

Summary of changes



Dangerous Goods (Storage and Handling) Amendment (Notification) Regulations 2021

Background

Dangerous goods may pose risks to workers at premises where dangerous goods are stored and handled. They can also pose a risk to others such as emergency service workers and people in the vicinity of premises in the event of an uncontrolled incident like an explosion or fire.

With the exception of Major Hazard Facilities, which are separately regulated under the Occupational Health and Safety Regulations 2017, the safe storage and handling of dangerous goods is regulated under the Dangerous Goods (Storage and Handling) Regulations 2012 (Principal Regulations).

Under the Principal Regulations, one of the duties imposed on occupiers of premises, where quantities of dangerous goods are stored and handled above certain prescribed quantities, is to notify WorkSafe of the presence of those goods and provide certain information about the premises, the business and the dangerous goods.

WorkSafe uses notification information to assess the risk posed by these premises, identify the highest risk sites, and to prioritise regulatory oversight activities. It is important that information acquired through notification is current, sufficiently comprehensive and relevant to enable an appropriate risk assessment.

Dangerous Goods (Storage and Handling) Amendment (Notification) Regulations 2021

The Dangerous Goods (Storage and Handling) Amendment (Notification) Regulations 2021 (Amendment Regulations) make amendments to the Principal Regulations to improve the timeliness and relevance of information provided to WorkSafe through notifications.

The amendments include the:

- ◆ introduction of a new definition of 'notifiable goods'
- ◆ requirement for additional information for each notification
- ◆ reduction of the current five year period for providing further notification to two years (where none of the specified changes in circumstance occur)

- ❖ requirement to provide further notification within three business days of a specified change in circumstance occurring.
- ❖ reduction in the timeframe for notifications from 14 days to within three business days of the obligation to notify arising
- ❖ requirement for the occupier to display the Authority's acknowledgement of notification at the premises.

The amendments commence on 1 July 2021.

What does this mean for you?

If you are an occupier of premises that store and handle dangerous goods in quantities that exceed those specified in the column headed 'Manifest Quantity' in the table in Schedule 2 of the Principal Regulations, you will need to change the frequency of notification to WorkSafe and provide additional information.

Existing duty holders will have six months from 1 July 2021 to submit a notification that complies with the new requirements or until one of the specified changes in circumstance occurs (whichever is earlier). New duty holders will be required to notify in accordance with the Amendment Regulations from their commencement.

An online notification form has been developed to assist duty holders in notifying WorkSafe. The form will replace the current digital and paper forms on the WorkSafe website. It will be available on myWorkSafe from 1 July. Once live, you can access it [here](#).

What has changed?

A summary of key changes is provided below. However, duty holders must refer to the Principal and Amendment Regulations when assessing compliance. A copy of the Amendment Regulations can be found [here](#).

1. Technical changes

Technical changes have been included to clarify the operation of notification requirements. In particular, a new definition of 'notifiable good' has been introduced.

The definition captures the same dangerous goods that are currently notifiable under regulation 66 of the Principal Regulations. Definitions for 'business day' and 'UN Division' have also been introduced.

Schedule 2, which sets out a table that provides the 'Manifest Quantity' of dangerous goods, has also been amended to indicate that the Schedule is now also referred to in new regulations 5 and 66C(1).

Principal Regulations (Current)	Amendment Regulations (From 1 July 2021)
N/A	<p>5 Definitions In regulation 5 of the Principal Regulations insert the following definitions—</p> <p>'business day means a day other than a Saturday, a Sunday or a public holiday appointed under the Public Holidays Act 1993;</p> <p>notifiable goods means dangerous goods that are stored and handled in quantities that exceed the relevant quantities specified in the column headed "Manifest Quantity" in the table in Schedule 2;</p> <p>UN Division, in relation to dangerous goods, has the same meaning as in regulation 5 of the Dangerous Goods (Transport by Road or Rail) Regulations 2018;'</p>
Schedule 2 – Quantities of dangerous goods Regulations 45(1), 47, 48(1), 54(1), 55(1) and 66(1)	<p>11 Schedule 2—Quantities of dangerous goods In Schedule 2 to the Principal Regulations, for "45(1), 47, 48(1), 54(1), 55(1) and 66(1)" substitute "5, 45(1), 47, 48(1), 54(1), 55(1) and 66C(1)".</p>

