified in sub-paragraphs (i) to (viii) (not including dangerous goods of **Class 2.3**) in an aggregate quantity of not more than 100 kg.
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107. Incorporation of references

- (1) If any provision of a document is incorporated, applied or referred to by these Regulations, the incorporation, application or reference does not—
 - (a) include any requirement for approval from the Authority in relation to the storage and **handling** of dangerous goods; or
 - (b) permit any departure from the requirements of the document incorporated, applied or referred to at the sole discretion of a person to whom those requirements apply.
 - (2) If a provision of any document incorporated, applied or referred to in these Regulations is inconsistent with any provision of these Regulations, the provision of these Regulations prevails.
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PART 2—PROVISIONS APPLYING GENERALLY

201. Duties on more than one person

If, under these Regulations, a duty is placed on more than one person or class of persons, the duty must be undertaken by each person or each person in that class only in relation to those matters in respect of which the person has management or control, whether or not any other person is also responsible for undertaking the duty.

202. Exemptions—general

- (1) The Authority may exempt a person, **premises**, thing or activity or a class of persons, **premises**, things or activities from any or all of the provisions of these Regulations.
- (2) The Authority must not grant an exemption in relation to a person or class of persons unless the Authority is satisfied that—
 - (a) the person or the class of persons is capable of achieving a level of health and safety of persons and safety of property that is at least equivalent to the level that would be achieved if these Regulations were complied with; or
 - (b) the provision which is the subject of the exemption is an administrative requirement under these Regulations that is—
 - (i) not directly associated with a risk control measure; and
 - (ii) inappropriate or unnecessary in the circumstances.

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- (3) The Authority must not grant an exemption in relation to any **premises**, thing or activity, or class of **premises**, things or activities unless the Authority is satisfied that a level of health and safety of persons and safety of property can be achieved that is at least equivalent to the level that would be achieved if these Regulations were complied with.
- (4) An exemption granted by the Authority under this regulation or under regulation 203—
- (a) must be in writing; and
 - (b) may be subject to any conditions specified by the Authority; and
 - (c) must specify—
 - (i) the person or class of persons to whom the exemption has been granted; and
 - (ii) the **premises** or class of **premises** for which the exemption has been granted; and
 - (iii) the thing or activity or the class of things or activities for which the exemption has been granted; and
 - (iv) the provision or provisions of these Regulations in relation to which the exemption has been granted; and
 - (v) the conditions (if any) to which the exemption is subject.
- (5) A person to whom an exemption is granted under this regulation or under regulation 203 must comply with each condition to which the exemption is subject.
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203. Exemptions—Major hazard facilities

The Authority may exempt a person from any or all of the provisions of these Regulations if—

- (a) the person operates a major hazard facility that is licensed under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000; and
- (b) the Authority is satisfied that the person is capable of achieving, in the operation of the facility, a level of health and safety of persons and safety of property that is at least equivalent to the level that would be achieved if these Regulations were complied with.

204. Determination of quantity of dangerous goods

- (1) If these Regulations require the determination of the quantity of dangerous goods, the quantity must be determined in accordance with this regulation.
- (2) In relation to **packaged dangerous goods** in a container that are—
 - (a) 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;
 - (b) liquid dangerous goods (other than **Class 2** dangerous goods)—the quantity is to be determined by the net **capacity** of the container;
 - (c) **Class 2** dangerous goods—the quantity is to be determined by the total **capacity** of the container.

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- (3) In relation to dangerous goods in **bulk** that are—
- (a) 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;
 - (b) liquid dangerous goods (other than **Class 2** dangerous goods)—the quantity is to be determined by the design capacity of the container in litres;
 - (c) **Class 2** dangerous goods—the quantity is to be determined by the total **capacity** of the container;
 - (d) solid dangerous goods not in a container—the quantity is to be determined by the undivided mass in kilograms.
- (4) In relation to 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.

205. Compliance with Occupational Health and Safety (Hazardous Substances) Regulations

- (1) If any provision in Division 3 or 4 of Part 4 requires an occupier to control **risk** associated with dangerous goods that are also **hazardous substances**, it is sufficient for the purposes of compliance with that provision for the occupier, if also an employer, to comply with the corresponding requirements of the Occupational Health and Safety (Hazardous Substances) Regulations 1999.

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(2) Sub-regulation (1)—

- (a) applies only to the extent that the provision in Division 3 or 4 of Part 4 requires the occupier to control **risk** arising from exposure to dangerous goods that are **hazardous substances**; and
 - (b) does not limit the occupier's duties under that provision to control the **risk** associated with—
 - (i) an explosion, fire, harmful reaction or the evolution of flammable, corrosive or toxic vapours involving dangerous goods; or
 - (ii) the escape, spillage or leakage of dangerous goods.
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PART 3—DUTIES OF MANUFACTURERS AND SUPPLIERS

Division 1—General Duties

301. Determination of dangerous goods

- (1) A manufacturer or **first supplier** of goods, who suspects or has reasonable grounds for suspecting that the goods are dangerous goods, must determine whether or not the goods are dangerous goods as soon as possible, or in any event—
 - (a) in the case of a manufacturer, before **handling** the goods or supplying them to any person;
 - (b) in the case of a **first supplier**, before supplying the goods to any person.
 - (2) In determining whether goods are dangerous goods, the manufacturer or **first supplier** must—
 - (a) if the manufacturer or **first supplier** suspects, or has reasonable grounds for suspecting, that the goods may be—
 - (i) dangerous goods of a particular **Class**, act in accordance with regulation 2.2 of the **Commonwealth Regulations**; or
 - (ii) **C1 combustible liquids**, act in accordance with **AS 1940**; or
 - (iii) **goods too dangerous to be transported**, have regard to the relevant Order in Council made under section 9B of the **Act**; and
 - (b) if applicable, ensure that the dangerous goods are assigned the appropriate **Class**, **Subsidiary Risk** and **Packing Group** in accordance with the **Commonwealth Regulations**.
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- (3) A manufacturer or **first supplier** has complied with sub-regulation (2)(b) if the dangerous goods are assigned a **Class, Subsidiary Risk** or a **Packing Group** in accordance with **corresponding legislation**.
 - (4) For the purposes of sub-regulation (3), "**corresponding legislation**" means the provisions of corresponding legislation of another Australian jurisdiction that provide for the classification, assignment of **Subsidiary Risk** and **Packing Group** and the marking of dangerous goods for the purposes of transport by road, rail, air or sea.
 - (5) The provisions of Part 4 do not limit or restrict any **handling** of dangerous goods directly associated with determining whether goods are dangerous goods under this regulation.

302. Packing and marking—manufacturer and first supplier

- (1) Subject to sub-regulations (2) and (3), a manufacturer or **first supplier** of dangerous goods, who assigns a **Class, Subsidiary Risk** and **Packing Group** to those dangerous goods, must ensure that the provisions of the **Commonwealth Regulations** in relation to the—
 - (a) condition of the dangerous goods; and
 - (b) **packages** and package marking for the dangerous goods—are complied with before supplying the dangerous goods to any person.
 - (2) A manufacturer or **first supplier** of **C1 combustible liquids** or **goods too dangerous to be transported** must, before supplying the dangerous goods to any person, ensure that the liquids or goods are packed in **packaging** that is—
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- (a) of a type and in a condition that—
 - (i) will retain the liquids or goods, and
 - (ii) will not react adversely with the liquids or goods which it holds; and
 - (b) clearly marked with the name of the liquids or goods.
 - (3) A manufacturer or **first supplier** of dangerous goods complies with sub-regulation (1) or (2) if the dangerous goods are packed and the **packages** are marked in accordance with **corresponding legislation**.
 - (4) In this regulation, "**corresponding legislation**" has the same meaning as it has in regulation 301(4).

303. Suppliers generally

A person must not supply dangerous goods if the person suspects, or has reasonable grounds for suspecting, that—

- (a) the condition of the dangerous goods does not comply with regulation 302; or
- (b) the **packages** and package marking for the dangerous goods does not comply with regulation 302; or
- (c) the container into which the dangerous goods are to be supplied is leaking or will leak.

304. Application of regulation 303(b) to retailers

- (1) Regulation 303(b) does not apply to a supplier who—
 - (a) is a retailer who supplies **packaged dangerous goods** by placing them in a container that is provided by the purchaser; and
 - (b) complies with sub-regulation (2).
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- (2) If a retailer supplies **packaged dangerous goods** into a container provided by the purchaser, the retailer must—
- (a) in the case of **Class 2** dangerous goods, ensure that the container meets the requirements of the **Commonwealth Regulations** that relate to **packages** for dangerous goods; and
 - (b) in the case of any other dangerous goods, take all reasonable steps to ensure that the container—
 - (i) is of a type and in a condition that will retain the dangerous goods and will not react adversely with the dangerous goods that it holds; and
 - (ii) has the name of the dangerous goods clearly marked on the container; and
 - (iii) is not ordinarily used to contain foodstuffs.

Division 2—Material Safety Data Sheets

305. Application to C1 combustible liquids

This Division does not apply to **C1 combustible liquids**.

