



Health and Safety at Work (Hazardous Substances) Amendment Regulations 2021

Cindy Kiro, Governor-General

Order in Council

At Wellington this 15th day of November 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 211, 212, and 218 of the Health and Safety at Work Act 2015—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Workplace Relations and Safety made after consulting in accordance with section 217 of that Act.

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Regulations

1 Title

These regulations are the Health and Safety at Work (Hazardous Substances) Amendment Regulations 2021.

2 Commencement

These regulations come into force on 5 January 2022.

3 Principal regulations

These regulations amend the Health and Safety at Work (Hazardous Substances) Regulations 2017.

4 Regulation 3 amended (Interpretation)

In regulation 3(1), insert in their appropriate alphabetical order:

above ground stationary container means a stationary container that is—

- (a) fixed to or resting on the ground; or
- (b) fixed or attached to a structure that is fixed to or resting on the ground

AS 1940:2017 means the Australian Standard on The storage and handling of flammable and combustible liquids

AS/NZS 4452:1997 means the Australian/New Zealand Standard on The storage and handling of toxic substances

below ground stationary container—

- (a) means a stationary container that is situated below ground; and
- (b) includes—
 - (i) a stationary container over which the ground has been raised to provide cover for the container; and
 - (ii) a stationary container covered by incombustible material other than the ground

retail shop means—

- (a) an area at premises where goods are displayed for sale to the general public or an end user; or
- (b) an area behind a sales counter where goods are kept for the purpose of selling them to the general public or an end user; or
- (c) an area where goods are received at the premises and stored before being displayed for sale or placed on the shelves behind the sales counter

5 Regulation 10 amended (References to quantities)

In regulation 10(3), replace “incompatible as specified” with “incompatible with each other as described”.

6 Regulation 1.9 amended (Ethanol dilutions)

In regulation 1.9, insert as subclauses (2) and (3):

- (2) Subclause (3) applies to any other ethanol-water dilution intended for drinking.
- (3) Regulations 8.1 and 8.3 and Parts 10, 11, and 17 do not apply to the ethanol-water dilution if it is contained and stored as follows:
 - (a) the substance is stored in containers at premises used for storing or handling (including processing) ethanol-water dilution intended for drinking; and
 - (b) the containers are constructed in accordance with the requirements of—
 - (i) sections F4.1-F4.5 and F4.7 of Appendix F of AS 1940:2017; or
 - (ii) a relevant safe work instrument; and
 - (c) the area at the premises where the substance is stored or handled (including processed)—
 - (i) complies with—
 - (A) section F8 of Appendix F of AS 1940:2017; or
 - (B) a relevant safe work instrument; and
 - (ii) is equipped with vapour detectors.

7 Regulation 4.2 amended (Issue of compliance certificates for certified handlers)

Replace regulation 4.2(3) with:

- (3) A compliance certificate as a certified handler—
 - (a) comes into force on the date specified in the certificate; and
 - (b) expires after 5 years.

8 Regulation 5.3 amended (Duty of PCBU to provide fire extinguishers)

Replace regulation 5.3(3)(b) with:

- (b) there is present a hydrant system or hose reel incorporating a hose that—
 - (i) is long enough to allow water to be directed to all parts of the place where those hazardous substances are present or likely to be present (including all sides of any container in which those hazardous substances are present or likely to be present); and
 - (ii) either—
 - (A) enables a water flow of at least 0.33 L/sec; or
 - (B) has a nominal bore of at least 19 mm.

9 Regulation 8.7 revoked (Ethanol dilutions)

Revoke regulation 8.7.

10 Regulation 10.28 amended (Duty of PCBU to control adverse effects of unintended ignition of class 3.2 or 4 substances present at hazardous substance location)

In regulation 10.28(4)(b), replace “referred in to in” with “referred to in”.

11 Regulation 10.30 amended (Requirement to have secondary containment system for pooling substances)

(1) Replace regulation 10.30(1) with:

(1) This regulation applies to a place within a workplace if pooling substances that are class 3 or 4 substances in an aggregate quantity greater than the quantity specified in table 9 in Schedule 9 are present, or are reasonably likely to be present, at the place at any time.

