

# Summary of proposed changes

## Dangerous Goods (Storage and Handling) Regulations 2022

March 2022

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The Dangerous Goods (Storage and Handling) Regulations 2012 (current Storage and Handling Regulations), made under the *Dangerous Goods Act 1985*, are due to sunset on 27 November 2022.

The current Storage and Handling Regulations set out the legal duties for manufacturers and suppliers of dangerous goods or suspected dangerous goods, and for occupiers of premises where dangerous goods are stored or handled.

The current Storage and Handling Regulations will be replaced by the proposed Dangerous Goods (Storage and Handling) Regulations 2022 (proposed Storage and Handling Regulations).

Please note, it is not proposed to **alter existing duty holder obligations** in the proposed Storage and Handling Regulations.

The majority of changes incorporated into the proposed Storage and Handling Regulations are to modernise and simplify language. The structure has also been amended to align with modern drafting practices. This includes removing references to subdivisions and restructuring the regulations into Divisions, and the creation of a new Part 5 (with subsequent renaming of Parts 6 and 7).

Formatting and drafting have also been modernised throughout, for example amending formatting from (i), (ii) to (a), (b) and consequential number changes or references to the numbering of the regulations have also been made.

Below is a summary of the specific amendments WorkSafe has incorporated into the proposed Storage and Handling Regulations.

### Part 1 – Preliminary

#### *Regulation 1 – Objective*

- This regulation has been amended to provide a more complete list of objectives: *‘to provide for the health and safety of people, property and the environment in the manufacture, storage, transfer, use, handling, sale and disposal of dangerous goods.’*
- The revoked interim regulations has also been removed.

#### *Regulation 3- Commencement*

- The date for the proposed regulations has been updated to read 26 November 2022.

#### *Regulation 4 – Revocation*

- This regulation has been updated to revoke earlier regulations.

#### *Regulation 5 – Definitions*

- The **2011 Regulations** definition has been removed.
- A new definition of **article** has been added as follows: *'article means a manufactured item, other than a fluid or particle, that—*
  - *(a) is formed into a particular shape or design during manufacture; and*
  - *(b) has hazardous properties and a function that are wholly or partly dependent on that shape or design—*  
*and includes batteries, aerosols, gas-filled lighters, seat belt pre-tensioners and refrigerating machines;'*
- References to **AS 1940:2004** have been updated to 'AS 1940:2017'
- The definition of **C1 combustible liquid** has been modernised by replacing 'less than' with 'lower than' and 'declared' with the word 'determined'.
- The definition of **commencement day** has been removed to reflect modern drafting practices.
- The definition of **compatible** has been amended to improve clarity, and will be amended from 'they' to read 'the substances or items'. There will also be a change from 'fire, explosion, harmful reaction' to 'fire, explosion or harmful reaction'.
- The definition for **control temperature** has been updated to reflect a revised or later edition of the Manual of Tests and Criteria.
- The definition of **current SDS** has been modernised, with 'complies with' reworded to 'prepared in accordance with' (emphasis added):  
*'current SDS means the most recent SDS of a manufacturer or first supplier that has been—*
  - (a) prepared in accordance with regulation 19 or 20; and*
  - (b) if applicable, reviewed and revised in accordance with regulation 21'*
- The definition of **emergency** has had a grammatical change from 'an explosion, fire, harmful reaction' to read 'an explosion, fire or harmful reaction'.
- The definition of **emergency services authority** has been updated. The reference to the Metropolitan Fire and Emergency Services Board has been replaced with Fire Services Victoria to reflect the new organisation established on 1 July 2020.
- The standard in the definition for **fire point** has been updated to read 'AS 1940:2017'.
- The definition for **GHS** (Globally Harmonized System of Classification and Labelling of Chemicals) has been amended to more specifically refer to regulation 5 of the Occupational Health and Safety Regulations 2017 (OHS Regulations).
- The definition of **handling** has been reworded as follows: *'handling, in relation to goods, includes...'* and the word dangerous has been removed from the term 'dangerous goods' to read 'goods' in subregulation (a) and (b).
- The definition of **hazardous substance** has been updated to refer to regulation 5 of the OHS Regulations.