306. Preparation of MSDS

- (1) A manufacturer or **first supplier** of dangerous goods must ensure that a **MSDS** is prepared for dangerous goods before the goods are first supplied for use.
- (2) The manufacturer or **first supplier** of dangerous goods must ensure that the **MSDS** is in English and contains—

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- (a) the date on which it was last reviewed or, if it has not been reviewed, the date of its preparation; and
 - (b) the name, address and telephone number of—
 - (i) the Australian manufacturer of the dangerous goods; or
 - (ii) the person who imported the dangerous goods into Australia; and
 - (c) an Australian telephone number from where information may be obtained in an **emergency**; and
 - (d) the **product name** of the dangerous goods; and
 - (e) if applicable, the **proper shipping name, UN Number, Class, Subsidiary Risk and Packing Group** of the dangerous goods; and
 - (f) in the case of **goods too dangerous to be transported**, the name of the goods as specified in Appendix 5 to the ADG Code; and
 - (g) the chemical and physical properties of the dangerous goods; and
 - (h) the name of the ingredients of the dangerous goods to the extent required by sub-regulation (3); and
 - (i) for each ingredient of the dangerous goods that is required to be identified with a chemical or generic name under paragraph (h), the proportion (or proportion ranges) of that ingredient in the dangerous goods; and
 - (j) any relevant health hazard information including first aid information; and
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- (k) information relating to the precautions to be followed in relation to the safe use of the dangerous goods.
- (3) For the purposes of sub-regulation (2)(h), the manufacturer or **first supplier** must disclose, in relation to the ingredients of the dangerous goods—
 - (a) the chemical name of each ingredient; or
 - (b) if the identity of an ingredient is commercially confidential, the generic name for the ingredient.
- (4) If—
 - (a) a manufacturer or **first supplier** considers that compliance with sub-regulation (3)(b) would not provide sufficient commercial protection; and
 - (b) the ingredient is not dangerous goods; and
 - (c) the ingredient does not have a known synergistic effect—

it is sufficient compliance with sub-regulation (3)(b) if the manufacturer or **first supplier** states on the **MSDS** in relation to that ingredient "other ingredients determined not to be dangerous goods".

307. MSDS under corresponding legislation

- (1) It is sufficient compliance with regulation 306 if a manufacturer or **first supplier** has prepared a **MSDS** for the dangerous goods in accordance with corresponding legislation.
- (2) In sub-regulation (1), "**corresponding legislation**" means provisions in other legislation in Victoria or legislation in another Australian jurisdiction that provide for the form and content of a **MSDS**.

308. Review and revision of MSDS

- (1) A manufacturer or **first supplier** of dangerous goods must ensure that the **MSDS** for the dangerous goods is reviewed—
 - (a) as often as is necessary to ensure that the **MSDS** contains accurate and current information; and
 - (b) in any case, every 5 years after the **MSDS** is first prepared or last reviewed, whichever is later.
- (2) A manufacturer or **first supplier** must ensure that a **MSDS** is revised if a review reveals that the **MSDS** contains any information that is not accurate or current.
- (3) Sub-regulation (1) does not apply if the manufacturer or **first supplier** has not supplied the dangerous goods to any person or any **premises** for a period of 5 years since the **MSDS** for those dangerous goods was prepared or last revised.

309. Supply of MSDS

- (1) A manufacturer or any supplier of dangerous goods must ensure that a copy of the **current MSDS** for the dangerous goods is provided—
 - (a) to any person to whom the dangerous goods are supplied on or before the first occasion that the dangerous goods are supplied for use to that person; and
 - (b) if the **MSDS** is revised, to any person to whom the dangerous goods are supplied for use on or before the first occasion that the dangerous goods are supplied to that person after that revision; and

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- (c) on request, to an occupier of any **premises** where those dangerous goods are stored and handled.
 - (2) Sub-regulation (1) does not apply to a supplier if the supplier is—
 - (a) a retailer or a retail warehouse operator and the dangerous goods are supplied in consumer **packages**; or
 - (b) a retailer supplying fuel to a vehicle; or
 - (c) a retailer to whom regulation 304(1) applies.

310. Information to registered medical practitioner

- (1) Despite anything in this Part, a manufacturer or **first supplier** of dangerous goods must disclose the chemical name of an ingredient of the dangerous goods to a registered medical practitioner if—
 - (a) the **MSDS** for the dangerous goods, or the marking on the container in which the dangerous goods are supplied, does not disclose the chemical name of the ingredient; and
 - (b) the medical practitioner requests the chemical name of the ingredient to assist with the management of his or her patient.
 - (2) The manufacturer or **first supplier** must immediately comply with a request from a registered medical practitioner for the chemical name of an ingredient of dangerous goods.
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PART 4—DUTIES OF OCCUPIER

Division 1—Consultation, information and training

401. Consultation with workers

An occupier of **premises** where dangerous goods are stored and handled, must consult with persons engaged by the occupier to work at the **premises** whose health or safety is likely to be affected by the dangerous goods and any **health and safety representative** of those persons, regarding—

- (a) induction, training, information provision, hazard identification, risk assessment and risk control; and
- (b) any proposed changes to structures, **plant**, processes or systems of work that are likely to increase the risk to those persons.

402. Induction, information, training and supervision

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that a person involved with the storage and **handling** of dangerous goods at the **premises** and any **health and safety representative** of that person, is provided with induction, information, training and supervision that is—
 - (a) in a language or manner appropriate to the person; and
 - (b) relevant to the tasks undertaken and the **risks** associated with those tasks.
 - (2) An occupier of **premises** where dangerous goods are stored and handled must ensure that the induction, information and training provided under sub-regulation (1) includes instruction in—
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- (a) the nature of the **hazards** and properties of the dangerous goods and the processes used for the identification, assessment and control of the **risks** relevant to the person's duties; and
 - (b) the purpose, use and maintenance of the measures for the control of those **risks**; and
 - (c) the systems of work and the conduct of persons at the **premises** in so far as the systems of work and conduct of persons may affect safe storage and **handling** of dangerous goods; and
 - (d) the operation of the emergency plan for the **premises** and any procedures and equipment that may be required for use in the event of an **emergency**; and
 - (e) the proper use and fitting of personal protective equipment.
- (3) A record of induction and training activities carried out in accordance with this regulation must be made and kept for a minimum of 5 years.

403. Copy of risk assessment for workers

An occupier of **premises** where dangerous goods are stored and handled must ensure that a copy of the current record of the risk assessment made in accordance with regulation 405 is readily available to persons engaged by the occupier to work at the **premises** who are likely to be exposed to a **risk** and to any **health and safety representative** of those persons.

Division 2—Hazard identification and risk assessment

404. Identification of hazards

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that any **hazard** associated with the storage and **handling** of dangerous goods at the **premises** is identified, having regard to the state of knowledge of the **hazard**.
- (2) Without affecting the generality of sub-regulation (1), the occupier, when identifying **hazards**, must have regard to—
 - (a) any information about the hazardous properties inherent to the dangerous goods, including a **MSDS** for the dangerous goods available to the occupier; and
 - (b) the chemical and physical properties of the dangerous goods, including physical state, viscosity, vapour pressure, chemical energy, particle size, solubility, electrical conductivity, reactivity, combustion products and concentration; and
 - (c) any manufacturing and transport processes at the **premises** involving the dangerous goods, including the temperatures and pressures to which the goods are subjected, physical processes such as separation, mixing, absorption and changes of state and processes involving chemical reaction; and
 - (d) the structures, **plant** (including the characteristics of the materials used in the **plant**), systems of work and activities that are used in the storage and **handling** of the dangerous goods at the **premises**; and

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- (e) the physical location and arrangement of areas, structures and **plant** used for the storage and **handling** of the dangerous goods at the **premises**; and
 - (f) the structures, **plant** (including the characteristics of the materials used in the **plant**), systems of work and activities that are not used to store or handle the dangerous goods at the **premises** but that could interact with the dangerous goods at the **premises**; and
 - (g) the chemical and physical reaction between dangerous goods and other substances and articles with which the dangerous goods may come into contact at the **premises**; and
 - (h) the type and characteristics of **incidents** associated with the dangerous goods, including **incidents** affecting the structures or **plant** used to store or handle the dangerous goods.

405. Risk assessment

- (1) If a **hazard** is identified under regulation 404, an occupier of **premises** where dangerous goods are stored and handled must ensure that an assessment is made of the **risks** associated with the **hazard**.
- (2) Without limiting the generality of sub-regulation (1), the occupier, in conducting an assessment of **risk**, must have regard to the matters specified in regulation 404(2) so far as they relate to the storage and **handling** of dangerous goods at the **premises**.

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- (3) The occupier must review the assessment—
- (a) if there is a significant change to any process or system of work in relation to the storage and handling of dangerous goods; and
 - (b) if there is evidence to indicate that the risk assessment no longer adequately assesses the **risk** associated with any **hazard**; and
 - (c) if required to do so under regulation 446 as a result of an **incident** occurring at the **premises**; and
 - (d) at intervals of not more than 5 years from the assessment or last review.
- (4) The occupier must—
- (a) make a record of the assessment and any review of the assessment; and
 - (b) keep a copy of that record while the assessment is current or being reviewed.

