



**THE DANGEROUS GOODS (CLASS 4—FLAMMABLE SOLIDS OR
SUBSTANCES AND CLASS 5—OXIDISING SUBSTANCES)
REGULATIONS 1985**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of July 1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 35 of the Dangerous Goods Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Dangerous Goods (Class 4—Flammable Solids or Substances and Class 5—Oxidising Substances) Regulations 1985.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Dangerous Goods Act 1974:

“Approved” means approved by an Inspector:

“Industrial use” and “commercial use”, in relation to dangerous goods, means the use of dangerous goods in connection with any trade, business, profession, commercial enterprise, or industry; and includes the use of any such goods for any purpose incidental to the pursuit or conduct thereof:

“Organic peroxide” includes an organic peroxide which has been phlegmatised or mixed with another substance or substances for safety or convenience in transport or use:

“Outer package” means any container enclosing one or more bottles, tins, cans, drums, or similar receptacles which are normally removed from that container before their contents are used:

“Private use”, in relation to dangerous goods, means the use of dangerous goods for purposes other than an industrial or commercial use; but does not include the storage of dangerous goods for purposes of sale:

“Protected work” means—

(a) Any dwellinghouse, or any place of worship, public building, university, college, school, hospital, public institution, Court, theatre, or other building in which persons are accustomed to assemble; and

(b) Any factory, workshop, office, store, warehouse, shop, or other building where persons are regularly employed for the purpose of any trade or business, and any other building which a licensing

authority may consider is of sufficient importance or value to warrant protection; and

(c) Any wooden decked wharf (not being a wharf specifically designed for transfer of dangerous goods), public railway (not being a siding), or timber yard, and any place where it is customary for ships to berth, moor, or lie,—

but does not include a small office or other building connected with the storage or use of dangerous goods on premises in which such storage or use is a major function:

“Public place” means a place (other than a protected work) freely open to and frequented by the public; and includes a place where a section of the public may be permitted to assemble; but does not include a place on enclosed private property where access to dangerous goods is effectively controlled by the licensee:

“Screen wall” means a wall or other barrier of such substance and so constructed or placed as to be efficient for the purpose of preventing the spread of fire from any one place to another or of directing flammable vapours; and includes the wall of a protected work if the wall is adequate for that purpose:

“Source of ignition” means any agency capable of igniting a flammable gas, vapour, or other combustible substance; and includes a fire, flame, spark, fuel-lamp, and any electrical equipment of a type not approved for use in the particular location where a flammable gas or vapour or combustible substance is or may be present:

“Vehicle” includes a trailer:

“Wharf” includes any quay, landing place, landing stage, jetty, pier, hulk, or other place at which goods are landed, loaded, or unloaded into or from any vessel.

Packaging, Storage, and Conveyance of Dangerous Goods of Class 4

3. Containers for dangerous goods of Class 4—No person shall convey, or pack for conveyance or for storage, dangerous goods of Class 4 unless the dangerous goods are contained in packages or containers which conform to a standard approved by the Chief Inspector.

4. Conveyance of dangerous goods of Class 4—All persons conveying dangerous goods of Class 4 shall take all reasonable precautions to ensure that those goods are secure and so segregated from dangerous goods of any other class as to prevent contamination from one substance to another in the event of spillage.

5. Storage of dangerous goods of Class 4.1, Category A—No person shall store dangerous goods of Class 4.1, Category A on licensed premises otherwise than in a depot so constructed as to comply with the following general conditions:

- (a) The walls and roof of the depot have a fire resistance rating of at least 4 hours:
- (b) The door of the depot opens outwards, has a fire resistance rating of at least 2 hours, and is self closing:
- (c) The floor of the depot is covered by an approved material incapable of producing a spark:
- (d) The depot is efficiently vented directly to the open air and all vent openings are covered by brass gauze of 500 microns nominal aperture size:

- (e) No source of ignition will be permitted in the depot other than waterproof bulkhead-type light fittings having all wiring in conduit and switches situated on the outside of the depot.

6. Storage of dangerous goods of Class 4.1, Category B—(1) No person shall store dangerous goods of Class 4.1, Category B on licensed premises, other than in a depot of which the floor, walls, and roof shall be constructed of non-combustible materials or, where a depot is not provided with walls, the roof shall be such that the dangerous goods stored therein are protected against the direct rays of the sun.

(2) No source of ignition shall be permitted in a depot to which this regulation relates other than approved electrical equipment.

