



## Dangerous goods safety information sheet

### Amendments to the Storage and Handling Regulations (effective 1 January 2014)

This information sheet explains the main amendments in effect from 1 January 2014 under the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 (Storage and Handling Regulations).

*ADG7 = 7th edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail*

*IMDG Code = 2012 edition of the International Maritime Organization’s International Maritime Dangerous Goods Code*

*Explosives Regulations = Dangerous Goods Safety (Explosives) Regulations 2007*

*Goods in Ports Regulations = Dangerous Goods Safety (Goods in Ports) Regulations 2007*

*Transport of Non-explosives Regulations = Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*

*IBC = intermediate bulk container*

Provision and aim of amendment	Explanation
<b>r. 4</b> – Clarifies various technical terms	<ul style="list-style-type: none"> <li>• Insert term “IMDG Code” – from 1 January 2014, only the 2012 edition is valid for the transport of dangerous goods through ports.</li> <li>• Adjust term “petrol station” to indicate that it only applies to refuelling of road vehicles.</li> <li>• Adjust term “rural dangerous goods location” so it only applies to dangerous goods used for agricultural purposes.</li> <li>• Update fourth edition of “UNTC” (UN Manual of Tests and Criteria) to fifth edition.</li> </ul>
<b>r. 6</b> – Broadens the scope of the regulations to align regulation of dangerous goods matters within port boundaries with that for comparable road and rail transport facilities. All Storage and Handling Regulations now apply to ports, including the licensing of berths by berth operators.	<ul style="list-style-type: none"> <li>• By deleting the exclusion clause on ports, the Storage and Handling Regulations now apply to road transport situations outside of the scope of the Transport of Non-explosives Regulations (e.g. in ports, on company premises). <i>Note: Transport of Non-explosives Regulations apply to roads or other places over which vehicles move and that are open to, or used by, the public.</i></li> <li>• Berth operators handling greater than manifest quantities of dangerous goods have six months to obtain a licence for storage and handling. <i>Note: Where there is more than one operator at a berth, each may require a licence.</i></li> </ul>
<b>r. 8</b> – For the purposes of the regulations, adjusts explanation of what dangerous goods are	<p>It is made clear that:</p> <ul style="list-style-type: none"> <li>• straw and bhusa are not dangerous goods</li> <li>• sulphur in any form is a dangerous good.</li> </ul>
<b>r. 12A</b> – New provision allows the Chief Officer to determine that goods are or are not dangerous goods	<p>The Chief Officer may now determine:</p> <ul style="list-style-type: none"> <li>• the class, division, subsidiary risk, packing group and UN number of a dangerous good subject to compliance with section 3(1) of the <i>Dangerous Goods Safety Act 2004</i></li> <li>• which goods are or are not incompatible with a particular dangerous good.</li> </ul>

Provision and aim of amendment	Explanation
<p><b>r. 13A</b> – Places new duty on manufacturers and importers to classify any substance or article if determined to be dangerous goods</p>	<p>The manufacturer or importer is not allowed to supply any substance or article to persons unless:</p> <ul style="list-style-type: none"> <li>• it has been determined whether or not they are dangerous goods</li> </ul> <p>and if they are dangerous goods</p> <ul style="list-style-type: none"> <li>• they have been classified in accordance with ADG7 Code or, if imported from overseas, the IMDG Code</li> </ul>
<p><b>r. 13B</b> – New power of Chief Officer to direct manufacturers or importers to test or analyse any substance or article that the Chief Officer suspects are dangerous goods but have not been correctly classified</p>	<p>The recipient of such a direction must:</p> <ul style="list-style-type: none"> <li>• do the indicated test or analysis and correctly classify the goods</li> </ul> <p>and if they are dangerous goods</p> <ul style="list-style-type: none"> <li>• classify them in accordance with ADG7 or the IMDG Code if they are imported from overseas</li> <li>• give the Chief Officer a report on these analysis and tests.</li> </ul>
<p><b>r. 26</b> – Improves requirements regarding application of a licence</p>	<ul style="list-style-type: none"> <li>• Submission of a risk assessment (instead of written report) is required with licence applications. This removes ambiguity about what is required to support a licence application.</li> <li>• Licence assessment fees are aligned with annual licence fees. This approach is being taken across all dangerous goods licence categories so the fee better reflects the relative amount of effort required to assess an application. No assessment fee applies to applications that are endorsed by an accredited consultant.</li> <li>• Clarifies the responsibilities of persons approved to endorse licence application assessments, including those relating to providing false or misleading information. The amendment explicitly sets out the requirements for accredited consultants when assessing and endorsing a licence application to ensure it is done in accordance with the Department's requirements. The consultant must certify that certain actions have been taken as prescribed.</li> </ul>
<p><b>r. 47</b> – Aligns licence register requirements with those in other sets of dangerous goods regulations</p>	<p>This administrative change aligns all dangerous goods licence registers. The register:</p> <ul style="list-style-type: none"> <li>• records the name of the licence holder and date that the licence was issued or re-issued</li> <li>• holds no confidential information</li> <li>• must be accessible to the public during normal office hours.</li> </ul>
<p><b>r. 50 and associated Schedule 2</b> – Deletion of provision that allowed the Chief Officer to direct a licence holder to prepare a safety management system</p>	<p>This approach to dealing with persistent non-compliance was inappropriate.</p>
<p><b>r. 73</b> – Improves fire control and emergency plan requirements</p>	<p>Fire fighting requirements are made clear.</p>
<p><b>rr. 75, 76A and 76B</b> – Regulation 75 redrafted and separate provisions created to clarify emergency plan requirements and replace mandatory departmental Emergency Planning Code with a non-mandatory code of practice.</p>	<ul style="list-style-type: none"> <li>• Regulation 75 sets out the emergency plan requirements.</li> <li>• Regulation 76A addresses the information duty of the operator to inform adjacent sites of the risk from dangerous goods.</li> <li>• Regulation 76B sets out the requirements for a "FES emergency response guide" (previously known as "special risk plan") for sites with ten times the manifest quantities of dangerous goods.</li> </ul>

Provision and aim of amendment	Explanation
	<ul style="list-style-type: none"> <li>The Minister has approved Australian Standard AS 3745 <i>Planning for emergencies in facilities</i> as a non-mandatory code of practice under the <i>Dangerous Goods Safety Act 2004</i>. This allows more flexibility in developing suitable emergency plans in line with a nationally recognised code of practice.</li> </ul>
<p><b>New Part 8A Dangerous goods in ports</b> – New provisions require special berth declarations for movement of certain ammonium nitrate or calcium hypochlorite-containing dangerous goods (termed “explosion risk goods”) through ports. Along with amendments to the Explosives Regulations, this allows the repeal of the Goods in Ports Regulations.</p>	<ul style="list-style-type: none"> <li>The threshold for requiring a special berth declaration has been reduced from 400 tonnes (or 150 tonnes in IBCs) to 30 tonnes to ensure adequate safety measures are applied to all bulk shipments of these goods. Further information is available online: <ul style="list-style-type: none"> <li><i>Overview of regulatory requirements for dangerous goods and explosives in ports – information sheet</i></li> <li><i>Handling of explosion risk goods at a special berth (non-explosives) – guidance note.</i></li> </ul> </li> <li>Pre-1 January 2014 special berth declarations remain valid.</li> <li>Berth operators wishing to operate in the 30 to 150 (IBCs) or 400 tonne range must obtain a special berth declaration by 30 June 2014.</li> </ul>