406. Generic risk assessment

- (1) For the purposes of regulation 405, if one or more dangerous goods at any **premises**—
- (a) have the same or similar properties or characteristics; and
 - (b) are stored and handled in the same or similar circumstances—
 - (i) in more than one area on the **premises**;
or
 - (ii) in more than one **premises** managed and controlled by the occupier—

the occupier may apply to each such area or **premises** a single generic assessment in relation to common **hazards** associated with the storage and **handling** of the dangerous goods.

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- (2) In applying a generic assessment, the occupier must ensure that it is appropriate to apply the assessment and that all **risks** associated with the storage and **handling** of the dangerous goods are taken into account.
 - (3) This regulation does not limit the generality of regulation 405.

Division 3—Risk control—general duty

407. General duty to control risk

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that any **risk** associated with the storage and **handling** of dangerous goods at the **premises**—
 - (a) is eliminated; or
 - (b) if it is not **practicable** to eliminate the **risk**, is reduced so far as is **practicable**.
- (2) When complying with sub-regulation (1), the occupier must consider eliminating or reducing **risk** associated with the storage and **handling** of dangerous goods by—
 - (a) substituting other goods, or other dangerous goods, that have a lower **risk** associated with their storage and **handling**; and
 - (b) reducing the quantity of dangerous goods handled.

408. Compliance with this Division

Until 1 January 2002, an occupier of **premises** where dangerous goods are stored and handled, who acts in accordance with the provisions of Parts 4 to 12 of the **1989 Regulations**, is deemed to have complied with the provisions of this Division.

409. Relationship with Divisions 4 and 5

The generality of the provisions of this Division is not limited by the provisions of Division 4 and Division 5 of this Part.

Division 4—Risk control—specific duties

Subdivision 1—Design

410. Design of new premises, plant, processes and systems of work

- (1) An occupier must not use new **premises** or use new **plant**, processes or systems of work in any **premises** for the storage and **handling** of dangerous goods, unless the occupier has first ensured that the new **premises** or the new **plant**, processes or systems of work have been designed to—
 - (a) eliminate the **risk** associated with the storage and **handling** of dangerous goods; and
 - (b) if it is not **practicable** to eliminate the **risk**, reduce the **risk** so far as is **practicable**.
- (2) For the purposes of complying with sub-regulation (1), the occupier must—
 - (a) have regard to the provisions of this Part; and
 - (b) ensure that—
 - (i) any **hazard** associated with the design of the **premises**, **plant**, processes or systems of work is identified having regard to the matters specified in regulation 404(2); and

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- (ii) any **risk** associated with the design of the **premises, plant**, processes or systems of work has been assessed having regard to the matters referred to in regulation 404(2); and
 - (iii) a record of the risk assessment is made and kept for so long as the assessment is current.
- (3) In this regulation, **premises, plant**, processes and systems of work are "**new**" if—
- (a) whether or not they are newly constructed, commissioned or established, they have not previously been used for the storage and **handling** of dangerous goods; and
 - (b) where they have been previously so used, they are to be altered in a way that ought reasonably be expected to create a new or different **risk** associated with that use.

Subdivision 2—Workers and visitors

411. Risk to workers

- (1) An occupier of **premises** where dangerous goods are stored and handled must not rely solely on **administrative controls** or personal protective equipment to eliminate or reduce **risk** to persons engaged by the occupier to work at the **premises**, unless it is not **practicable** to—
 - (a) eliminate the use of dangerous goods or the **risk** associated with the use of dangerous goods; or
 - (b) reduce the **risk** associated with the use of dangerous goods by—
 - (i) the substitution of other dangerous goods that have a lower **risk** associated with their storage and **handling**; or

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- (ii) the use of engineering controls; or
 - (iii) isolation of the dangerous goods from persons.
- (2) If an occupier of **premises** where dangerous goods are stored and handled uses personal protective equipment to eliminate or reduce **risk** to persons engaged by the occupier to work at the **premises**, the occupier must—
- (a) provide personal protective equipment that is suitable for use with the dangerous goods; and
 - (b) ensure that the personal protective equipment is maintained in a clean and serviceable condition.
- (3) A person must not wilfully damage or render ineffective any personal protective equipment provided under sub-regulation (2).

412. Visitors to premises

An occupier of **premises** where dangerous goods are stored and handled must ensure that a visitor to the **premises** is provided with information, safety instructions and supervision that are sufficient to ensure that any **risk** to the visitor or any other person on the **premises** that is associated with the storage and **handling** of dangerous goods is reduced so far as is **practicable**.

413. Security at premises

An occupier of **premises** where dangerous goods are stored and handled must, so far as is **practicable**, prevent access to the **premises** by unauthorised persons.

Subdivision 3—Stability and interaction of dangerous goods

414. Stability

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure, so far as is **practicable**, that the dangerous goods 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.
- (2) Without limiting the generality of sub-regulation (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 at, or below, a particular **control temperature** specified by the manufacturer, they are stored at or below that temperature.
- (3) Sub-regulation (2) does not apply in relation to dangerous goods that are about to be used in a manufacturing process.

415. Isolation

Without affecting the generality of regulations 407 and 410, an occupier of **premises** where dangerous goods are stored and handled must ensure that the **risk** to persons and property not located at the **premises** that arises from an **incident**—

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

416. Interaction with other substances

An occupier of **premises** where dangerous goods are stored and handled must ensure that the **risk** associated with the chemical and physical reaction between the dangerous goods and other substances or articles at the **premises**—

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

417. Interaction with other plant and processes

An occupier of **premises** where dangerous goods are stored and handled must, so far as is practicable, ensure that any structure, **plant** (including the materials used in the **plant**), system of work or activity that—

- (a) is not used to store or handle dangerous goods at the **premises**; and
- (b) is capable of interacting with the dangerous goods at the **premises**—

does not increase the **risk** associated with the storage and **handling** of dangerous goods.

Subdivision 4—Plant and structures

418. Structures and plant—condition and repair

- (1) An occupier of **premises** where dangerous goods are stored and handled must, subject to regulations 419 and 420, ensure that structures and **plant** used for the storage and **handling** of dangerous goods are manufactured, installed, commissioned,

operated, tested, maintained, repaired and decommissioned—

- (a) so as to eliminate the **risk** associated with the storage and **handling** of the dangerous goods; or
 - (b) if it is not **practicable** to eliminate the **risk**, so as to reduce the **risk** so far as is **practicable**.
- (2) If the maintenance or repair of any structure or **plant** referred to in sub-regulation (1) involves the use of welding, cutting or other processes that generate heat or introduce **ignition sources**, the occupier must ensure that the **risk** of a fire or explosion involving the dangerous goods—
- (a) is eliminated; or
 - (b) if it is not **practicable** to eliminate the **risk**, is reduced so far as is **practicable**.

419. Containers for bulk dangerous goods

- (1) Without limiting the generality of regulation 418, an occupier of **premises** where **bulk** dangerous goods are stored in a container must ensure that—
- (a) the container and its 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 its associated **pipework** are protected from corrosion; and
 - (d) the container is inspected at intervals that are sufficient to ensure the integrity and serviceability of the container; and

- (e) the results of an inspection under paragraph (d) are recorded and retained for as long as the container remains in service and on the **premises** managed and controlled by the occupier; and
- (f) in the event of the occupier ceasing to manage and control the **premises**, the recorded results of an inspection are delivered to the person who subsequently becomes the occupier.

(2) A person who—

- (a) becomes an occupier of **premises**; and
- (b) takes delivery of recorded inspection results under sub-regulation (1)(f)—

must retain the record in accordance with sub-regulation (1)(e).

420. Clearing of decommissioned receptacles

(1) Without limiting the generality of regulation 418, the occupier of **premises** where a **receptacle** that was used in connection with dangerous goods—

- (a) is no longer intended to be so used; or
- (b) is to be disposed of—

must ensure that the **receptacle** is cleared of dangerous goods in accordance with sub-regulation (2).

(2) For the purposes of sub-regulation (1), the occupier must ensure that—

- (a) the receptacle is—
 - (i) thoroughly cleaned so that there is no discernible trace of the dangerous goods; or

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- (ii) subjected to a process in which its contents are neutralised, cured or chemically deactivated; and
 - (b) the atmosphere within the **receptacle** is cleared—
 - (i) if the gas or vapour in the atmosphere is listed in the Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC:1003(1995)] declared by the National Occupational Health and Safety Commission, as amended from time to time, to ensure that the concentration (calculated as the time-weighted average over 8 hours) of the gas or vapour in the atmosphere is less than the listed concentration for the gas or vapour; or
 - (ii) if the gas or vapour in the atmosphere is dangerous goods of **Class 2.1**, **Class 3** or **Subsidiary Risk 3**, to ensure that the concentration of those goods in the atmosphere is less than 5 % of the lower explosive limit for the goods when sampled at ambient temperature; or
 - (iii) if the gas or vapour in the atmosphere is a gas or vapour to which both sub-paragraphs (i) and (ii) apply, to ensure that the requirements of sub-paragraphs (i) and (ii) are complied with.
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421. Protection from impact

An occupier of **premises** where dangerous goods are stored and handled must ensure that the dangerous goods and any structure or **plant** associated with the storage and **handling** of the dangerous goods is, so far as is **practicable**, protected against damage from impact with vehicles, mobile plant, ships or boats.

