



## Dangerous goods safety information sheet

### Dangerous Goods Safety Regulations Amendment Regulations 2018

This information sheet summarises the amendments to the Dangerous Goods Safety (Explosives) Regulations 2007 and the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 that took effect on 21 March 2018.

The following terms are used:

- ADG Code – means the Australian Code for the Transport of Dangerous Goods by Road and Rail
- AE Code – means the Australian Code for the Transport of Explosives by Road and Rail, third edition
- IBCs – means intermediate bulk containers
- EIPs – means emergency information panels
- CASA – means the Civil Aviation Safety Authority.

### Dangerous Goods Safety (Explosives) Regulations 2007

Amended regulation	Explanation
<p><b>r. 3</b> – The definition of ADG Code was amended to read:</p> <p><b>ADG Code</b> has the meaning given in the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 regulation 4</p>	<p>The particular edition of the ADG Code in the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 is regularly amended to a new, updated edition through national policy reforms initiated by the NTC. It is more convenient and effective to harmonise all sets of dangerous goods regulations by reference to the transport of non-explosives regulations.</p>
<p><b>r. 20</b> - Sub-regulation 20(5)(b) was amended by replacing the term “personal details” with “name”.</p>	<p>Sub-regulation 20(5) lists the requirements that must appear on the plastic security card ID. The requirements at sub-regulations 5 (b) was amended by replacing “personal details” with “name”. See copy of sub-regulation before the amendment:</p> <p>(5) A security card must —</p> <ul style="list-style-type: none"><li>(a) display a photograph of the holder; and</li><li>(b) show the <b>personal details</b> of the holder; and</li><li>(c) contain such other information as the Chief Officer decides; and</li><li>(d) be in such form as the Chief Officer decides</li></ul> <p><b>personal details</b> is defined to include the individual’s name, address and telephone number.</p> <p>For the purposes of regulation 20(5) it is sufficient to require the security card to state the individual’s name, but the Department also includes a photograph; date of birth; date that the security clearance was granted; the expiry date; and a unique identifying number.</p> <p>This amendment saves time and effort for holders of a security card and the department because frequent re-issue of the security card would need to occur under the original wording.</p>

Amended regulation	Explanation
<p><b>r. 25A</b> – this is a new provision titled “Duty to correct information in relation to an application under regulation 17 or 21A”.</p> <p>This provision extends the existing duty imposed on the holders of licences at regulation 179 – “Wrong information, duty to correct” to correct wrong or out-of-date information to holders of security cards.</p>	<p>This regulation applies if the holder of a security card becomes aware that information given by the holder to the Chief Officer in relation to an application made under regulation 17 or 21A is or has become incorrect in a material respect.</p> <p>Within 14 days after becoming aware of the matter, the holder must inform the Chief Officer about the matter and give the correct information to the Chief Officer.</p>
<p><b>rr. 54 and 55</b> – These regulations requiring an import notice for interstate import of fireworks were deleted.</p> <p>There were no changes to the requirements of import notices for overseas imports.</p>	<p>DMIRS believes this regulation to be an unnecessary impost on the fireworks industry.</p> <p>The previous regulations were intended to prevent the import of illegal fireworks, but did not achieved that purpose.</p> <p>No equivalent regulations for interstate notification of other explosives is present in the regulations.</p> <p>The national policy position supports the removal of impediments to interstate imports/exports of explosives, including this notification requirement.</p>
<p><b>rr. 98(b), 99(b), 100(b) and 101(1)(b)</b> – These provisions were deleted removing restrictions on shotfirers, fireworks operators and contractors and pyrotechnics special use licence holders to only transport explosives for their own use.</p>	<p>Shotfiring, fireworks contractors or operators and pyrotechnics (special use) licences allow individuals to transport Category 2 quantities of explosives, but they were only allowed to transport for their own use.</p> <p>The requirement that the explosives be for the "use by the holder" is unnecessarily restrictive for industry to operate efficiently and does not reflect the way industry operates. There are sufficient checks and balances to prevent any adverse impacts on safety or security.</p>
<p><b>r.104 (2)(c )</b> – The amendment prevents the application of section 8.4.3 of the AE Code to apply to owners of vehicles and prime contractors.</p>	<p>Clause 8.4.3(b) in particular, poses undesirable limitations to licence applicants in obtaining an explosives driver licence. These requirements do not enhance the competency of the licence holder.</p> <p><i>8.4.3(b) the person has held a driver's licence for at least 12 months and performed 50 hours under the direct supervision of a driver experienced in transporting explosives and licensed in the equivalent class of licence</i></p>
<p><b>r.104(2A)</b> – This new provision implements the Chief Officer's Exemption No. 54 and has the effect to exclude the application of section 3.2.7(1) of the AE Code from applying to the labelling of IBCs and to require the placement of EIPs on the IBCs.</p> <p>This exemption from EIPs applies only to bulk explosives having the following UN numbers: 0332, 0331, 0082 and 0241.</p>	<p>This exemption is conditional: the IBC must be labelled as an outer package in accordance with Section 3.2.1 of the AE Code and the IBC must be labelled in accordance with the GHS.</p> <p>Exemption No. 54 was initiated by the Australian explosives industry and received national support from all jurisdictions in a meeting of national regulators. Exemption No. 54 was published in the <a href="#">Government Gazette No. 72</a> on 4 April 2017.</p>