(2) Replace regulation 10.30(6) with:

(6) This regulation does not apply to the following:

- (a) a port, or part of a port facility, that is used to store hazardous substances for 72 hours or less;
- (b) a place where E10, E85, petrol, aviation gasoline, or racing gasoline is present (or is reasonably likely to be present) in a total quantity of less than 1,000 L;
- (c) a place where E10, E85, petrol, aviation gasoline, racing gasoline, kerosene, or diesel fuel is—
 - (i) present (or is reasonably likely to be present) in total quantities of less than 2,000 L; and
 - (ii) contained in—
 - (A) a tank wagon; or
 - (B) secure containers, each of which has a capacity of less than 250 L; and
 - (iii) located so that any spillage will not endanger any building or flow into any stream, lake, or natural water; and
 - (iv) present (or is reasonably likely to be present) for a continuous period of less than 14 days;
- (d) a farm of 4 ha or more where E10, E85, petrol, aviation gasoline, racing gasoline, kerosene, or diesel fuel is—
 - (i) present (or is reasonably likely to be present) in a total quantity of less than 2,000 L; and
 - (ii) located so that any spillage will not endanger any building or flow into any stream, lake, or natural water;
- (e) hazardous substances in a stationary container system (*see* regulation 17.99).

12 Regulation 11.1 amended (Interpretation)

- (1) In regulation 11.1, insert in its appropriate alphabetical order:

tank fill transfer point, in relation to an above ground stationary tank, transportable container, or tank wagon to which the transfer point is connected, means the point (for example, a dispensing device at the end of connected pipework) at which the tank or container is filled

- (2) In regulation 11.1, revoke the definitions of **AS 1940—2004**, **retail shop**, and **retailer of agricultural chemicals**.

13 Regulation 11.7 amended (Duty of PCBU to separate above ground stationary tank, transportable container, tank wagon, and transfer point for class 2.1.1 liquefiable gas from protected places and public places)

- (1) In the heading to regulation 11.7, replace “**transfer point**” with “**tank fill transfer point**”.
- (2) In regulation 11.7(1), replace “, and each transfer point connected to any of them, must ensure that the tank, container, or tank wagon is separated” with “must ensure that each of those things and any tank fill transfer point connected to any of them is separated”.
- (3) In regulation 11.7(3), replace “, and each tank fill transfer point connected to them, must ensure that it is separated” with “must ensure that each of those things and any tank fill transfer point connected to any of them is separated”.

14 Regulation 11.11 amended (Duty to hold certain packages or transportable containers of class 3.1 substance in building or external storage area of certain type)

In regulation 11.11(3)(a)(iii)(A), replace “AS 1940—2004” with “AS 1940:2017”.

15 Regulation 11.15 amended (Duty of PCBU to separate transfer point for class 3.1 substance from protected places)

- (1) In the heading to regulation 11.15, replace “**transfer point**” with “**tank fill transfer point**”.
- (2) In regulation 11.15(1), replace “transfer point” with “tank fill transfer point” in each place.

16 Regulation 11.16 amended (Class 3.1 substance being used or in open package or container to be held in building of certain type)

In regulation 11.16(2)(d), replace “paint-mixing” with “paint mixing”.

17 Regulation 11.17 amended (Duty to separate building holding package containing class 3.1 substance from protected place)

- (1) Replace the heading to regulation 11.17 with “**Class 3.1 substance used or stored in package or container in building**”.

- (2) In regulation 11.17(2)(a), replace “type 1 workroom or paint-mixing room” with “paint mixing room”.
- (3) In regulation 11.17(2)(a)(i), replace “capacity; and” with “capacity; or”.
- (4) In regulation 11.17(2)(b), replace “type 2 or type 3 workroom” with “type 1, type 2, or type 3 workroom”.
- (5) In regulation 11.17(5), after “type 3 workroom”, insert “, or in a paint mixing room that complies with AS/NZS 4114.1:2003,”.

18 Regulation 11.21 amended (Duty to separate above ground stationary tank, transportable container, or tank wagon and tank fill transfer point for class 2.1.1 liquefiable gas from protected places and public places)

- (1) In regulation 11.21(1),—
 - (a) replace “or a tank wagon” with “or tank wagon”; and
 - (b) replace “the tank fill transfer point connected to any or all of them” with “any tank fill transfer point connected to any of them”.
- (2) In regulation 11.21(3), replace “and each tank fill transfer point connected to any or all of them must ensure that any of those things is separated” with “must ensure that each of those things and any tank fill transfer point connected to any of them is separated”.

19 Regulation 11.22 amended (Duty to separate cylinder filling stations for class 2.1.1A liquefiable gas from protected places or public places)

In regulation 11.22(1), after “cylinder filling station”, insert “for class 2.1.1A liquefiable gas”.

20 Regulation 11.23 amended (Duty to separate building holding class 2.1.2 flammable aerosols and threaded or self-sealing gas cartridges of LPG from protected place)

In regulation 11.23(1), replace “Part 13” with “Part 15”.