Subdivision 5—Spill control

422. Spill containment

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that, in each area at the **premises** where dangerous goods are stored or handled, provision is made for spill containment that will—
 - (a) eliminate the **risk** from any spill or leak of solid or liquid dangerous goods, or if it is not **practicable** to eliminate the **risk**, reduce it so far as is **practicable**; and
 - (b) so far as is practicable, contain within the **premises** the dangerous goods that have been spilled or leaked and any solid or liquid effluent arising from an incident.
 - (2) In the case of dangerous goods contained in a **tank**, the spill containment for that **tank** must not be shared with any other dangerous goods or other substances that are not **compatible** with the dangerous goods in the **tank**.
 - (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 **practicable**; and
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- (b) the dangerous goods and any resulting effluent are, as soon as reasonably possible, cleaned up and disposed of or otherwise made safe.

423. Transfer of dangerous goods

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that any **risk** associated with the transfer of dangerous goods—
 - (a) from area to area within the **premises**; or
 - (b) from or into a container on the **premises**—is eliminated, or if it is not **practicable** to eliminate the **risk**, is reduced so far as is **practicable**.
- (2) In controlling **risk** in accordance with sub-regulation (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 compatibility of **pipework** at the **premises**.
- (3) In relation to the transfer of dangerous goods into a container used for the storage of dangerous goods in **bulk**, the occupier must ensure, so far as is **practicable**, that engineering controls are used to control the **risk** associated with over-filling the container.

Subdivision 6—Dangerous atmospheres

424. Ignition sources in hazardous areas

An occupier of **premises** where dangerous goods are stored and handled must ensure that, so far as is **practicable**, **ignition sources** are not present in any **hazardous area** within the **premises**.

425. Ventilation and atmospheric emissions

An occupier of **premises** where dangerous goods are stored and handled must ensure that any **risk** associated with any atmospheric conditions that are flammable, explosive or asphyxiant—

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

Subdivision 7—Compliance with this Division

426. Compliance

Until 1 January 2002, an occupier of **premises** where dangerous goods are stored or handled, who acts in accordance with the provisions of Parts 4 to 12 of the **1989 Regulations**, is deemed to have complied with the provisions of this Division.

Division 5—Preparedness for incidents and emergencies

Subdivision 1—Manifests

427. Manifest to be maintained

- (1) **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 in Schedule 2 are

prescribed **premises** for the purposes of section 30 of the **Act**.

- (2) A manifest is in the prescribed form for the purposes of section 30 of the **Act** if it contains the information specified in Schedule 3.
- (3) An occupier of prescribed **premises** must ensure that the manifest is kept on the **premises** in a place where it is readily accessible to the **emergency services authority**.

428. Revision of manifest

An occupier of **premises** referred to in regulation 427 must ensure that the manifest is revised as soon as possible after a change in any of the information specified in Schedule 3.

Subdivision 2—Placards

429. Outer warning placards

If the quantities of dangerous goods stored and handled at **premises** exceed the relevant quantities specified in the column headed "Placarding Quantity" in the table in Schedule 2, the occupier of those **premises** must ensure that a "HAZCHEM" outer warning placard as specified in Schedule 4 is displayed—

- (a) in the case of a farm or a school, university or other educational institution, at the main road entrance to the **premises**; and
- (b) in the case of any other **premises**, at every entrance for road vehicles and every rail entrance.

430. Placarding requirements

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that—
 - (a) any container or other storage of dangerous goods in **bulk**; and
 - (b) any storage of **packaged dangerous goods** that exceeds the relevant quantity specified in the column headed "Placarding Quantity" in the table in Schedule 2—

is placarded in accordance with this regulation.
 - (2) Sub-regulation (1) does not apply to—
 - (a) dangerous goods in **bulk** in any container, including an **IBC**, that is intended for transport and marked in accordance with the ADG Code; or
 - (b) **C1 combustible liquids** in **bulk** in a quantity not exceeding 10 000 L that are isolated from other dangerous goods; or
 - (c) dangerous goods of **Class 2.1** or **3** or **C1 combustible liquids**, that are stored in an **underground tank** at a retail outlet where the goods are used to refuel vehicles.
 - (3) The dimensions, design, layout and content of a placard must be in accordance with Schedule 4.
 - (4) A placard must be kept clean, in good order and unobstructed.
 - (5) A placard required by sub-regulation (1) or by regulation 429 must be located—
 - (a) so that it is clearly legible by persons approaching the placard; and
 - (b) so that it is separate from any other sign or writing which contradicts, qualifies or distracts attention from the placard;
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- (6) A placard required by sub-regulation (1)(a) must be located on or adjacent to each container or storage.
 - (7) A placard required by sub-regulation (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 area where the dangerous goods are stored.
 - (8) If the dangerous goods to which placards apply are removed from the **premises**, the occupier must remove the placards.

431. Different location permitted

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

432. Revision

The occupier must ensure that all placards required by this subdivision are revised as soon as possible after any change to the type or quantity of dangerous goods stored at the **premises** that requires different information to be displayed.

433. Placards in place on commencement date

- (1) A placard that is in place on 1 July 2001 and that is in accordance with the **1989 Regulations** is deemed to be in compliance with this subdivision.
- (2) Sub-regulation (1) does not apply if the placard is illegible or is replaced after 1 July 2001.

Subdivision 3—Equipment and planning

434. Equipment for clean-up

An occupier of **premises** where dangerous goods are stored and handled must ensure that equipment and materials appropriate for persons to use for the containment and clean-up of reasonably foreseeable escapes, spills or leaks of dangerous goods are—

- (a) kept on the **premises**; and
- (b) accessible at all times to persons on the **premises**.

435. Fire protection—general

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that—
 - (a) the **premises** are provided with a **fire protection system** that—
 - (i) is designed and constructed for the types and quantities of dangerous goods and the conditions under which they are stored and handled; and
 - (ii) uses fire fighting media that are **compatible** with the dangerous goods and are effective in the control of **incidents** involving the types and quantities of dangerous goods; and

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- (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 **emergency services authority**; and
 - (iii) is capable of being used, without adaptation or modification, with the equipment used by the **emergency services authority**.
- (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 possible.
- (3) If the implications of the system becoming unserviceable or inoperative, as assessed by the occupier under sub-regulation (2)(a), include a significant reduction in the effectiveness of the **fire protection system**, the occupier must notify the **emergency services authority** of the condition of the **fire protection system**.
- (4) In determining the alternative measures required under sub-regulation (2)(b) the occupier must have regard to the need for—
- (a) the provision of alternative fire protection measures; and
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- (b) a reduction of the quantities of dangerous goods; and
- (c) stopping or limiting the processes used for the storage and **handling** of dangerous goods; and
- (d) modifications to systems of work.

436. Fire protection—premises exceeding relevant Fire Protection Quantity

(1) If an occupier of **premises** where dangerous goods are stored and handled in quantities that exceed the relevant quantities specified in the column headed "Fire Protection Quantity" in the table in Schedule 2 intends to establish a **fire protection system** for the **premises**, the occupier must—

- (a) request the written advice of the **emergency services authority**, in relation to the design of the **fire protection system** for the **premises**; and
- (b) in establishing the **fire protection system** for the **premises**, have regard to that written advice.

(2) If—

- (a) an occupier to whom sub-regulation (1) applies has implemented recommendations for fire protection made under regulation 313 of the **1989 Regulations**; and
- (b) those recommendations are still applicable to the types and quantities of dangerous goods stored and handled on the **premises** and to the conditions under which they are stored and handled—

the occupier is deemed to have complied with sub-regulation (1).

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- (3) Until 1 July 2001, sub-regulation (1) does not apply to an occupier who was not required to obtain and implement recommendations for fire protection by regulation 313 of the **1989 Regulations**.
- (4) An occupier of **premises** to which sub-regulation (1) applies must request the written advice of the **emergency services authority** in relation to the design of the **fire protection system** for the **premises** and have regard to that written advice, before—
- (a) making modifications to—
 - (i) any building or structure on the **premises**; or
 - (ii) the types or quantities of dangerous goods stored or handled on the **premises**; or
 - (iii) the **plant** or processes, including the introduction of new **plant** or processes, associated with the storage or **handling** of dangerous goods—

that require a review of the risk assessment for the **premises** under regulation 405(3); or
 - (b) altering the **fire protection system** on the **premises**.