2. Additional information will be required with each notification

As part of the Amendment Regulations, notifications must include the following additional information:

- Largest number of persons ordinarily present at the premises during operating hours
- Periods of time during which the premises is unattended (if any)
- Details of any licence issued to the occupier by the Environment Protection Authority under the relevant Acts, in relation to the premises
- Information about the notifiable goods that are stored and handled at the premises, including the maximum quantity of each type that will be at the premises at any one time during the notification period (two years from the most recent notification).

Principal Regulations (Current)	Amendment Regulations (From 1 July 2021)
<p>66 Notification to Authority</p> <p>(1) An occupier of premises where dangerous goods are stored and handled</p>	<p>6 Notification to Authority</p> <p>(1) For regulation 66(1) and (2) of the Principal Regulations substitute—</p>

<p>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.</p> <p>Note Contravention of this subregulation may constitute an offence for the purposes of sections 45 and 45A of the Act.</p> <p>(2) A notification to the Authority under subregulation (1) must—</p> <ul style="list-style-type: none"> (a) be given within 14 days after the obligation to notify arises; and (b) include the following information— <ul style="list-style-type: none"> (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 UN Class and the maximum quantity of the dangerous goods stored and handled in bulk or as packaged dangerous goods; and (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. <p>Note Contravention of this subregulation may constitute an offence for the purposes of sections 45 and 45A of the Act.</p> <p>(3) The occupier must ensure that the Authority is provided with further notification, containing the information required under subregulation (2), every 5 years, or at such longer intervals as are specified by the Authority. Note</p>	<p>"(1) An occupier of premises where notifiable goods are present must ensure that the Authority is provided with a notification of the presence of those goods that complies with subregulation (2).</p> <p>Note Contravention of this subregulation may constitute an offence for the purposes of sections 45 and 45A of the Act.</p> <p>(2) A notification under subregulation (1) must—</p> <ul style="list-style-type: none"> (a) be given in a form and manner determined by the Authority in accordance with regulation 66D; and (b) be given within 3 business days after the obligation under subregulation (1) arises; and (c) include the following information— <ul style="list-style-type: none"> (i) the name of the occupier; (ii) the occupier's contact details; (iii) the address of the premises; (iv) the largest number of persons ordinarily present at the premises during operating hours; (v) the periods of time during which the premises are ordinarily unattended (if any); (vi) details of any licence issued to the occupier by the Environment Protection Authority, under the Environment Protection Act 1970 or the Environment Protection Act 2017, in relation to the premises; (vii) the nature of the principal activities at the premises involving the notifiable goods; (viii) for those notifiable goods that are stored and handled in
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<p>Contravention of this subregulation may constitute an offence for the purposes of sections 45 and 45A of the Act.</p> <p>(4) This regulation does not apply in relation to a major hazard facility that is licensed or registered under the Occupational Health and Safety Regulations 2017.</p>	<p>bulk or as packaged dangerous goods—</p> <p>(A) the maximum quantities for each of those goods that will be at the premises at any one time during the next 2 years; and</p> <p>(B) any applicable UN Class, UN Division and Packing Group for those goods; and</p> <p>(C) details of any C1 combustible liquids;</p> <p>(ix) for those notifiable goods that are goods too dangerous to be transported—</p> <p>(A) the product names of those goods; and</p> <p>(B) the maximum quantities for each of those goods that will be at the premises at any one time during the next 2 years."</p> <p>(2) Regulation 66(3) of the Principal Regulations is revoked.</p>
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3. Notifications will require renewal at least every two years, or more frequently if specified circumstances occur

The current five year period for providing further notification has been reduced to two years.