7. Storage of dangerous goods of Class 4.1, Category C—Dangerous goods of Class 4.1, Category C shall, if stored in quantities exceeding 250 kg, be stored in a depot constructed of non-combustible materials.

8. Storage of dangerous goods of Class 4.2, Category A—No person shall store dangerous goods of Class 4.2, Category A on licensed premises other than in accordance with the following conditions:

- (a) The dangerous goods are stored in a depot constructed of non-combustible materials. Where the depot is situated within another building, the roof and walls of the depot have a fire resistance rating of not less than 4 hours and, except where a door opens into an approved workroom for the use of dangerous goods, the depot has no openings to the interior of the building;
- (b) Any such door opening into the building shall open outwards from the depot, be self closing, and shall have a fire resistance rating of not less than 2 hours;
- (c) No source of ignition shall be permitted in the depot other than approved electrical equipment.

9. Dangerous goods of Class 4.2, Category B—Dangerous goods of Class 4.2, Category B shall be stored away from sources of ignition in a depot constructed of non-combustible materials and shall be so segregated from other dangerous goods as to prevent contamination from one substance to another in the event of spillage.

10. Storage of dangerous goods of Class 4.2, Category C—Dangerous goods of Class 4.2, Category C shall not be stored in quantities exceeding 250 litres or 250 kg within 3 m of a protected work unless a screen wall intervenes between those dangerous goods and the protected work.

11. Storage of dangerous goods of Class 4.3—(1) Dangerous goods of Class 4.3, Categories A, B, and C in quantities exceeding 50 kg shall be stored in a depot constructed of non-combustible materials and away from sources of ignition and other dangerous goods.

(2) Any such depot shall be constructed so as to prevent the ingress of water, and shall be adequately ventilated.

12. Provision of fire-fighting equipment—Approved fire-fighting equipment shall be provided at every depot used for the storage of Class 4 dangerous goods.

13. Fire extinguishers on vehicles—Unless the Chief Inspector otherwise decides upon application made in that behalf, all vehicles conveying dangerous goods of Class 4 shall be provided with a fire extinguisher of a type approved for those particular dangerous goods by the Chief Inspector.

Conveyance, Storage, and Handling of Dangerous Goods of Class 5 (a)

14. Ammonium nitrate fertiliser mixtures—Nothing in these regulations shall apply to ammonium nitrate fertiliser mixtures containing—

- (a) Not more than 45 percent of ammonium nitrate mixed with ammonium sulphate; or
- (b) Not more than 80 percent of ammonium nitrate mixed with not less than 20 percent of calcium carbonate or other inorganic inert material.

15. Certain other mixtures prohibited—Except as may be specifically approved by the Chief Inspector, no person shall import, convey, or store—

- (a) Ammonium nitrate that contains or is mixed with any combustible or organic material (calculated as carbon) or other material with which it could react chemically, in quantity greater than 0.2 percent;
- (b) Any other dangerous goods of Class 5 (a) that contains as an impurity or has mixed therewith any combustible or other material that could increase the hazard from the dangerous goods during conveyance, storage, or handling.

16. Containers and packing material—(1) No person shall convey, store, or pack for conveyance or storage any dangerous goods of Class 5 (a), except in containers constructed to a specification approved by the Chief Inspector.

(2) Every such container shall be closed, or shall be provided with liners to prevent spillage of the contents under ordinary conditions of transport and storage and to prevent the ingress of water or atmospheric moisture into the container.

(3) Where any absorbent cushioning or packing material is used in connection with the packing of dangerous goods of Class 5 (a), such material shall be inert and shall not contain any organic impurities, or shall be of such a nature that it will not create a hazard in the event of any leakage or spillage of the dangerous goods.

17. Segregation of dangerous goods—(1) Every person transporting or storing dangerous goods of Class 5 (a) shall, during transport or storage, segregate them from all combustible materials, explosives, zinc, magnesium, powdered metals, other dangerous goods of any other class, and any material that could oxidise or catalyse the decomposition of those dangerous goods of Class 5 (a).

(2) No person shall transport or store ammonium nitrate together with any of the other dangerous goods of Class 5, nor with any dangerous goods of any other class, unless the ammonium nitrate is segregated from those other goods so that the goods cannot come into contact with one another.

(3) A quantity of dangerous goods of Class 5 (a) exceeding 10 tonnes shall not be regarded as segregated in storage from combustibles and other incompatible substances unless it is separated therefrom by a distance, in the case of ammonium nitrate in quantity exceeding 20 tonnes, of not less

than 10 m, and in other cases by a distance of not less than 5 m or, in either case, by a wall of reinforced concrete not less than 100 mm thick or a wall of equivalent fire resistance.