437. Planning for emergencies

- (1) This regulation 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 in Schedule 2.
- (2) An occupier of **premises** to which this regulation applies must ensure that a written plan for dealing with any **emergency** associated with the storage

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and **handling** of dangerous goods on those **premises** 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 management and control of adjacent **premises**, if persons or property on the adjacent **premises** may be exposed to **risk** as a result of an **emergency**.
- (3) In developing or reviewing the emergency plan, the occupier must—
- (a) request the written advice of the **emergency services authority**; and
 - (b) have regard to that written advice.
- (4) The occupier must ensure that the emergency plan required under this regulation reduces the **risk**, so far as is **practicable**, associated with an **emergency**.
- (5) Without limiting the generality of this regulation, the occupier must ensure that the plan clearly describes the location of the manifest maintained under Subdivision 1 of this Division.
- (6) The occupier must review the emergency plan—
- (a) if there is a change in circumstances at the **premises** and the plan no longer complies with sub-regulation (4); and
 - (b) at intervals of not more than 5 years from the date on which the plan was developed or last reviewed.

Division 6—Material Safety Data Sheets

438. Currency and accessibility

- (1) An occupier of **premises** where dangerous goods are stored and handled must—
 - (a) obtain the **current MSDS** for those dangerous goods on or before the first occasion that they are supplied to the **premises**; and
 - (b) ensure that the **current MSDS** is available for all dangerous goods stored and handled at the **premises** and is readily accessible to persons engaged by the occupier to work at the **premises**, to the **emergency services authority** and to any other person on the **premises**; and
 - (c) ensure that the information in the **MSDS** is only altered where permitted or required by these Regulations.
 - (2) Paragraphs (a) and (b) of sub-regulation (1) do not apply in relation to dangerous goods that are—
 - (a) **dangerous goods in transit**; or
 - (b) stored and handled at a retail outlet in consumer **packages** that are intended for retail sale and that remain sealed and unopened until sold.
 - (3) If sub-regulation (2) applies, and the occupier does not possess a **current MSDS** for dangerous goods on the **premises**, the occupier must ensure that alternative information in relation to the safe storage and **handling** of the dangerous goods is readily accessible to persons engaged by the occupier to work at the **premises**.
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- (4) If an occupier makes available, in addition to the **MSDS**, information in relation to the safe storage and **handling** of the dangerous goods to which the **MSDS** relates, the occupier must ensure that the additional information is—
- (a) consistent with the information contained in the **MSDS**; and
 - (b) clearly identified as being provided by the occupier.

Division 7—Marking

439. Packages received

- (1) If an occupier of **premises** receives a **package** of dangerous goods that is marked in accordance with regulation 302, the occupier must ensure, during the period the dangerous goods remain in the **package**, that—
- (a) the **package** remains so marked; and
 - (b) the marking remains legible and is not removed, defaced or altered.
- (2) If—
- (a) the dangerous goods are removed from the **package**; and
 - (b) the **package** remains marked as it was when it was received—

the container forming part of the **package** must not be used to contain dangerous goods other than dangerous goods of the type that was in the **package** when it was first received.

440. Transfer

- (1) If dangerous goods are transferred into a portable container for use at the **premises**, the occupier must ensure that—
 - (a) the container into which the dangerous goods are transferred is clearly labelled with the **Class label, Subsidiary Risk label and product name** of the dangerous goods; or
 - (b) if it is not possible to label the container with the **Class label, Subsidiary Risk label and product name** of the dangerous goods, another means of clearly identifying the dangerous goods is used.
- (2) Sub-regulation (1) does not apply if the dangerous goods transferred are to be used immediately and the portable container is cleared in accordance with regulation 420.

441. Pipework

An occupier of **premises** where dangerous goods are stored and handled must ensure that any **pipework** containing dangerous goods is marked so as to ensure, so far as is **practicable**, that the dangerous goods are clearly identified to persons engaged by the occupier to work at the **premises**.

Division 8—Register

442. Register of dangerous goods

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that—
 - (a) a register is kept and maintained for the dangerous goods stored and handled; and

- (b) the register contains a list of all dangerous goods stored and handled at the **premises** and, if required, a **MSDS** for each of the dangerous goods; and
 - (c) the register is readily accessible to any person engaged by the occupier to work at the **premises** and any other person who is likely to be affected by the dangerous goods on the **premises**.
- (2) Sub-regulation (1) does not apply to dangerous goods received in **packages** of such a size that they do not have to be marked under the ADG Code.
- (3) Sub-regulation (1) does not apply to **dangerous goods in transit**.

Division 9—Incidents

443. Prescription of persons and dangerous goods under section 32 of the Act

- (1) The occupier of **premises** where dangerous goods are stored and handled is a prescribed person for the purposes of section 32(1) of the **Act**.
- (2) Dangerous goods of **Class 2.2**, other than those listed in Schedule 5, are prescribed dangerous goods for the purposes of section 32(2)(a) of the **Act**.
- (3) A quantity of **packaged dangerous goods** (other than **Class 2.3** or **Packaging Group I**) less than 250 kg or 250 L, that is involved in a fire, explosion, spillage, leakage or escape that does not result in injury to any person or damage to any property, is a prescribed quantity of dangerous goods for the purposes of section 32(2)(b) of the **Act**.

444. Response to emergencies

- (1) An occupier of **premises** where dangerous goods are stored and handled must respond to an **emergency** at the **premises** by ensuring that—
 - (a) immediate action is taken to assess and control any **risk** associated with the **emergency**, including making any **plant** or equipment associated with the **emergency** and the surrounding area safe so far as is **practicable**; and
 - (b) only persons essential to carrying out the action referred to in paragraph (a) remain in the vicinity of the **emergency**; 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 **practicable**.
- (2) The duties of the occupier under sub-regulations (1)(b) and (1)(c) do not extend to members of the **emergency services authority** responding to the **emergency**.

445. Investigation of incidents

- (1) An occupier of **premises** where dangerous goods are stored and handled must ensure that—
 - (a) any **incident** occurring at the **premises** is investigated and that the investigation, so far as possible, determines the cause or likely cause of the **incident**; and
 - (b) a record of the investigation of the **incident** is—
 - (i) made; and
 - (ii) kept for at least 5 years; and
 - (iii) readily available, on request, to the Authority.

446. Risk assessment and control following incidents

The occupier of **premises** where an **incident** has occurred must—

- (a) review the risk assessment carried out in accordance with regulation 405, taking into account the results of the investigation into the **incident**; and
- (b) if the review identifies deficiencies in any risk control measures, alter those measures or implement new measures in accordance with this Part.

447. Authority may request information

- (1) The Authority may request any information from an occupier of **premises** where dangerous goods are stored and handled in relation to—
 - (a) the cause or effect of an **incident** that has occurred on the **premises**; and
 - (b) any action taken by the occupier as a result of the **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 the Authority.
 - (4) This regulation does not apply to an **incident** at **premises** that are not a **workplace**.
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PART 5—LICENSING AND NOTIFICATION

Division 1—Licences

501. Major hazard facilities to be licensed

- (1) An occupier of **premises** where dangerous goods are stored and handled is required to hold a licence in relation to the **premises** if, immediately before 8 December 2000—
 - (a) those **premises** were a registered major hazard facility; and
 - (b) the occupier held a licence in respect of those premises under the **1989 Regulations**.
- (2) An application for a licence required by this regulation must—
 - (a) contain the information specified in Schedule 6; and
 - (b) be accompanied by the fee determined in accordance with Schedule 7.
- (3) A licence required by this regulation is valid only for—
 - (a) the person to whom it is issued; and
 - (b) the particular **premises** specified in the licence; and
 - (c) the particular types and maximum quantities of dangerous goods specified in the licence; and
 - (d) the period specified in the licence, being not more than 5 years.

(4) In this regulation—

"registered major hazard facility" means a major hazard facility that is registered under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000;

"major hazard facility" has the same meaning as it has in the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000.

502. Extension of licences held under the 1989 Regulations

- (1) If an occupier to whom regulation 501 applies holds a licence as required by regulation 205 of the **1989 Regulations**, that licence—
 - (a) continues to have effect as if the **1989 Regulations** had not been revoked; and
 - (b) satisfies the requirement in regulation 501 to hold a licence.
- (2) Without limiting sub-regulation (1), a licence extended by that sub-regulation has effect—
 - (a) for the person to whom it was issued; and
 - (b) for the **premises** specified in the licence; and
 - (c) for the types and maximum quantities of dangerous goods specified in the licence; and
 - (d) for the period specified in the licence, being not more than 5 years; and
 - (e) subject to the conditions, limitations and restrictions, if any, inserted in the licence by the Authority, including any condition, limitation or restriction that contains a reference to a provision of the **1989 Regulations**.

503. Renewal of licence

An application for the renewal of a licence must—

- (a) contain the information specified in Schedule 6; and
- (b) be accompanied by the relevant fee determined in accordance with Schedule 7.