- The definition of **health and safety representative** has been referenced to the same meaning as in the Occupational Health and Safety Act 2004 (OHS Act).
- The definition of **IBC (intermediate bulk container)** has been reworded to read '*IBC or intermediate bulk container*'.
- The definition of **isolation** has had the words 'in relation to the isolation,' removed to simplify wording. The word 'either' in relation to distance or a physical barrier has also been removed, as the term 'or' is sufficient.
- The definition of **packaged dangerous goods** has been reworded to remove the words '*goods too dangerous to be transported*' based on modern drafting principles.
- The definition of **premises** has been removed and incorporated into regulation 6(m).
- The definition of **product name** has had the word 'the' added to read 'to the dangerous goods'.
- The definition of **reasonably practicable** has been amended for clarity as follows (emphasis added on changes): '*reasonably practicable means reasonably practicable having regard to—*  
  - (a) *the likelihood of any hazard or risk concerned eventuating; and*
  - (b) *the degree of harm to persons or property that would result if any hazard or risk eventuated; and*
  - (c) *what the person concerned knows, or ought reasonably to know, about any hazard or risk and any ways of eliminating or reducing the hazard or risk; and*
  - (d) *the availability and suitability of ways to eliminate or reduce any hazard or risk; and*
  - (e) *the cost of eliminating or reducing any hazard or risk;'*
- The definition of **registered medical practitioner** has been removed as the term is defined in section 38 of the *Interpretation of Legislation Act 1984* which applies to all Victorian legislation.
- A new definition of **road vehicle** has been added to align with the Dangerous Goods (Transport by Rail and Road) Regulations 2018, as this term was previously not defined. It means: '*a vehicle that does not consist of a unit or units of rolling stock.*'
- The definition of **Safe Work Australia** has been amended from 'established under section 5' to read 'established by'.
- The definition for SDS has been amended to 'safety data sheet required to be prepared under regulation 19' to de-capitalise and to add a definition of what an SDS is.
- The definition of **stabiliser** has been reformatted from 'dangerous goods that overcomes' to be set out as subregulation (a) and (b) as follows: '*...dangerous goods; and (b) overcomes the chemical instability...*'.
- The definition of **workplace** has been simplified so that rather than defining what it is, it will refer to the meaning in the *Occupational Health and Safety Act 2004* as follows: '*workplace has the same meaning as in the Occupational Health and Safety Act 2004.*'

### *Regulation 6 – Application*

- The regulation has been modernised to have ‘or’ added to the end of each sub-regulation.
- Subregulation (b) has been updated to refer to ‘Part 4 of the Dangerous Goods (Explosives) Interim Regulations 2021’ rather than the previous version of the regulations (which will then be updated again to read Dangerous Goods (Explosives) Regulations 2022 after June 2022).
- Subregulation (e) has been amended from ‘dangerous goods in the form of an appliance or plant that forms part of a vehicle’ to read ‘dangerous goods in the form of plant that is part of a vehicle... ‘
- Subregulation (i) and (k) has been modernised to reference the incorporating document (the ADG Code).
- Subregulation (j) has been removed as ‘receptacles’ will be dealt with in proposed changes to regulation 38.
- Regulation 6(k)(i) has also been amended as follows:
  - ‘(k) the following dangerous goods at premises that are not a workplace—
    - (i) compressed gas of UN Class 2.1 or UN Class 2.2 and compressed oxygen that—
      - (A) are in one or more containers with an aggregate capacity of not more than 50 L; and
      - (B) as a whole form part of a welding set or are used or intended to be used with a portable flame torch;’

The definition of ‘premises’ has been removed from the definition section and instead added into regulation 6(m). *Regulation 7 – Incorporation of references*

- The title has been amended to include ‘*Incorporated and adopted documents*’.
- Other minor changes have also been made, such as ‘a document’ to ‘any document’; ‘application, adoption or incorporation’ to read ‘incorporation or adoption’; sub-regulation 2(a) to be followed by an ‘or’ at the end of the sentence between sub-regulation 2(a) and (b); the words ‘may choose to comply’ to read ‘may comply’; and the ‘date on which to be added for clarity.
- The wording of regulation 7(3) has been clarified by adding ‘*prevails to the extent of the inconsistency*’.