21 Regulation 11.28 amended (Separation of above ground stationary tank, transportable container, or tank wagon containing class 3.1 substance from protected places and public places)

In regulation 11.28(3), replace “requirements of SwRI 93-01” with “requirements of SwRI 95-03”.

22 Regulation 11.29 amended (Duty to hold certain packages or transportable containers of class 3.1 substance in building or external storage area of certain type)

In regulation 11.29(3)(a)(iii)(A), replace “AS 1940—2004” with “AS 1940:2017”.

23 Regulation 11.32 amended (Storage of class 3.1 substances in retail stores)

- (1) In the heading to regulation 11.32, replace “**retail stores**” with “**retail shops**”.
- (2) In regulation 11.32(1),—
 - (a) replace “The separation distance” with “Despite this subpart, the separation distance”;
 - (b) replace “store” with “shop”.
- (3) Revoke regulation 11.32(2) and (3).

24 Regulation 11.33 amended (Storage of class 3.1B and 3.1C flammable liquids in retail shops)

- (1) Replace regulation 11.33(1)(a) with:
 - (a) that is a retail shop; and
- (2) In regulation 11.33(2), replace “The separation distance” with “Despite this subpart, the separation distance”.
- (3) In regulation 11.33(2)(c), delete “or retailer of agricultural chemicals”.
- (4) Revoke regulation 11.33(3).

25 Regulation 11.35 amended (Duty to separate transfer point for class 3.1 substance from protected place)

- (1) In the heading to regulation 11.35, replace “**transfer point**” with “**tank fill transfer point**”.
- (2) In regulation 11.35(1), replace “transfer point” with “tank fill transfer point” in each place.

26 Regulation 11.37 amended (Separation of building holding package containing class 3.1 substance from protected place)

- (1) Replace the heading to regulation 11.37 with “**Class 3.1 substance used or stored in package or container in building**”.
- (2) In regulation 11.37(2)(a), delete “type 1 workroom or”.
- (3) In regulation 11.37(2)(a)(i), replace “capacity; and” with “capacity; or”.
- (4) In regulation 11.37(2)(b), replace “type 2 or type 3 workroom” with “type 1, type 2, or type 3 workroom”.
- (5) In regulation 11.37(5), after “workroom”, insert “, or in a paint mixing room that complies with AS/NZS 4114.1:2003,”.

27 Regulation 11.40 amended (Prescribed requirements relating to exemption from required separation distances or other matters in subparts 1 and 2)

In regulation 11.40(2)(c), replace “walls, floors, ceilings, and doors” with “a wall, floor, ceiling, or door”.

28 Regulation 12.45 amended (Requirements for securing class 5.2 substances)

In regulation 12.45(1)(a), replace “section 3 of AS 2714—2008” with “sections 2 and 4 of AS 2714—2008”.

29 Regulation 13.1 amended (Interpretation)

In regulation 13.1, revoke the definition of AS/NZS 4452:1997.

30 Regulation 13.9 amended (Certain substances to be under personal control of certified handler or secured)

(1) In regulation 13.9(2), replace “However, a substance referred to in subclause (1)” with “Despite subclause (1)(a), the substance”.

(2) Replace regulation 13.9(3) with:

(3) This regulation does not apply to—

- (a) a fumigant; or
- (b) a class 6 vertebrate toxic agent to which regulation 13.19 applies, if—
 - (i) the substance has been applied or laid as described in subclause (1) of that regulation; and
 - (ii) the relevant PCBU has complied with that regulation in relation to the substance.

31 Regulation 13.11 amended (Exception for transportation of packaged substances)

In regulation 13.11(1)(a), (b), and (c), replace “for a substance” with “for a packaged substance”.

32 Regulation 13.19 amended (Signage requirements for vertebrate toxic agents)

Revoke regulation 13.19(7).

33 Regulation 13.29 amended (Duty of PCBU relating to segregation of class 6 and 8 substances)

(1) In regulation 13.29(1), replace “the substance is located” with “a class 6 or 8 substance is located”.

(2) Replace regulation 13.29(2) with:

(2) For the purposes of this regulation, the class 6 or 8 substances specified in the first column of Schedule 15 are incompatible with the corresponding substances specified in the second column of that schedule.

34 Regulation 13.30 amended (Requirement to have secondary containment system for pooling substances)

Replace regulation 13.30(1)(a) with:

- (a) pooling substances that are class 6 or 8 substances in an aggregate quantity greater than that specified in Schedule 16 are held, or are reasonably likely to be held, at the place at any time; and

35 Regulation 13.38 amended (Compliance certificate required for hazardous substance location)

In regulation 13.38(1), replace “regulation 13.34” with “regulation 13.39”.