(4) Except as permitted under the terms of a licence to manufacture explosives issued under the Explosives Act 1957, no person shall convey or store ammonium nitrate so close to any quantity of explosives that there is a risk to the ammonium nitrate being detonated in the event of an explosion occurring in those premises.

(5) Equipment used for heating premises shall be so located that:

- (a) The dangerous goods cannot come into direct contact with a source of heat; and
- (b) The dangerous goods cannot be heated to a temperature of 50°C or to within 15°C of their decomposition temperature, whichever is lower.

18. Conditions of storage of dangerous goods of Class 5 (a) in quantities exceeding 500 kg—Unless otherwise approved by the Chief Inspector, no person shall store dangerous goods of Class 5 (a) on any premises in quantities exceeding 500 kg except in accordance with the following general conditions:

- (a) The storage place for any such dangerous goods of Class 5 (a) shall have an incombustible floor without open drains or pits, shall be cool, and shall be such as will ensure that the dangerous goods and their containers are protected from the weather and dampness. If the walls are not of fire-resisting construction (that is, of brick or concrete or other similar material and of a construction approved by an Inspector) they shall contain no more combustible material than a wooden frame, and the storage place or building shall be located not less distant than 3 m from a protected work. The storage place shall be substantially at ground level, and, if more than 50 tonnes of dangerous goods of Class 5 (a) are stored, shall not exceed one storey in height:
- (b) The store shall be adequately ventilated to prevent the development of dangerous pressures, or shall be so constructed as to be self ventilating in the event of fire:
- (c) Not more than 50 tonnes of ammonium nitrate shall be in any storage place unless it is isolated at least 15 m from any building occupied residentially, or any hospital, school, or place of public assembly, nor shall the quantity exceed 100 tonnes unless the isolation distance is at least 30 m:
- (d) Not more than 200 tonnes of ammonium nitrate packed in bags or other combustible containers shall be kept in any store unless the dangerous goods are either protected from fire by an approved water sprinkler system or isolated from any protected works as required by the Chief Inspector:
- (e) Ammonium nitrate shall be stored in stacks each not exceeding 6 m wide, 15 m long, and 6 m high, with aisles of not less than one metre between stacks. When the ammonium nitrate is packed in bags or other combustible packages, such stacks shall be kept not less than one metre away from any walls:
- (f) Where dangerous goods of Class 5 (a) (other than ammonium nitrate) are stored in combustible packages, they shall be kept in stacks not exceeding 15 m wide, 15 m long, and 6 m high, with aisles

of not less than 2 m maintained between stacks, and the stacks kept not less than one metre away from any walls:

Provided that, if the dangerous goods are protected from fire by means of an approved water sprinkler system, the stack need not be limited as to length, and the space between a stack and any wall may be reduced to 0.5 m:

- (g) Only such other goods as may be approved by an Inspector shall be kept in any room or compartment in which dangerous goods of Class 5 (a) are stored pursuant to the provisions of this regulation:
- (h) A depot for the storage of more than 1000 kg of dangerous goods of Class 5 (a) shall, where considered necessary by an Inspector, be provided with kerbing so that, in the event of fire, molten dangerous goods will flow clear of all other depots and buildings:
- (i) In every such depot provision shall be made for an adequate supply of water to be available for fire-fighting purposes. Where required by an Inspector, a hydrant or hydrants shall be installed, and hoses, nozzles, and other similar appliances and devices for supplying heavy streams of water shall be installed in proximity to the store. Salt water shall not be used as the extinguishing medium unless an adequate supply of fresh water is not available.

19. Rules for handling dangerous goods of Class 5 (a)—(1) Every person engaged in the handling of dangerous goods of Class 5 (a), whether during usage, transport, or in store, shall observe the following rules:

- (a) No naked lights or smoking shall be permitted inside a store or within 8 m of the place where the dangerous goods are being handled:
Provided that nothing in this paragraph shall prevent the use of controlled flames required in the process of manufacturing nitrous oxide from ammonium nitrate, where a day's supply of ammonium nitrate is held ready for use and no other dangerous goods are present:
 - (b) Any spillage of dangerous goods shall be immediately swept up, removed, and safely disposed of:
 - (c) Stores shall at all times be kept clean and free from dust, grit, and similar particles of foreign matter:
 - (d) Except when being used in industrial operations in accordance with conditions approved by an Inspector, where the dangerous goods are being used in powder form or in solution the following precautions shall be taken:
 - (i) Any person using the dangerous goods shall change his outer clothing immediately after using the goods, and that outer clothing shall not be worn again (except when it is being used for the same purpose) until it has been thoroughly washed and, pending such washing, that outer clothing shall be stored in a suitable cabinet or other receptacle separate from other clothing:
 - (ii) No person shall smoke while using the dangerous goods or come into the vicinity of any flame or spark until his clothing has been changed:
 - (e) All reasonable precautions, whether prescribed in these regulations or not, shall be taken for the prevention of accident by fire or explosion.
- (2) Unless otherwise approved, vehicles conveying dangerous goods of Class 5 (a) in quantity greater than that which can be safely and immediately

removed from the vehicle in the event of fire, shall be provided with at least one 2 kg dry powder or one 1.3 kg vapourising-type fire extinguisher.

Conveyance, Storage, and Handling of Dangerous Goods of Class 5 (b) (Organic Peroxides)

20. Regulations 21 to 28 to apply—Every person packing, conveying, storing, or using dangerous goods of Class 5 (b), and every person in or about the premises on which such dangerous goods are stored or used, shall comply with the provisions of regulations 21 to 28 of these regulations.

21. Packing requirements—No person shall convey or store dangerous goods of Class 5 (b) unless they are packed in accordance with the following provisions:

- (a) The materials of which the packages and their closures are made shall not be liable to attack by the contents or react harmfully therewith:
- (b) The containers shall be sufficiently strong and rigid to withstand normal conditions of conveyance without damage or serious deformation and shall hold the contents without leakage:
- (c) Cushioning material used in packing shall not be readily flammable and not be capable of decomposing organic peroxides:
- (d) The quantity of goods contained in each inner and outer package shall not be in excess of that approved by the Chief Inspector for each organic peroxide formulation:
- (e) Containers for liquid organic peroxides shall not be filled beyond 90 percent of their capacity; and, where a significant rise of internal pressure during transport or storage can be expected, a suitable venting device shall be fitted which will allow the release of pressure without (under all normal circumstances) the loss of any liquid contents or allowing impurities to enter the container.

22. Conveyance of dangerous goods of Class 5 (b)—No person shall convey dangerous goods of Class 5 (b) except in accordance with the following provisions:

- (a) The containers of the dangerous goods shall be adequately secured to the vehicle, but in such a manner that they can be readily removed in an emergency:
- (b) The dangerous goods shall be segregated from combustible goods and chemicals carried on the same vehicle in such a manner that no mixing could occur if the packages leaked:
- (c) There shall be carried on the vehicle in a readily accessible position at least one fire extinguisher in accordance with regulation 29 of these regulations.

23. Storage requirements—No person shall store dangerous goods of Class 5 (b) in quantity exceeding 10 kg otherwise than in accordance with the requirements of regulations 24 to 26 of these regulations.

24. Storage buildings and depots—(1) Dangerous goods of Class 5 (b) stored in quantity exceeding 25 kg shall be kept in a building having a concrete floor, walls of brick, concrete, or other approved materials, and a roof of wood and iron or similar light construction. The doors shall be of timber sheathed with flat galvanised iron and of approved construction. The building shall be well ventilated by vents protected with stainless steel

wire gauze of not less than 3 meshes to the centimetre; and, where liquid organic peroxides are to be stored, provision shall be made to prevent their outflow in the event of spillage. Shelves and fittings which may be provided shall be of incombustible material which is compatible with organic peroxides. Except with the approval of the Chief Inspector, no electric lighting or fittings shall be installed in the building. There shall be displayed in a conspicuous position at the entrance to the building, in letters of such size as may be easily read, the warning "ORGANIC PEROXIDES. FLAMMABLE. NO SMOKING". The building shall be kept secured against unauthorised entry. If liquid organic peroxides are stored, means shall be provided to retain any spillage within the building.