### **Part 2—Provisions applying generally**

#### *Regulation 9 – Exemptions*

- Wording has been added for clarity as follows: ‘*in accordance with this regulation*’.
- There has been minor rewording throughout this regulation to modernise and clarify language. For example, ‘a person or premises or activity’ has been amended to: ‘any person, premises, activity or other thing, or any class of person, premises, activity or other thing’.
- It was unclear what the word ‘administrative’ added in regulation 9(3)(b); if something is required by the regulations then it is a legal (not merely an administrative requirement). This word has therefore been removed to improve clarity.

- The wording ‘must specify, as the case requires—’ has been added given that presumably not all of Regulation 9(5)(c)(i) to (iii) will be covered in an exemption.
- The words ‘has been’ has been reworded to ‘is’ throughout regulation 9(5)(c)

#### *Regulation 10 – Determinations – Classification etc. of certain dangerous goods*

- Regulation 10(1)(a) has been reworded to state ‘in accordance with these Regulations and the Dangerous Goods (Transport by Road or Rail) Regulations 2018 (DGTRR). This change has clarified that the procedures set out in the DGTRR are to apply in relation to goods being dealt with under these regulations.
- Changes have been made to the grammatical tense of phrases such as ‘must state’ to read ‘states’ and ‘must identify’ to ‘identifies’ and ‘may include’ to ‘includes’.
- Changes have been made to clarify that the ‘notice’ is the notice of the determination and to reference the relevant subregulation, as follows: regulation 10(4) ‘*A determination takes effect on the day on which the notice of the determination is published in the Government Gazette in accordance with subregulation (3), or on any later day specified in the notice.*’

#### *Regulation 11 – Determination of quantity of dangerous goods*

- Given the linkage with section 45, it has been specified who is required to comply with this (ie ‘a person’). Therefore, words to emphasise the linkage with section 45 have been added: *(1) If these Regulations require a person to determine a quantity of dangerous goods, the person must determine the quantity in accordance with this regulation.*
- Subregulation 11(2) has been amended to remove the words ‘in a container’ so that it reads ‘In relation to packaged dangerous goods that are’.
- Subregulation 11(4) has been reworded to clarify ‘things’ so that it reads: ‘*In relation to dangerous goods that are not referred to in subregulation (2) or (3), the quantity is to be determined by the net quantity of the part of an article or thing that is in itself dangerous goods.*’

#### *Regulation 12 – Compliance with Occupational Health and Safety Regulations*

- Updates have been made to the reference as follows: ‘...Divisions 3 to 9 of Part 4’ to reflect renumbering throughout Part 4. Words have been added to clarify an occupier who is also an employer: ‘*if the occupier is also an employer*’.

### **Part 3—Duties of manufacturers and suppliers**

#### *Regulation 13 – Determination of dangerous goods*

- The wording has been amended so that subregulation 13(1)(a) refers to ‘handling the goods’ and that the words ‘or supplying them to any person’ can be removed for simplicity as the definition of handling already includes supply.
- The note has been updated to include the words ‘handling goods includes manufacturing the goods’.
- Subregulation 13(2) has been slightly re-structured .
- Subregulation 13(3) has been slightly reworded from ‘A manufacturer or first supplier complies with...’ to be more comprehensive and read: ‘*If a manufacturer or first supplier has determined that goods are dangerous goods, the manufacturer or first supplier There has*

also been an amendment to remove 'or corresponding legislation' from 13(3)(b) as the GHS does not have corresponding legislation.

- Regulation 13(4)(b) has been removed as per subregulation 13(3)(b).
- Regulation 13(5) has been amended to refer to 'Parts 4 and 5 do not apply to the handling of' rather than 'Part 4 does not apply to any handling of' which is a consequential change due to the restructure and inclusion of Part 5.

#### *Regulation 14- Packing – manufacturer and first supplier*

- The reference to subregulations (2) and (3) has been removed so that it states 'A manufacturer..'
- Regulation 14(1) refers to 'regulation 13(3)' because subregulations (1) and (2) are not cumulative regulations and it is therefore proposed that they are disconnected.