36 Regulation 13.41 amended (Minimum separation between protected places and hazardous substance locations containing packaged class 6.1 substances)

- (1) In regulation 13.41(1), replace “class 6.1A, 6.1B, or 6.1C substances” with “packaged class 6.1A, 6.1B, or 6.1C substances”.

- (2) After regulation 13.41(1), insert:

- (1A) Subclause (1) is subject to subclauses (1B), (2), and (3).

- (1B) If the protected place is on-site and an integral part of the system of storage and handling of packaged class 6.1A, 6.1B, or 6.1C substances, the minimum separation distances are those determined by WorkSafe under regulation 13.43A if—

- (a) the PCBU takes alternative measures to control hazards and risk associated with the proximity of the class 6.1A, 6.1B, or 6.1C substances to the protected place; and
- (b) those alternative control measures are taken in accordance with WorkSafe’s determination under that regulation.

- (3) In regulation 13.41(2), replace “However, in any retail store to which the public has access and that holds class 6.1B or 6.1C substances” with “In any retail shop to which the public has access and that holds packaged class 6.1B or 6.1C substances”.

- (4) In regulation 13.41(3), replace “class 6.1A, 6.1B, or 6.1C substance” with “packaged class 6.1A, 6.1B, or 6.1C substance”.

37 Regulation 13.42 amended (Minimum separation between public places and hazardous substance locations containing packaged class 6.1 substances)

- (1) In regulation 13.42(1), replace “class 6.1A, 6.1B, or 6.1C substances” with “packaged class 6.1A, 6.1B, or 6.1C substances”.

- (2) After regulation 13.42(1), insert:

- (1A) Subclause (1) is subject to subclauses (2) and (3).

- (3) In regulation 13.42(2), replace “However, in any retail store” with “In any retail shop”.

- (4) In regulation 13.42(3), replace “class 2.1.1, 2.1.2, or 3.1 classification” with “class 2.1.1, 2.1.2, 3.1A, 3.1B, or 3.1C classification”.

38 Regulation 13.43 amended (Minimum separation between protected places and hazardous substance locations containing class 8.2A or 8.2B substances)

- (1) In the heading to regulation 13.43, replace “class 8.2A or 8.2B substances” with “packaged class 8.2A or 8.2B substances”.
- (2) In regulation 13.43(1),—
- (a) replace “class 8.2A or 8.2B substances” with “packaged class 8.2A or 8.2B substances”;
- (b) replace “subclauses (2) and (3)” with “this regulation”.
- (3) In regulation 13.43(2) and (3), replace “containers” with “packages containing the substances”.
- (4) After regulation 13.43(3), insert:
- (3A) Subclause (1) is subject to subclauses (3B) and (4).
- (3B) If the protected place is on-site and an integral part of the system of storage and handling of packaged class 8.2A or 8.2B substances, the minimum separation distances are those determined by WorkSafe under regulation 13.43A, if—
- (a) the PCBU takes alternative measures to control hazards and risk associated with the proximity of the packaged class 8.2A or 8.2B substances to the protected place; and
- (b) those alternative control measures are taken in accordance with WorkSafe’s determination under that regulation.
- (5) In regulation 13.43(4), replace “However, in any retail store to which the public has access and that holds class 8.2A or 8.2B substances” with “In any retail shop to which the public has access and that holds packaged class 8.2A or 8.2B substances”.

39 New regulation 13.43A inserted (Reduction of separation distances required by regulations 13.41 and 13.43)

After regulation 13.43, insert:

13.43A Reduction of separation distances required by regulations 13.41 and 13.43

- (1) This regulation applies to a PCBU who proposes to take alternative control measures so that reduced separation distances will apply under regulation 13.41(1B) or 13.43(3B).
- (2) The PCBU must engage a compliance certifier who is authorised to certify compliance under regulation 13.38 to provide a report on—
- (a) the appropriateness of the proposed alternative controls; and