(2) Subject to subclause (3) of this regulation, every depot for storing dangerous goods of Class 5 (b) shall be isolated from any protected works in accordance with the following table:

Weight of Organic Peroxides	Minimum Distance From a Public Place	Minimum Distance from Protected Works
kg	metres	metres
25	5	10
50	7	15
100	10	20
200	12	25
500	15	35
1,000	20	45
2,000	25	55
3,000	35	80

(3) The isolation distances specified in the table shall be subject to modification as follows:

- (a) For quantities in excess of 10,000 kg, the depot shall be isolated in accordance with the requirements of the Chief Inspector:
- (b) For quantities and distances intermediate between those listed, the difference in distance shall be proportional to the difference in quantity:
- (c) In any case where the licensee has agreed that only certain less hazardous kinds of organic peroxide will be stored, or where the public safety will not be prejudiced, or where protective mounding is provided, the Chief Inspector may approve a lesser distance.
- (4) On any premises required to be licensed for the storage of dangerous goods of Class 5 (b), provision shall be made for an adequate supply of water to be available for fire-fighting purposes in those areas where such goods are stored or used.

(5) Chemical fire extinguishers shall not be used on fires involving dangerous goods of Class 5 (b).

25. Storage of quantities not exceeding 25 kg—Dangerous goods of Class 5 (b) stored in quantities exceeding 10 kg but not exceeding 25 kg shall be kept either in a building meeting the requirements of regulation 24 of these regulations, or in a cabinet constructed, fitted up, and maintained as follows:

- (a) The bottom, top, and sides of the cabinet shall be constructed from steel sheet not less than 1 mm thick, with double wall construction throughout having a cavity not less than 40 mm thick, and all joints shall be welded:

- (b) The door of the cabinet shall be of construction equivalent to that of the walls, and shall be fitted with a friction-type lock which will be effective to permit relief to pressure in the event of explosion, and a sill not less than 50 mm deep shall be fitted beneath the door:
- (c) There shall be displayed on the door of the cabinet in letters of such size as may be easily read the warning—“ORGANIC PEROXIDES. FLAMMABLE. KEEP FIRE AND COMBUSTIBLES AWAY”:
- (d) Unless it is impractical the cabinet shall be vented to the outside of the building.

26. Depots or cabinets for storage—A depot or cabinet for the storage of dangerous goods of Class 5 (b) shall be used only for the keeping of such goods and the containers in which they are packed, and no person shall open any such container or weigh out any such goods in the storage place.

27. Rules as to conveyance, storage, handling, and use—The following rules shall be observed in relation to the conveyance, storage, handling, and use of dangerous goods of Class 5 (b):

- (a) Packages of the dangerous goods shall be opened and used in an area which is of fire-resisting materials constructed to the satisfaction of an Inspector:
- (b) No more of the goods than is reasonably necessary for immediate use shall be present in the work area at any one time, and, in any case, not more than one day's supply:
- (c) Packages that have been opened in the course of use may be returned to the store only if any material removed from the package has not been replaced therein. Unused material removed from its original package shall either be replaced therein or placed in some other suitable container and then retained in a safe place in the work area away from heat, sources of ignition, and possible contaminants:
- (d) All practicable steps shall be taken to prevent accident by fire or explosion arising from permitting dangerous goods of Class 5 (b) to come in contact with substances or materials with which it can react or which may cause it to become unstable:
- (e) Any of the goods that may be accidentally spilled or contaminated shall be taken up and disposed of in the manner prescribed in regulation 28 (2) of these regulations:
- (f) Proper steps shall be taken to exclude smoking and sources of ignition from the area where the goods are being handled or used, and to keep them at a safe equable temperature and protected from direct sunlight or blow or friction.

28. Precautions in respect of drains, empty packages, and contaminated materials—(1) No person shall allow dangerous goods of Class 5 (b) to enter a drain where they could prove a hazard or nuisance to the public.

(2) Empty packages which have contained dangerous goods of Class 5 (b) shall be disposed of by burning, and waste organic peroxides shall be disposed of likewise, or by hydrolysis or other method approved by an Inspector and appropriate to the kind and quantity of organic peroxide involved.

(3) Rags or other combustible materials that have been contaminated by organic peroxide shall, immediately after use, be placed in a metal container having a close fitting lid and shall be disposed of by burning as soon as possible.

29. Fire extinguishing equipment where dangerous goods of Class 5 (b) are conveyed—Unless otherwise approved, vehicles conveying dangerous goods of Class 5 (b) in quantity greater than that which can be safely and immediately removed from the vehicle in the event of fire shall be provided with a plain water-type fire extinguisher of a capacity of not less than 10 litres.

30. Location of hand fire extinguishers on vehicles—Where a hand fire extinguisher is required on a vehicle conveying dangerous goods of Class 5 (b) it shall be so located and supported that it is not unduly subject to corrosion, is readily accessible and removable, and is easily seen.