#### *Regulation 15 – Marking and labelling – manufacturer and first supplier*

- Regulation 15(1) no longer refers to regulation 13(2) for the reasons noted above, and clarifies 'must ensure that the marking on the packaging for the dangerous goods complies with...'
- Subregulation (2) has been reworded to clarify obligations in relation to GHS and state that: '*A manufacturer or first supplier of dangerous goods who has assigned or classified dangerous goods under regulation 13(3) must ensure that any inner packaging for the dangerous goods is labelled in accordance with the GHS before supplying the goods to any person.*'
- Subregulation (4) and (5) have been removed as these are no longer relevant.

#### *Regulation 16 – Prohibitions on supply*

- The wording has been re-worded so that emphasis is placed on compliance with regulation 14 and 15.
- Slight re-word to state 'dangerous goods or the marking or labelling of packaging'.

#### *Regulation 17 – Application of regulations 16(a) and (b) to retailers*

- This heading has been reworded for clarity and simplicity. It now reads as follows: '*17 Regulations 16(a) and (b) does not apply to retailers.*'
- The wording in the regulation has been slightly changed to modernise the language to current drafting practice. For example, regulation 17(2) includes the additional words: (2) *If a supplier who is a retailer supplies packaged dangerous goods into a container provided by the purchaser...*
- Subregulation (b)(i) has been amended so that the words 'that it holds' are removed from 'dangerous goods that it holds'.

#### *Regulation 18 – Application to C1 combustible liquids*

- The heading has been reworded to clarify in a modern drafting style that '*18 Division does not apply to C1 combustible liquids*'.

#### *Regulation 19 – Preparation of SDS*

- Regulation 19(1) now states in full 'a safety data sheet' rather than the 'an SDS'.

- Has been slightly reworded to reflect modern drafting practice and ‘email address’ has been added to update the list of required information and to clarify that ‘address’ is referring to ‘business address’.
- Subregulation (e) have been amended to read ‘one or both of the following’ and to remove the ‘or’ between (e)(i) and (ii). The words ‘13(2)(b)(ii) in accordance with the GHS’ have also been removed and replace it with ‘13(3)(b)’.
- The wording in (h) has been rearranged to modernise the drafting.
- Regulation 19(4) has been amended to modernise the language to read as follows: ‘...*that disclosing the generic name for an ingredient in accordance with subregulation (3)(b) would breach commercial confidentiality*’.

#### *Regulation 22 –Supply of SDS*

- Wording has been changed to clarify that 22(2)(c) is ‘*a retailer referred to in regulation 17*’ as well as other minor rearrangement of words to align with modern drafting.

#### *Regulation 23 –Information to registered medical practitioner*

- Regulation 23(1)(b) states that the medical practitioner is referring to a ‘registered medical practitioner’ and references to the patient’s gender have been removed by referring to ‘the practitioner’s patient’.

### **Part 4 – Duties of occupier**

#### *Regulation 24 – Consultation with workers*

- The heading for regulation 24 has been reworded to remove the reference to ‘workers’ as this term is not used in the relevant Dangerous Goods legislation. The heading now reads: *Consultation*

#### *Regulation 25 – Induction, information, training and supervision*

- Additional words have been added to clarify that instruction will be ‘in relation to’ and a new subregulation (b) has been added to refer to ‘the processes used for the identification and control of the risks associated with the person’s tasks; and’

#### *Regulation 26 – Identification of hazards*

- The phrases ‘Without affecting the generality of’ and ‘when identifying hazards’ have been modernised as follows: ‘(2) *Without limiting subregulation (1), in identifying hazards*’.
- Modern formatting has been used in regulation 26(c) to split out the sub-regulation into (c)(i) and (ii).
- Some additional words have been inserted such as ‘an SDS’ amended to ‘information in an SDS’ and ‘reactions between the dangerous goods’ to clarify the meanings. Certain words have been modernised whereby ‘activities’ has been reworded to ‘practices’.

### **Division 3 – Risk control – general duty**

- The Division 3 heading has been reworded to simplify the intention in line with modern drafting as follows: *Division 3—General duty to control risk*

#### *Regulation 28 – Relationship with Divisions 4 and 5*

- This regulation has been deleted as it is ambiguous and does not provide clarity in relation to which risk it intends to mitigate.

#### **Division 4 – Risk control – specific duties**

- The heading for Division 4 has been reworded from ‘Risk Control- specific duties’ to ‘*Design*’.