Amended regulation	Explanation
<p><b>rr. 136 and 139</b> - The definition for “theatrical firework” at regulation 136 has been replaced with a new definition for “close proximity fireworks” in order to keep in harmony with the needs of the entertainment industry both here, interstate and internationally. The old definition was limited to indoor fireworks displays, but it needs to include outdoor displays on outdoor stages, such as rock concerts.</p> <p>Previous definition:  <b><i>theatrical firework</i></b> means a firework that is designed to be ignited by using electricity and no other means and —</p> <p>(a) <i>that is manufactured commercially and is designed and labelled to be suitable to be used indoors; or</i></p> <p>(b) <i>that is manufactured from commercially available constituents that are designed and labelled to be suitable to manufacture fireworks be used indoors.</i></p>	<p>The previous code of practice published by the Department titled <i>Western Australian theatrical fireworks – code of practice</i> has been amended and re-published under the new title <i>Safe use of close proximity fireworks in Western Australian – code of practice</i> to include the safe use of close proximity fireworks on outdoor stages as well as indoor venues.</p> <p>The term “theatrical fireworks” in regulation 136 (two instances) and in regulation 139 (one instance) has been replaced with the term “close proximity fireworks”.</p> <p>The new definition reads:  <i>close proximity fireworks means fireworks, whether designed or labelled to be used indoors or outdoors, that is –</i></p> <p>(a) <i>designed to be ignited by using electricity only;</i></p> <p>and –</p> <p>(b) <i>either –</i></p> <p>I. <i>manufactured commercially and is designed and labelled as suitable to be used in close proximity to a person; or</i></p> <p>II. <i>manufactured from commercially available constituents that are designed and labelled as suitable to manufacture fireworks to be used in close proximity to a person;</i></p>
<p><b>r.148 (2) (d)</b> – The deletion of sub-regulation 148(2)(d) removes a requirement imposed by CASA and not by Western Australia.</p> <p>CASA's requirements are broader and more complex and clause (2)(d) is misleading.</p>	<p>CASA has its own regulatory requirements for the notification of fireworks displays.</p> <p>Regulation 148(2)(d) is not consistent with those requirements, is insufficiently clear and may be misleading. It is against drafting convention to insert Federal Government requirements into state law.</p> <p>Guidance information on the Departmental website on fireworks permit applicants will direct fireworks operators to CASA's website in the future.</p>

Amended regulation	Explanation
<p>A number of insertions of “<b>gross weight</b>” were added throughout the regulations in order to clearly distinguish between a mass of explosives that is “<b>NEQ</b>” and one that is “<b>gross weight</b>”.</p>	<p>Users of the regulations have found the references to the mass, or weight, of an explosive confusing.</p> <p>Users did not know whether the mass refers to the total weight of the explosive packaging/article plus the explosive substance (i.e. the gross weight), or whether it refers to the net explosive quantity (NEQ), which is already defined. There can be significant differences between the gross weight of an explosive article or package and the NEQ.</p> <p>The usage of the terminology in the previous regulations was deliberate and referred to NEQ, when it meant NEQ, and it was silent when it meant gross weight. However, there was a lack of consistency in the use of this convention, which added to the confusion.</p> <p>The common user of the regulations did not understand the convention adopted by the regulations and was left in two minds whether the mass of explosive referred to “NEQ” or “gross weight” in those instances when the mass of explosive was left unqualified.</p> <p><b>NEQ</b> is the <i>net explosive quantity</i> of an article or container that contains an explosive. It excludes the mass of the container or article without the explosive substance.</p>

## Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2017

Amended regulation	Explanation
<p>r. 4 – The definition of ADG Code was amended to read: <i><b>ADG Code</b> has the meaning given in the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 regulation 4;</i></p>	<p>The ADG Code in the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 is regularly updated to a new edition through national policy reforms initiated by the NTC. It is more convenient and effective to harmonise all sets of dangerous goods regulations by reference to the transport of non-explosives regulations.</p>
<p>r. 4 – The definition for “<b>combustible liquid</b>” at regulation 4 – “Terms used” refers to an out-of-date edition for AS 1940. The notation “AS 1940-2004” was replaced with “AS 1940-2017”.</p>	<p>The wording below is from the previous regulations: <i><b>Combustible liquid</b> means a liquid that is not a Class 3 dangerous goods that has –</i> (a) <i>A flashpoint that is no higher than 93°C; and</i> (b) <i>A fire point, as defined in AS 1940-200, that is less than the boiling point.</i></p>
<p>r. 51 (2) – Regulation 51(2) was amended so that it applies generally to any dangerous goods storage or handling system and is no longer restricted to an above ground container or plant. The words “from an above ground container or plant at a dangerous goods site” were replaced with the words “<i>from an area of the site where the goods are stored and handled</i>”.</p>	<p>Regulation 51 restricts the requirement to clean up spills to situations where dangerous goods are contained in an above ground container or plant. Loss of containment may also arise from below ground containers or pipelines, or process vessels. The duty to clean up spills should extend to all spills of dangerous goods regardless of the type of containment from which the spill originates.</p>

Amended regulation	Explanation
<p><b>r. 140 (2)</b> – Regulation 140(2) - "Infringement notices, offences and modified penalties" contains a technical error.</p>	<p>Delete the reference to r. 89(3) in the attached table because r. 89(3) no longer has an associated offence.</p>
<p><b>r. 77</b> – Regulation 77 –“Register of dangerous goods, operator of site to keep etc.” was deleted.</p> <p>Consequential amendments were made to regulation 79 – “Requirements as to SDS for dangerous goods” to delete sub-regulation (1) (b) in regard to the register and to relocate the exemptions from a need to have SDSs listed in sub-regulation 77 (3) to regulation 79.</p> <p>These exemptions allow operators to dispense with SDSs in the following circumstances:</p> <ul style="list-style-type: none"> <li>(a) Dangerous goods in transit</li> <li>(b) Dangerous goods in containers that are not required to be labelled under the ADG Code</li> <li>(c) Dangerous goods supplied to a retailer or retail warehouse operator in unopened consumer containers holding less than 30 kg or L of the dangerous goods.</li> </ul>	<p>The need for a register is regarded as non-essential in view of the fact that relevant SDS need to be accessible to persons working on the dangerous goods site and the fact that a detailed manifest is required for licensable quantities.</p>
<p><b>r. 76B</b> – “FES emergency response guide required for some sites”</p> <p>Sub-regulation 76B(7) was amended by removing the operator’s duty to ensure that the Chief Officer gets a copy of the FES emergency response guide.</p>	<p>The Chief Officer currently has access to the Department of Fire and Emergency Services (DFES) online system for storing FES emergency response guides and the duty to provide a copy of the FES emergency response guide to the Chief Officer no longer applies.</p>
<p><b>r. 136</b> – Regulation 136 titled “LP Gas cylinders, filling of” was deleted.</p>	<p>Regulation 136 requires a person filling a cylinder with LP Gas to comply with AS 2010.1.</p> <p>However, regulation 14 makes regulation 136 redundant, because regulation 14(a) requires the retailer to ensure that the gas container meets the requirements of the ADG Code, which in turn already requires compliance with AS 2030.1.</p>