In addition, further notification is required when the following circumstances occur:

- Change of occupier name and/or contact details
- 20 per cent change to a quantity most recently notified as the maximum quantity for a particular type of dangerous goods
- New notifiable good is stored at the premises
- Notifiable good that was previously subject to a notification is no longer stored at the premises
- Premises no longer stores any notifiable goods
- Change in the principal activity involving the notifiable goods
- Introduction or substantial modification to plant used for storage and handling of notifiable goods

The timeframe for notifications has been reduced from 14 days to within three business days of the obligation to notify arising

The change to the timeframe for notifications reduces the time between one of the specified changes in circumstances occurring at a premises and WorkSafe being informed of this fact. This ensures that the information WorkSafe has available to inform a risk-based approach to regulatory oversight of all premises in Victoria where notifiable goods are stored, is as current as reasonably possible.

Principal Regulations (Current)	Amendment Regulations (From 1 July 2021)
N/A	<p>7 New regulations 66A, 66B, 66C and 66D inserted</p> <p>After regulation 66 of the Principal Regulations insert—</p> <p>'66A Further notification to Authority— periodic or following certain changes in circumstances</p> <p>(1) An occupier of premises where notifiable goods are present must ensure that the Authority is provided with a further notification that complies with subregulation (2)—</p> <p>(a) within 2 years of the most recent notification under regulation 66, 66C or this regulation; and</p> <p>(b) (b) within 3 business days after—</p> <p>(i) the occupier's name or contact details have changed; or</p> <p>(ii) a quantity of notifiable goods specified in the most recent notification under regulation 66, 66C or this regulation has increased by 20% or more; or</p> <p>(iii) the nature of the principal activities involving the notifiable goods at the premises has changed; or</p> <p>(iv) new plant has been introduced to the premises for</p>

	<p>use in connection with the storage and handling of the notifiable goods; or (v) substantial modifications have been made to plant that is used for the storage and handling of the notifiable goods at the premises.</p> <p>Notes 1 Contravention of this subregulation may constitute an offence for the purposes of sections 45 and 45A of the Act. 2 For requirements relating to new notifiable goods at the premises—see regulation 66.</p> <p>(2) A notification under subregulation (1) must— (a) be given in a form and manner determined by the Authority in accordance with regulation 66D; and (b) include the information set out in regulation 66(2)(c) that is current; and (c) include the reason for notification under subregulation (1) and any further details (if applicable).</p> <p>(3) This regulation does not apply in relation to a major hazard facility that is licensed or registered under the Occupational Health and Safety Regulations 2017.</p> <p>66B Further notification to Authority—person ceases to be an occupier</p> <p>(1) If a person ceases to be an occupier of premises where notifiable goods are present, the person must ensure that the Authority is notified of that change within 3 business days.</p> <p>Note Contravention of this subregulation may constitute an offence for the purposes of sections 45 and 45A of the Act.</p> <p>(2) A notification under subregulation (1) must be given in a form and manner determined by the Authority in</p>
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	<p>accordance with regulation 66D.</p> <p>66C Further notification to Authority— decrease in quantity of dangerous goods</p> <p>(1) An occupier of premises where notifiable goods are present must ensure that the Authority is notified within 3 business days after a quantity of notifiable goods specified in the most recent notification under regulation 66, 66A or this regulation—</p> <ul style="list-style-type: none"> (a) has decreased by 20% or more, but has not fallen below the relevant quantity specified in the column headed "Manifest Quantity" in the table in Schedule 2; or (b) has fallen below the relevant quantity specified in the column headed "Manifest Quantity" in the table in Schedule 2. <p>Note Contravention of this subregulation may constitute an offence for the purposes of sections 45 and 45A of the Act.</p> <p>(2) A notification under subregulation (1) must—</p> <ul style="list-style-type: none"> (a) be given in a form and manner determined by the Authority in accordance with regulation 66D; and (b) include the information set out in regulation 66(2)(c) that is current; and (c) include the reason for notification under subregulation (1) and any further details (if applicable). <p>(3) This regulation does not apply in relation to a major hazard facility that is licensed or registered under the Occupational Health and Safety Regulations 2017.</p> <p>66D Authority to determine form and manner of notifications</p> <p>(1) The Authority must determine the form</p>
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	<p>and manner of a notification required under regulation 66, 66A, 66B or 66C.</p> <p>(2) The Authority must publish the form for a notification under regulation 66, 66A, 66B or 66C on its website.'</p>
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4. Occupier must display the Authority's acknowledgement of notification at the premises