##### *Regulation 29 - Design of new premises, plant, processes and systems of work*

- Regulation 29(2) has been simplified by removing the words ‘For the purposes of’. The words ‘have regard to the provisions of this Part’ have also been removed as this causes confusion as to what ‘have regard’ means. 29(3)(a) and (b) have also been redrafted to simplify and modernise the wording as follows:

*‘(3) In this regulation, new, in relation to premises, plant, processes or systems of work, means that the premises, plant, processes or systems of work—*

*(a) have not been previously used for the storage and handling of dangerous goods; or*

*(b) have been altered in a way that is likely to create a new or different hazard or risk associated with that use.*

##### *Regulation 30 - Risk to workers*

- The heading of Regulation 30 has been amended to remove the word ‘workers’ and replace it with ‘*Risk to persons engaged by the occupier*’ as the term ‘workers’ is not used in Dangerous Goods legislation.

##### *Regulation 33 - Stability*

- The phrase ‘affecting the generality of’ has been removed and replaced with the following: ‘*Without limiting subregulation (1)*’.
- Regulation 33(3)(a) and (b) have been removed and instead incorporated into regulation 33(2)(a) and (b) as it makes it simpler to have all requirements directly noted in the subregulation 33(2). It now reads (emphasis added to changes):
  - (a) if the stability of the dangerous goods is dependent on the maintenance of levels of stabilisers—those levels are maintained, having regard to the stabiliser levels specified by the manufacturer of the dangerous goods (if any); and*
  - (b) if the dangerous goods are required to be stored or handled at or below a particular control temperature—they are stored or handled at or below that temperature, having regard to the relevant control temperature specified by the manufacturer (if any).*
- Regulation 33(4) has been amended from ‘in relation to’ to read ‘in respect of’.

##### *Regulation 34 - Isolation*

- Wording has been simplified by removing the phrase ‘affecting the generality of’ to modernise drafting, to read as follows: ‘*Without limiting regulations 27 and 28*’.

#### **Subdivision 4 – Plant and structures**

- The heading to Subdivision 4 has been reworded from ‘Plant and structures’ to read ‘*Division 7—Structures, plant and containers*’.

#### *Regulation 38 - Containers for bulk dangerous goods*

- The wording, 'Without limiting the generality of regulation 37' has been removed and amended as follows: "An occupier of premises..."
- Subregulation (f) has been clarified from 'the person who subsequently becomes the occupier' to read '...the person who subsequently manages and controls the premises'.

#### *Regulation 39 - Clearing of decommissioned receptacles*

- The wording, 'Without limiting the generality of regulation 37' has been removed and amended as follows: '(1) An occupier of premises where...'
- Subregulation (1)(a) has also been amended from 'is no longer intended to be so used; or' as follows: '(a) is no longer intended to be used in connection with dangerous goods; or'
- Regulation 39 includes a new sub-regulation (3) to clarify when a receptacle is no longer subject to the requirements under the regulations, as follows: '(3) An occupier of premises is not subject to any further requirements under these Regulations with respect to a receptacle that has been cleared by the occupier in accordance with subregulation (2)."

#### *Regulation 40 – Protection from impact*

- This regulation has been amended to refer to 'structure, plant, container or pipework' to include references to container or pipework also.

#### *Regulation 41 - Spill containment*

- The word 'the' has been removed from the phrase 'premises the dangerous goods'
- This regulation has been modernised by altering the order of the wording to read (emphasis added): '(3)(b) as soon as is reasonably possible, the dangerous goods and any resulting effluent are cleaned up and disposed of or otherwise made safe.'

#### *Regulation 42 - Transfer of dangerous goods*

- The wording of this regulation has been slightly re-arranged to enhance readability and the drafting modernised. Changes are as follows: '(1)(a) from one area to another area...'
- '(2) In eliminating or reducing risk in accordance with subregulation (1), the occupier must have regard to, as relevant...'
- A slight re-word to: '(2)(b) the compatibility of the pipework at the premises with...'