504. Licensees' obligations for change management

- (1) Without limiting regulation 410 and subject to sub-regulations (3) and (4), a licensee must submit to the Authority a written description of the procedures proposed to be adopted by the licensee in order to comply with regulation 410.
- (2) A licensee must implement the procedures submitted to the Authority under sub-regulation (1).
- (3) Until 1 July 2001, unless a licensee has complied with sub-regulation (1), a licensee to whom regulation 208 of the **1989 Regulations** applies may, by virtue of regulation 502, obtain an approval from the Authority in accordance with regulation 208 of the **1989 Regulations**.
- (4) The Authority may grant an approval under regulation 208 of the **1989 Regulations**.
- (5) For the purposes of sub-regulations (3) and (4), regulation 208(4) of the **1989 Regulations** applies as if an application for approval—
 - (a) must include the information specified in Schedule 6 to these Regulations that is relevant to the application; and
 - (b) is not required to include a fee.

505. Other obligations of licensees

- (1) A licensee must ensure that a copy of the licence is kept at the **premises** and is made available on request to an inspector or a person engaged by the occupier to work at the **premises**.
- (2) A licensee is exempt from the operation of section 27(1) of the **Act**.

Division 2—Notification

506. Notification to Authority

- (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 in Schedule 2, must ensure that the Authority is notified of the presence of those dangerous goods.
- (2) A notification to the Authority under sub-regulation (1) must—
 - (a) be given within 14 days after the obligation to notify arises; and
 - (b) include the following information—
 - (i) the name of the occupier; and
 - (ii) the address of the **premises** where the dangerous goods are stored and handled; and
 - (iii) the occupier's contact details; and
 - (iv) the nature of the principal activities involving the dangerous goods; and
 - (v) the **Class** and the maximum quantity of the dangerous goods stored and handled in **bulk** or as **packaged dangerous goods**; and

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- (vi) descriptions and details and the maximum quantity of any **C1 combustible liquids** stored and handled in **bulk** or as **packaged dangerous goods**; and
 - (vii) the product name and the maximum quantity of **goods too dangerous to be transported**.
- (3) The occupier must ensure that the Authority is provided with further notification, containing the information required under sub-regulation (2), every 2 years, or at such longer intervals as are specified by the Authority.

507. Authority to acknowledge notification

On receiving a notification under regulation 506, the Authority must send the occupier a written acknowledgment of the notification.

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SCHEDULES

SCHEDULE 1

Regulation 105

SERIES OF STANDARDS

1. The series is as follows—

AS/NZS 2106.0:1999	Methods for the determination of the flash point of flammable liquids (closed cup), Part 0: General
AS/NZS 2106.1:1999	Methods for the determination of the flash point of flammable liquids (closed cup), Part 1: Abel closed cup method
AS/NZS 2106.2:1999	Methods for the determination of the flash point of flammable liquids (closed cup), Part 2: Pensky-Martens closed cup method
AS/NZS 2106.3:1999	Methods for the determination of the flash point of flammable liquids (closed cup), Part 3: Flash/no flash test—Rapid equilibrium method
AS/NZS 2106.4:1999	Methods for the determination of the flash point of flammable liquids (closed cup), Part 4: Determination of flash point—Rapid equilibrium method
AS/NZS 2106.5:1999	Methods for the determination of the flash point of flammable liquids (closed cup), Part 5: Flash/no flash test—Closed cup equilibrium method
AS/NZS 2106.6:1999	Methods for the determination of the flash point of flammable liquids (closed cup), Part 6: Determination of flash point—Closed cup equilibrium method

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2. The series is as follows—

AS/NZS 2430.3.1:1997	Classification of hazardous areas, Part 3.1: Examples of area classification—General
AS/NZS 2430.3.2:1997	Classification of hazardous areas, Part 3.2: Examples of area classification—Vehicle workshops, vehicle parking, fuel dispensing stations and aircraft hangars
AS/NZS 2430.3.3:1997	Classification of hazardous areas, Part 3.3: Examples of area classification—Flammable liquids
AS/NZS 2430.3.4:1997	Classification of hazardous areas, Part 3.4: Examples of area classification—Flammable gases
AS/NZS 2430.3.5:1997	Classification of hazardous areas, Part 3.5: Examples of area classification—Refineries and major processing plants
AS/NZS 2430.3.6:1997	Classification of hazardous areas, Part 3.6: Examples of area classification— Laboratories, including fume cupboards and flammable medical agents
AS/NZS 2430.3.7:1997	Classification of hazardous areas, Part 3.7: Examples of area classification—Landfill gas, sewage treatment and sewage pumping plants
AS/NZS 2430.3.8:1997	Classification of hazardous areas, Part 3.8: Examples of area classification—Surface coatings and adhesives
AS/NZS 2430.3.9:1997	Classification of hazardous areas, Part 3.9: Examples of area classification— Miscellaneous

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SCHEDULE 2

Regulations 427(1), 429, 430(1),
436(1) and 437(1)

QUANTITIES OF DANGEROUS GOODS

1. For the purposes of the table below, the Placarding Quantity, Manifest Quantity or Fire Protection Quantity is equal to the total of the quantities determined in accordance with regulation 204.
2. 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; and
 - (b) the number of litres of liquid dangerous goods; and
 - (c) the **capacity** of containers of **Class 2** dangerous goods—

determined in accordance with regulation 204.

<i>Item</i>	<i>Description of Dangerous Goods</i>	<i>Packing Group</i>	<i>Placarding Quantity</i>	<i>Manifest Quantity</i>	<i>Fire Protection Quantity</i>
1.	Class 2				
	Class 2.1	N/A	500 L	5000 L	5000 L
	Class 2.2 Subsidiary Risk 5.1	N/A	2000 L	10 000 L	20 000 L
	Other Class 2.2	N/A	5000 L	10 000 L	20 000 L
	Class 2.3	N/A	50 L	500 L	2000 L
	Aerosols	N/A	5000 L	10 000 L	20 000 L
	Cryogenic Fluids	N/A	1000 L	10 000 L	20 000 L

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<i>Item</i>	<i>Description of Dangerous Goods</i>	<i>Packing Group</i>	<i>Placarding Quantity</i>	<i>Manifest Quantity</i>	<i>Fire Protection Quantity</i>
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	2000 kg or L
		II	250 kg or L	2500 kg or L	10 000 kg or L
		III	1000 kg or L	10 000 kg or L	20 000 kg or L
		Mixed Packing Groups in a single Class with the quantity of each Packing Group below the specified quantity for the Packing Group .	1000 kg or L	10 000 kg or L	20 000 kg or L
3.	Class 9	II	1000 kg or L	10 000 kg or L	20 000 kg or L
		III	5000 kg or L	10 000 kg or L	20 000 kg or L
		Mixed Packing Groups in Class 9 with the quantity of each Packing Group below the specified quantity for the Packing Group .	5000 kg or L	10 000 kg or L	20 000 kg or L

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<i>Item</i>	<i>Description of Dangerous Goods</i>	<i>Packing Group</i>	<i>Placarding Quantity</i>	<i>Manifest Quantity</i>	<i>Fire Protection Quantity</i>
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 Items 1, 2 and 3 of this Table.	N/A	5000 kg or L— The quantity only applies where the Placarding Quantity for an individual Class that is present is 5000 kg or L.	10 000 kg or L	20 000 kg or L
			2000 kg or L— The quantity only applies where the Placarding Quantity for all of the Classes present is 2000 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 Items 1, 2 or 3 of this Table.	N/A	1000 kg or L	10 000 kg or L	20 000 kg or L

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<i>Item</i>	<i>Description of Dangerous Goods</i>	<i>Packing Group</i>	<i>Placarding Quantity</i>	<i>Manifest Quantity</i>	<i>Fire Protection Quantity</i>
6.	Goods too dangerous to be transported that are not kept in a laboratory.	N/A	0 kg or L	0 kg or L	0 kg or L
7.	C1 combustible liquids in bulk stored and handled in isolation from other dangerous goods.	N/A	10 000 L	100 000 L	100 000 L
	C1 combustible liquids stored and handled in packages in isolation from other dangerous goods.	N/A	50 000 L	100 000 L	100 000 L
	C1 combustible liquids in bulk and in packages stored and handled in isolation from other dangerous goods provided the quantity in bulk is 10 000 L or less.	N/A	50 000 L	100 000 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 3

Regulations 427(2) and 428

INFORMATION TO BE CONTAINED IN A MANIFEST

Information to be contained in a manifest maintained under section 30 of the Act—

1. General information

- (a) The name of the occupier of the **premises**.
- (b) The address of the **premises**.
- (c) The date when the manifest was prepared or last revised.

2. Emergency contacts

Contact information for at least 2 persons who may be contacted in the event of an **incident**.

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**—

at the **premises**.

4. Dangerous goods stored in bulk other than in IBCs

- (1) In relation to each container (other than an **IBC**) and each other 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 area that contains **packaged dangerous goods** or dangerous goods in **IBCs**, and that is required to be placarded in accordance with Subdivision 2 of Division 5 of Part 4—

- (a) the identification number or code for the storage area; and
- (b) for dangerous goods of **Packing Group I** or **Class 2.3** that are likely to be kept in the area—
 - (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 likely to be kept; and
- (c) for **goods too dangerous to be transported** that are likely to be kept in the area—
 - (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 likely to be kept; and
- (d) for other dangerous goods that are likely to be kept in the area—
 - (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**.