This is a new requirement and it requires occupier's to display a copy of the acknowledgement of the notification from the Authority (WorkSafe) at the premises.

Principal Regulations (Current)	Amendment Regulations (From 1 July 2021)
<p>67 Authority to acknowledge notification</p> <p>On receiving a notification under regulation 66, the Authority must send the occupier an acknowledgment of the notification.</p>	<p>8 Authority to acknowledge notification</p> <p>(1) In regulation 67 of the Principal Regulations—</p> <p>(a) after "66," insert "66A, 66B or 66C,";</p> <p>(b) after "occupier" insert "of the premises or the person".</p> <p>(2) At the end of regulation 67 of the Principal Regulations insert—</p> <p>"(2) On receiving an acknowledgement under subregulation (1) that relates to a notification under regulation 66, 66A or 66C, an occupier must ensure that a copy of the acknowledgement is displayed at the premises until the occupier receives the next acknowledgement that relates to a notification under regulation 66, 66A or 66C.</p> <p>Note</p> <p>Contravention of this subregulation may constitute an offence for the purposes of sections 45 and 45A of the Act."</p>

5. A transition period has been included

Existing duty holders will have six months from the commencement of these amendments to provide a new notification, or until one of the specified changes in circumstance occurs (whichever occurs first). From commencement of the Amendment Regulations, any new duty holder will be required to notify in accordance with the new requirements. A new regulation 70 introduces the new transition.

The old transition for the commencement of the Dangerous Goods (Storage and Handling) Regulations 2012 has been revoked with regulation 9 of the Amendment Regulations.

Principal Regulations (Current)	Amendment Regulations (From 1 July 2021)
N/A	<p>10 New regulation 70 inserted After regulation 69 of the Principal Regulations insert— "70 Continuing effect of notifications— Dangerous Goods (Storage and Handling) Amendment (Notification) Regulations 2021</p> <p>(1) This regulation applies in relation to a notification under regulation 66 as in force immediately before 1 July 2021.</p> <p>(2) (2) The notification is taken to be a notification under regulation 66 for the period of 6 months from 1 July 2021 or until further notification is required under regulation 66A (whichever first occurs)."</p>
<p>68 Continuing effect of notifications</p> <p>(1) This regulation applies in relation to a notification under regulation 506 of the 2011 Regulations, that was in effect immediately before the commencement of these Regulations.</p> <p>(2) Regulation 66 applies in relation to a notification referred to in subregulation (1) as if, for the purposes of the first further notification after that notification, the reference in regulation 66(3) to 5 years were a reference to 2 years.</p> <p>Note A notification under the Dangerous Goods (Storage and Handling) Regulations 2000, that</p>	<p>9 Regulation 68 revoked Regulation 68 of the Principal Regulations is revoked.</p>

was in force immediately before the commencement of the 2011 Regulations has effect as if given under the 2011 Regulations: see section 30(b) of the Interpretation of Legislation Act 1984 . This regulation applies in relation to that notification.	
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More information

For more information about the new notification requirements, contact the WorkSafe Advisory Service on 1800 136 089, 8.30am to 6.30pm, Monday to Friday.