### **Part 5 – Preparedness for incidents and emergencies**

#### *Regulation 45 - Manifests to be maintained*

- Wording has been added to the start of the subregulation(1) and (2) to link the schedule back to the relevant regulation, as follows: '(1)For the purposes of section 30(1) of the Act,'
- Column references have been added for ease of reference, for example, '...relevant quantities specified in Column 5 headed 'Manifest Quantity' in the table in Schedule 2 are premises of the prescribed class...'
- Wording has been clarified in subregulation (3) by adding the words as follows: '(3) An occupier of premises prescribed in subregulation (1)...' as this is a clearer than the term 'prescribed premises' and 'place' has been updated to refer to 'location or place'.

#### *Regulation 47 - Outer warning placards*

- Words have been added to reference the column numbers in the table in Schedule 2.
- Regulation 47(2) has been slightly reworded from ‘not apply to’ to read ‘in respect of’.
- Regulation 47(2)(b) has had the words ‘one of both of’ removed and instead state: *“are one or both of—*
  - (i) a flammable gas; or*
  - (ii) a flammable liquid; or.*
  - (iii) a combination of a flammable gas and a flammable liquid.”* (emphasis added to additional wording).

#### *Regulation 48 - Placarding requirements*

- Column references have been added for ease of reference.
- Minor rewording, for example, from ‘which’ to ‘that’.
- *Regulation 49 – Different location permitted*
- The formatting has been amended and minor grammatical changes such as ‘with the placards’ to read ‘to the placards’.

#### *Regulation 51 - Placards in place on commencement date*

- This regulation has been removed completely as it was a transitional provision.

#### *Regulation 53 Fire protection—general*

- The wording of subregulation (2) has been re-worded to reorder the regulation for clarity, as follows: *‘if any of the components of the fire protection system are rendered unserviceable or inoperative, the occupier must, ensure that—’*.

#### *Regulation 54 Fire protection—premises exceeding relevant Fire Protection Quantity*

- Slight reword in regulation 54 (2)(a) to read ‘or’ instead of ‘and’.

#### *Regulation 55 Planning for emergencies*

- This regulation has been amended to specify a column number for ease of reference.
- The words have also been reordered to read ‘reduces the risk associated with an emergency’.
- The words ‘the generality of’ have been removed so that it reads, as follows: *‘Without limiting this regulation...’*.

#### *Regulation 56 - Currency and accessibility*

- This regulations has been reformatted, and minor grammatical changes made, such as ‘where permitted’ to read ‘if permitted’.
- Subregulation (2) has been simplified from ‘Subject to subregulation (3)’ to read ‘Subregulation (1) does not apply in respect of dangerous goods that are’.
- Wording has been amended for clarity as per modern drafting practices, including: *‘(3) Despite subregulation (2), an occupier of premises to which subregulation (2) applies—’*
- At the start of (3)(a) and (b) wording reads ‘if the occupier’, and then (a) and (b) to be separated by ‘;or’ instead of an ‘and’.
- Regulation 56(4) clarifies ‘an occupier’ to read ‘occupier of premises’.

#### *Regulation 57 - Packages received*

- Additional words have been added for clarity from 'a package of dangerous goods that is marked' to read 'dangerous goods and the packaging is marked' and other changes from 'package' to 'packaging'.
- Words have been added to reference the relevant subregulation as follows (emphasis added): *'the occupier referred to in subregulation (1) must...'*

#### *Regulation 58 – Transfer*

- Words have been added for clarification purposes as follows (emphasis added): *'56 Transfer (1)If dangerous goods are transferred into a portable container for use at ~~the~~ premises, the occupier of those premises must ensure that—'*
- This regulation has also been reformatted.

#### **Division 8 - Register**

- The heading for Division 8 has had additional words added for clarity to amend "Register" to read: *"Register of dangerous goods"*

#### *Regulation 60 - Register of Dangerous goods*

- Additional words "who is" have been added for an occupier "who is, an employer".
- Slight reword from 'in relation to' to read 'in respect of' for modernisation purposes.

#### *Regulation 61 - Prescription of dangerous goods under section 32 of the Act*

- The heading has been amended to 'Dangerous goods for the purposes of section 32 of the Act'.
- Additional words have been added at the start of regulation 61(1) and (2), respectively: *"For the purposes of section 32(2)(a) of the Act"* and *"For the purposes of section 32(2)(b) of the Act."* This now echoes the heading; that this is for the purposes of section 32.
- Additional words added '(other than dangerous goods of UN Class...) that is' and 'without resulting in physical injury' as 'physical' will narrow the prescription to physical injuries only.