6. Dangerous goods in manufacture

In relation to each area where dangerous goods are manufactured—

- (a) the identification number or code of the manufacturing area; and
- (b) for dangerous goods with an assigned **Class**—the **Class** of each type of dangerous goods and the maximum quantity of each **Class**; and
- (c) for **goods too dangerous to be transported**—the statement "Goods too dangerous to be transported" and the maximum quantity of those goods; and
- (d) for **C1 combustible liquids**—the statement "C1 combustible liquid" and the maximum quantity of **C1 combustible liquids**.

7. Dangerous goods in transit

If, in relation to any **dangerous goods in transit** 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 storages of dangerous goods in **bulk** referred to in clause 4;
 - (ii) the storage areas for **packaged dangerous goods** and dangerous goods in **IBCs** referred to in clause 5; and
 - (iii) the areas referred to in clause 6 where dangerous goods are manufactured; and
- (b) includes a description in words of the location of—
 - (i) the items referred to in paragraph (a);
 - (ii) areas where **dangerous goods in transit** may be located; and
- (c) provides the identification number or code for the items referred to in paragraph (b); and

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- (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) the location of all drains on the site; and
 - (f) describes the nature of the occupancy of adjoining sites or **premises**.
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SCHEDULE 4

Regulations 429, 430(3) and 443(2)

PLACARDING REQUIREMENTS

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 sub-clause (2), "red" means the colour Signal Red in accordance with AS 2700S–1996 (R13).



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**; and
 - (b) in space (q) in Figure 2, the **UN Number**; and
 - (c) in space (r) in Figure 2, the Hazchem Code for the dangerous goods specified in the ADG Code; and
 - (d) in space (s) in Figure 2, the **Class label** and **Subsidiary Risk label**, if any.

- (3) For the purposes of sub-clause (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; and
 - (b) space (q) in Figure 2 must be left blank; and
 - (c) space (r) in Figure 2 must be left blank; and
 - (d) in space (s) in Figure 2, the label specified in Figure 4.

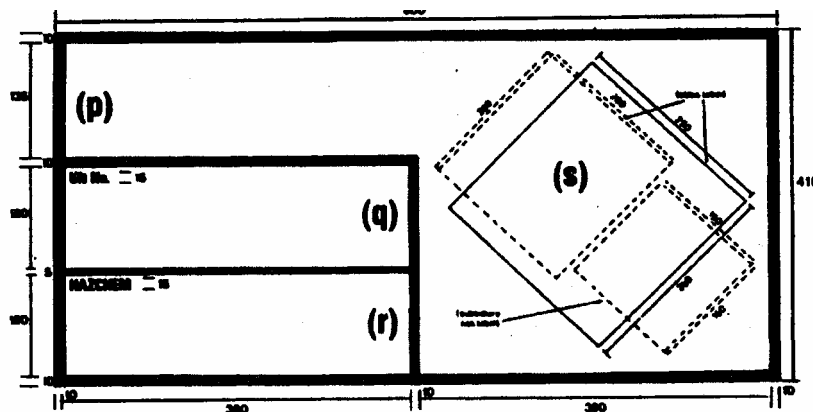


Figure 2—Template for a placard for dangerous goods (other than C1 combustible liquids) in bulk

Note 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

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- (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.

Note 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 clause 3(1).

4. Placard for packaged dangerous goods other than C1 combustible liquids

- (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 area, 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 in Schedule 2; and
 - (ii) if the total quantity of mixed **Classes** of dangerous goods exceeds the mixed **Classes** quantity specified in Item 4 of the table in Schedule 2—
 - (A) a **Class label** for each **Class** of dangerous goods present that exceeds 50% of the quantity specified for the **Class** in Items 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 1000 L—a **Class 3 Class label**; and
 - (b) for **goods too dangerous to be transported** present in the storage area, the label specified in Figure 4.

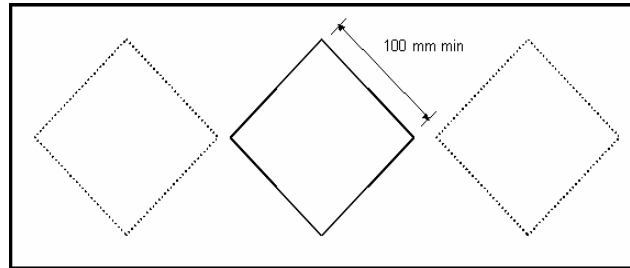


Figure 3—Form and dimensions of a placard for storage of packaged dangerous goods

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

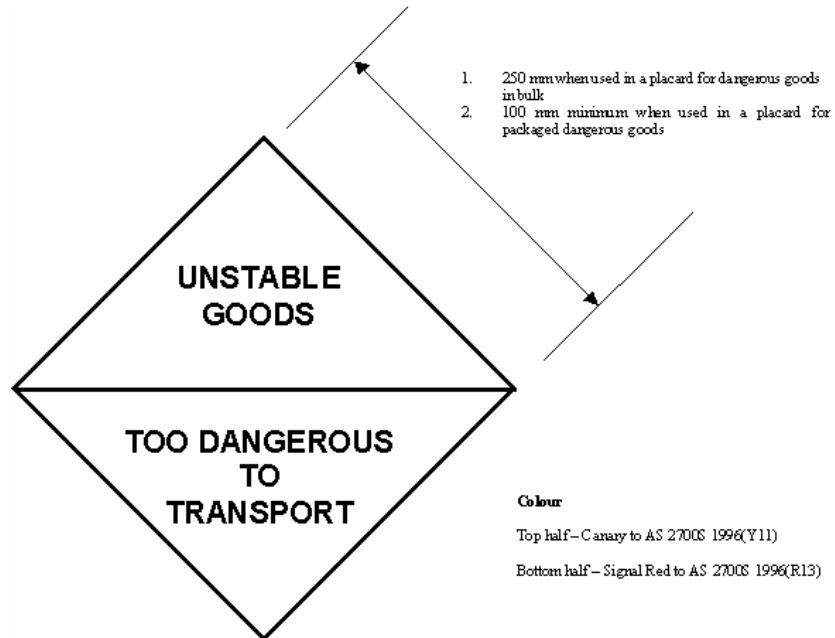


Figure 4—Form of a label for goods too dangerous to be transported

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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 5

Regulation 443

**LIST OF DANGEROUS GOODS OF CLASS 2.2 NOT EXEMPTED
FROM SECTION 32 OF THE ACT**

Dangerous goods from **Class 2.2** that are not prescribed for the purposes of section 32(2)(a) of the **Act**—

<i>UN No.</i>	<i>Description</i>
1003	AIR, REFRIGERATED LIQUID
1015	CARBON DIOXIDE AND NITROUS OXIDE MIXTURES
1014	CARBON DIOXIDE AND OXYGEN MIXTURES
1070	NITROUS OXIDE, COMPRESSED
2201	NITROUS OXIDE, REFRIGERATED LIQUID
1072	OXYGEN, COMPRESSED
1073	OXYGEN, REFRIGERATED LIQUID
1080	SULPHUR HEXAFLUORIDE

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SCHEDULE 6

Regulations 501(2)(a),
503(a) and 504(4)(a)

LICENSING INFORMATION

Information to be contained in an application for the issue or renewal of a licence—

1. A copy of the manifest for the **premises**, prepared and revised in accordance with Subdivision 1 of Division 5 of Part 4.
2. If the application for a licence is made before 1 January 2002—
 - (a) information that demonstrates compliance with these Regulations; or
 - (b) information that demonstrates compliance with Parts 4 to 12 of the 1989 Regulations.
3. If the application for a licence is made on or after 1 January 2002, information that demonstrates compliance with these Regulations.

For the purposes of this Schedule—

"information that demonstrates compliance with these Regulations" means—

- (a) information that demonstrates the adequacy of the applicant's risk management process, including a summary of the steps taken or to be taken by the applicant in relation to—
 - (i) hazard identification undertaken in accordance with regulation 404; and
 - (ii) risk assessment undertaken in accordance with regulation 405 or 406; and
 - (iii) risk control measures taken in accordance with Division 3 and Division 4 of Part 4; and
- (b) information that demonstrates the adequacy of the risk control measures taken under Division 3 and Division 4 of Part 4; and
- (c) how the applicant will verify compliance with Division 3 and Division 4 of Part 4;

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"information that demonstrates compliance with Parts 4 to 12 of the 1989 Regulations" means—

- (a) a summary of steps taken or to be taken by the applicant that demonstrate that the applicant is acting in accordance with Parts 4 to 12 of the 1989 Regulations; and
 - (b) how the applicant will verify compliance with Parts 4 to 12 of the 1989 Regulations.
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SCHEDULE 7

Regulations 501(2)(b) and 503(b)

LICENCE FEES

1. The fee for the issue or renewal of a licence is the lesser of—
 - (a) the total reached at the rate of \$54 for each person-hour spent by the Authority, its staff and other persons engaged by the Authority for the purpose of making a decision in relation to the licence application;
 - (b) \$18 000.
2. The activities involved in making a decision in relation to a licence application include—
 - (a) checking the completeness of the information and material accompanying the application; and
 - (b) determining whether further particulars or material are required and, if so, procuring those particulars or that material from the applicant; and
 - (c) verifying the information provided by the applicant by—
 - (i) direct examination of all information and material provided; and
 - (ii) visiting the **premises** to which the application relates; and
 - (d) considering and deciding on the merits of the application; and
 - (e) taking all necessary administrative steps.