Miscellaneous Provisions

31. Protective clothing and equipment—Where in connection with the conveyance, storage, handling, or use of any dangerous goods of Classes 4 and 5 or of any containers or equipment for dangerous goods of Classes 4 and 5 there is any hazard to any person involved in such conveyance, storage, handling, or use of the dangerous goods, or from handling, maintaining, or repairing any such container, through contact with the goods or any gas or vapour resulting therefrom, that person shall wear such approved protective clothing or use such approved equipment or take such other precautions as may be necessary for his protection; and any person employing any other person in connection with that conveyance, storage, handling, use, maintaining, or repairing shall provide the necessary protective clothing or equipment and instruct and supervise that other person in the proper wearing or use of that clothing or equipment.

32. Responsibilities of managers—In respect of any commercial or industrial business involving the use of or handling of dangerous goods of Classes 4 and 5, the manager or management of that business shall ensure—

- (a) That all employees required to use or handle such goods are fully instructed in the hazards associated therewith and on the proper procedures to follow in using or handling those goods, including the steps to be taken in the event of any spillage or other emergency; and
- (b) That all containers holding such goods are adequately identifiable as to contents.

33. Storage of used containers exceeding 5 litres capacity—No person shall keep or store any container of a capacity exceeding 5 litres which has contained dangerous goods of Classes 4 or 5 but has not been freed from such dangerous goods or any flammable liquid or vapour or gas (except in a licensed depot or an open yard or other storage place for dangerous goods permitted by these regulations) unless the container is secure from access by unauthorised persons, is reasonably free from danger from fire, and is securely closed by a bung screwed well home or in some other approved manner.

34. Disposal of containers—No person shall dispose of any container which has contained dangerous goods of Classes 4 or 5 or permit any such container to be disposed of unless he has taken all reasonable precautions to ensure that any remaining dangerous goods or flammable vapour or gas therefrom will not be a hazard to persons or property.

35. Sale or disposal of containers exceeding 20 litres capacity—No person shall sell or otherwise dispose of or permit the sale or other disposal of any container of capacity exceeding 20 litres which has contained dangerous goods of Classes 4 or 5 unless all dangerous goods and flammable vapour have been removed by an approved method, or the person given possession of the container has been notified in writing that it has held dangerous goods and is likely to contain flammable liquid or vapour.

36. Repairs to used containers—No person shall repair or cause or permit to be repaired any container which has held dangerous goods of Classes 4 or 5 nor shall any person bring or permit any source of ignition to be brought into such container or so near thereto as to create a hazard, unless that container has first been cleared of all traces of dangerous goods and flammable vapour or gas by an approved method:

Provided that this regulation shall not prohibit the carrying out of such servicing and repairs as will not create or involve a source of ignition, and the work is carried out in accordance with conditions approved by an Inspector.

37. Electrical installation within hazardous locations—Where, in these regulations, there is any requirement limiting the presence of sources of ignition, that requirement may be modified in respect of electrical installations by applying the principle of zoning into regions of differing degrees of hazard in accordance with such standard specification or code as may be approved by the Chief Inspector, and installing within any such zone electrical equipment or circuits of such type and in such manner as may be approved by the responsible Electrical Supply Authority as acceptable for that zone in terms of the provisions of the Electrical Wiring Regulations 1976.

Offences and Penalties

38. Offences and penalties—Every person who does any act in contravention of or fails to comply with any of the provisions of these regulations commits an offence, and, except where otherwise expressly provided, is liable on conviction to a fine not exceeding \$5,000 and, where the offence is a continuing one, to a further fine not exceeding \$1,250 for every day on which the offence has continued.

39. Liability of licensees—Except where these regulations otherwise provide, where under these regulations any requirement, obligation, rule, or provision is imposed or required to be observed with respect to or in connection with any premises or machinery or equipment or container for dangerous goods, or with respect to the handling, storing, or the use of dangerous goods, or otherwise howsoever, the licensee shall cause that requirement, obligation, rule, or provision to be duly and faithfully complied with or observed, and, if the requirement, obligation, rule, or provision is

not duly and faithfully complied with or observed, the licensee commits an offence and shall be liable accordingly.

40. Revocations—Regulations 149 to 180 of the Dangerous Goods Regulations 1958 are hereby revoked.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations consolidate and amend those provisions of the Dangerous Goods Regulations 1958 which relate to Class 4 and Class 5 dangerous goods (as set out in the Schedule to the Dangerous Goods Act 1974).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 July 1985.

These regulations are administered in the Department of Labour.