#### *Regulation 62 - Response to emergencies*

- Has been slightly re-formatted from (1)(b) and (1)(c) to "1(b) and (c)".

#### *Regulation 63 - Investigation of incidents*

- The words to be re-arranged to clarify and modernise them as follows: *61(b)(iii) readily available to the Authority on request.*

#### **Part 5 – Notification**

##### *Regulation 66 - Notification to Authority*

- The regulation has been updated to refer to the new EPA Act, as follows: *"Environment Protection Act 2017"*

#### **Part 6 – Savings and transitional provisions**

*Regulation 70 Continuing effect of notifications—Dangerous Goods (Storage and Handling) Amendment (Notification) Regulations 2021*

- This has been deleted as the regulation expired on 1 July 2021 and no longer has effect.

**Schedules**

*Schedule 2 clause 1*

- Words have been amended from “For the purposes of the table below” to “*For the purposes of the table in this Schedule*” to be more specific.

*Schedule 2 clause 2*

- Words have also been amended to “*In the table in this Schedule*” as this is more specific than “In the table below” and additional words of “*combined total, determined in accordance with regulation 11*” will be added to reference back to the relevant regulation.

*Schedule 2 clause 3*

- The “Note” has been removed and inserted into Schedule 2 clause 3 as follows: “*For the purposes of item 3 in the Table in this Schedule, where UN Class 9 dangerous goods do not have a Packing Group assigned to them, they are taken to be assigned to Packing Group III.*”

*Schedule 3*

- The title of Schedule 3 has been amended from ‘Schedule 3— Information to be contained in a manifest’ to read ‘Manifests under section 30 of the Act’.
- The heading has been amended from “Information to be contained in a manifest maintained under section 30 of the Act—” and simplified to “Information to be contained in a manifest”.

*Schedule 3 clause 1*

- Formatting changes have been made from (a), (b), (c) to (1), (2), (3).
- The ‘date when’ to be amended to ‘the date on which’.

*Schedule 3 clause 5*

- The heading has been amended to: “*5 Packaged dangerous goods and dangerous goods in IBCs*” to reference dangerous goods in IBCs as these are not technically “packaged goods” and should therefore be noted separately.

*Schedule 3 clause 7*

- There has been a minor grammatical change from “documentation” to “documents”.

*Schedule 4 clause 2(1)*

- Wording has been amended to include the words: “*Subject to clause 3(4)*” at the start of clause (2) to follow modern drafting practices.

*Schedule 4 clause 2(2)*

- The word “and” has been removed from the end of (a), (b) and (c), separated only by a “;”Schedule 4 clause 3(1)

- Wording has been amended to remove the words: “*Subject to subclause (4)*” to follow modern drafting practices.

*Schedule 4 clause 3(2)*

- The word “and” has been removed from the end of (a), (b) and (c), separated only by a “;” and will be restricted into (2) (a); (2)(b) and (3).

*Schedule 4 clause 3(3)*

- Has been slightly reworded so that “other than” and “or, if” replaces the words “except” or “except where” to modernise the drafting and make it clearer, including by removing the words ‘in which case the lettering must be’.

*Schedule 4 clause 3(4)e*

- Wording has been slightly amended to modernise the drafting. For example, “in accordance” is to read “that accords” and “a” to become “the” and the word “and” to be added between “dangerous goods and that contains”.

*Schedule 4 clause 4(1) and (5)*

- Slight formatting changes have been made to separate the wording into (a) and (b) and so forth.

*Schedule 5—List of dangerous goods of UN Class 2.2 not exempted from section 32 of the Act*

- The heading has been simplified and clarified as follows: “*Schedule 5—List of dangerous goods of UN Class 2.2 not prescribed dangerous goods for the purposes of section 32 of the Act*”
- Has been reword from ‘Dangerous goods from UN Class’ to ‘Dangerous goods of UN Class’.

**Endnotes**

- The Endnotes and Table of Applied, Adopted or Incorporated Matter have been updated accordingly.