ENDNOTES

1. General Information

The Dangerous Goods (Storage and Handling) Regulations 2000, S.R. No. 127/2000 were made on 5 December 2000 by the Governor in Council under section 52 of the **Dangerous Goods Act 1985**, No. 10189/1985 and came into operation as follows:

All of Regulations (*except* Division 2 of Part 3, Division 2 of Part 4, Subdivision 1 of Division 5 of Part 4, Subdivision 2 of Division 5 of Part 4, Division 6 of Part 4, Division 8 of Part 4, Division 2 of Part 5) on 8 December 2000: regulation 103(1); Division 2 of Part 3, Subdivision 1 of Division 5 of Part 4, Subdivision 2 of Division 5 of Part 4, Division 6 of Part 4, Division 8 of Part 4, Division 2 of Part 5 on 1 July 2001: regulation 103(2); Division 2 of Part 4 on 1 January 2002: regulation 103(3).

The Dangerous Goods (Storage and Handling) Regulations 2000 will sunset 10 years after the day of making on 5 December 2010 (see section 5 of the **Subordinate Legislation Act 1994**).

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Dangerous Goods (Storage and Handling) Regulations 2000 by statutory rules, subordinate instruments and Acts.

Dangerous Goods (HCDG) Regulations 2005, S.R. No. 96/2005
Date of Making: 2.8.05
Date of Commencement: Reg. 802 on 1.10.05: reg. 103(1)

3. Explanatory Details

¹ Reg. 104: S.R. No. 323/1989. Reprint No. 5 as at 30 November 1999. Reprinted to S.R. No. 154/1998. Subsequently amended by S.R. No. 50/2000.

For ease of reference only, definitions (but not other parts of speech and grammatical forms of a word or phrase defined) appear in bold in the text. Section 39 of the **Interpretation of Legislation Act 1984** provides that *where a word or phrase is given a particular meaning in an Act or subordinate instrument, other parts of speech and grammatical forms of that word or phrase have, unless the contrary intention appears, corresponding meanings.*

For ease of reference only, a number of definitions from the **Dangerous Goods Act 1985**, as at 8 December 2000, appear below. Not all definitions from the Act appear below, but only those that appear often in the text of these Regulations. To achieve a full and proper understanding of these Regulations it is still necessary to refer to the Act in full.

Section 3(1) of the Act contains a number of definitions, including the following—

"Authority" means the Victorian WorkCover Authority established under section 18 of the **Accident Compensation Act 1985**;

"ADG Code" means the document known as the Australian Code for the Transport of Dangerous Goods by Road and Rail (Sixth edition or a later prescribed edition), as amended from time to time;

"container" means anything in or by which dangerous goods are wholly or partly cased, covered, enclosed, contained or packed, whether such a thing is empty or partially or completely full but does not include a vehicle;

"dangerous goods" has the same meaning as it has in the ADG Code except that—

- (a) Class 1 dangerous goods in that Code are not dangerous goods for the purposes of this Act; and
- (b) the following substances and articles are also dangerous goods—
 - (i) explosives; and
 - (ii) combustible liquids having a flashpoint higher than 61°C; and
 - (iii) any substance or article declared to be dangerous goods by an Order in Council made under section 9B;

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"manifest" means an inventory of dangerous goods;

"manufacture" includes any part or the whole of any process of—

- (a) making non-dangerous goods from dangerous goods;
- (b) making non-dangerous goods from non-dangerous goods, where in the course of the process dangerous goods are made;
- (c) the unmaking, altering, repairing or remaking of dangerous goods;

"occupier", in relation to any premises (other than licensed premises that are a vehicle or boat), includes a person who—

- (a) is the owner of the premises;
- (b) exercises control at the premises under a mortgage, lease or franchise; or
- (c) is normally or occasionally in charge of or exercising control or supervision at the premises as a manager or employee or in any other capacity—

and, in relation to licensed premises that are a vehicle or boat, includes a person who—

- (d) is the owner of the vehicle or boat; or
- (e) is in charge of the vehicle or boat;

"transfer" means any process which involves—

- (a) the filling, loading, pumping or pouring of dangerous goods into a container; or
- (b) the discharging, unloading, pumping or pouring of dangerous goods from a container.

Section 3(2) of the Act provides as follows—

For the purposes of the interpretation of "manufacture", **"making"** includes—

- (a) any process of chemical reaction;
- (b) any process which involves the mixing, separation, concentration, dilution, assembling or blending of substances or articles; and
- (c) the operation of machinery, plant or equipment which is using, treating or processing dangerous goods.'

—

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Table/s of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 127/2000 in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

In the following table—

"ADG Code" means the document known as the Australian Code for the Transport of Dangerous Goods by Road and Rail (Sixth edition or a later prescribed edition), as amended from time to time;

"AS 1940–1993" means Australian Standard AS 1940–1993, "The storage and handling of flammable and combustible liquids", published by Standards Australia, as amended from time to time;

"AS 2430.1–1987" means Australian Standard AS 2430.1–1987, "Classification of hazardous areas", published by Standards Australia, as amended from time to time;

"AS 2700S–1996 (R13)" means Australian Standard AS 2700S–1996 (R13), "Colour Standards for general purposes—Signal Red", published by Standards Australia, as amended from time to time;

"AS 2700S–1996 (Y13)" means Australian Standard AS2700S–1996 (Y11), "Colour Standards for general purposes—Canary", published by Standards Australia, as amended from time to time;

"AS/NZS 2106" means the series of Australian and New Zealand Standards referred to in clause 1 of Schedule 1, published jointly by Standards Australia and Standards New Zealand, as amended from time to time;

"AS/NZS 2430" means the series of Australian and New Zealand Standards referred to in clause 2 of Schedule 1, published jointly by Standards Australia and Standards New Zealand, as amended from time to time.

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Table of Applied, Adopted or Incorporated Matter

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 105— definition of " Class "	Road Transport Reform (Dangerous Goods) Regulations 1997 of the Commonwealth, as amended from time to time	Regulation 2.3
Regulation 105— definition of " Class label "	ADG Code	Division 7.1 of Chapter 7
Regulation 105— definition of " control temperature "	"Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria ST/SG/AC.10/11/Rev.3", published by the United Nations, as amended from time to time "Recommendations on the Transport of Dangerous Goods, Model Regulations ST/SG/AC.10/1/Rev.11", published by the United Nations, as amended from time to time	The whole The whole
Regulation 105— definition of " firepoint "	AS 1940–1993	Clause 1.8
Regulation 105— definition of " flashpoint "	AS/NZS 2106	The whole
Regulation 105— definition of " hazardous area "	AS 2430.1–1987 AS/NZS 2430	The whole The whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 105— definition of "Packing Group"	Road Transport Reform (Dangerous Goods) Regulations 1997 of the Commonwealth, as amended from time to time	Regulation 2.5
Regulation 105— definition of "proper shipping name"	ADG Code	Division 2.2 of Chapter 2
Regulation 105— definition of "Subsidiary Risk"	Road Transport Reform (Dangerous Goods) Regulations 1997 of the Commonwealth, as amended from time to time	Regulation 2.4
Regulation 105— definition of "subsidiary risk label"	ADG Code	Division 7.1 of Chapter 7
Regulation 105— definition of "UN Number"	ADG Code	Appendix 1 and Appendix 2
Regulation 301(2)(a)(i)	Road Transport Reform (Dangerous Goods) Regulations 1997 of the Commonwealth, as amended from time to time	Regulation 2.2
Regulation 301(2)(a)(ii)	AS 1940–1993	Clause 1.8
Regulation 301(2)(b)	Road Transport Reform (Dangerous Goods) Regulations 1997 of the Commonwealth, as amended from time to time	Regulations 2.2, 2.3, 2.4 and 2.5

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 304(2)(a)	Road Transport Reform (Dangerous Goods) Regulations 1997 of the Commonwealth, as amended from time to time	Part 3 and Part 7
Regulation 306(2)(f)	ADG Code	Appendix 5
Regulation 420(2)(b)(i)	Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC:1003(1995)] declared by the National Occupational Health and Safety Commission, as amended from time to time	The whole
Regulation 430(2)(a)	ADG Code	Chapter 7
Regulation 442(2)	ADG Code	Chapter 7
Schedule 3, clause 4(d)(iii)	ADG Code	Appendix 5
Schedule 3, clause 5(c)(i)	ADG Code	Appendix 5
Schedule 3, clause 7	ADG Code	Chapter 11
Schedule 4—clause 1(3)	AS2700S–1996 (R13)	The whole
Schedule 4—Note 2 to Figure 2	ADG Code	Chapter 7
Schedule 4—text attached to Figure 5	AS 2700S–1996 (R13) AS 2700S–1996(Y11)	The whole The whole