- (b) the extent to which minimum separation distances may be reduced.
- (3) The compliance certifier must—
 - (a) inspect the site; and
 - (b) consider all relevant information provided by the PCBU; and
 - (c) prepare a report that gives the compliance certifier's view on—
 - (i) the location and operation of the protected place for the purposes of regulation 13.41(1B) or 13.43(3B) (as applicable); and
 - (ii) the appropriateness of the proposed alternative controls; and
 - (iii) the extent to which minimum separation distances may be reduced; and
 - (d) give the report to the PCBU.
- (4) On receiving the report, the PCBU may apply to WorkSafe to determine, for the purposes of regulation 13.41(1B) or 13.43(3B) (as applicable),—
 - (a) whether the proposed alternative controls are appropriate; and
 - (b) if so, the reduced minimum separation distances that are to apply.
- (5) The PCBU's application must—
 - (a) be in the form required by WorkSafe (if any); and
 - (b) be accompanied by a copy of the compliance certifier's report.
- (6) WorkSafe must consider the application and, in doing so, must have regard to the following matters:
 - (a) the compliance certifier's report:
 - (b) the nature and seriousness of hazards and risk associated with the hazardous substances at the workplace:
 - (c) in relation to workers at the workplace who may be affected by the hazards and risk,—
 - (i) their number; and
 - (ii) their work activities; and
 - (iii) the information, training, and instruction about the hazards and risk that they have received:
 - (iv) the distances between places where workers ordinarily carry out their work and the relevant substances involved in their work:
 - (d) the expected effectiveness of the controls to eliminate or minimise the risk associated with the reduced separation distances:
 - (e) the presence and effectiveness of any fire protection measures at the workplace, including the fire-resistance rating of any structure (for example, a wall, floor, ceiling, or door) that contains the hazardous substances:

- (f) the presence and effectiveness of any other emergency equipment, facilities, and procedures at the workplace, including in relation to—
 - (i) the containment of any spill of a hazardous substance; and
 - (ii) the ability of workers and other persons to safely exit the workplace;
 - (g) any further matters specified in a relevant safe work instrument.
- (7) WorkSafe may—
 - (a) determine—
 - (i) that the proposed alternative control measures are appropriate; and
 - (ii) the reduced minimum separation distances that are to apply; and
 - (b) impose any conditions on the determination that WorkSafe considers appropriate; and
 - (c) give the PCBU written notification of the determination.

40 Regulation 15.4 amended (Design to withstand maximum developed pressure)

Revoke regulation 15.4(2).

41 New regulation 15.4A inserted (Alteration of design of gas container)

After regulation 15.4, insert:

15.4A Alteration of design of gas container

- (1) A PCBU to whom regulation 15.4 applies may apply to WorkSafe for approval of an alteration of the design of a gas container for the purpose of complying with that regulation.
- (2) An application must—
 - (a) be in the form required by WorkSafe (if any); and
 - (b) be accompanied by the fee (if any) prescribed in Schedule 2.
- (3) On receiving an application, WorkSafe may—
 - (a) approve the design alteration if satisfied that the proposed design complies with regulation 15.4; or
 - (b) decline to approve the design alteration.
- (4) WorkSafe may impose any conditions it considers appropriate on its approval of a design alteration.
- (5) WorkSafe must—
 - (a) keep a record of all design alterations approved under this regulation; and
 - (b) ensure that the record of design alterations is published on an Internet site that is maintained by or on behalf of WorkSafe.

42 Regulation 15.16 amended (Restrictions on, and compliance certificates for, imported cylinders)

- (1) In regulation 15.16(2),—
- (a) replace “An importer to whom subclause (1) applies” with “The PCBU”; and
 - (b) replace “the importer” with “the PCBU”.
- (2) After regulation 15.16(3), insert:
- (3A) Subclause (3)(a) and (g) does not apply to an application for a compliance certificate that—
- (a) relates to a low-pressure fire extinguisher; and
 - (b) includes a fire extinguisher registration number issued under regulation 15.22.

43 Regulation 15.71 amended (Cylinder location for supply of LPG)

In regulation 15.71(2)(f), replace “with 1 m” with “within 1 m”.

44 Regulation 16.22 amended (Rear-end collision protection)

- (1) In regulation 16.22(1), after “static load”, insert “that complies with subclause (2) and is”.
- (2) In regulation 16.22(2), replace “must not be more” with “must be more”.

45 Regulation 16.39 amended (Filling tank wagons)

In regulation 16.39(1), replace “a liquid” with “a hazardous substance in the form of liquid”.

46 Regulation 16.40 amended (Transfer of liquid or gas)

In regulation 16.40(1), replace “a liquid or gas” with “a hazardous substance in the form of liquid or gas”.

47 Regulation 16.41 amended (When tank wagon may be left unattended)

- (1) In regulation 16.41(1), replace “a liquid or a gas” with “a hazardous substance in the form of liquid or gas”.
- (2) In regulation 16.41(1)(d)(iii), replace “way” with “away”.

48 Regulation 17.2 amended (Interpretation)

- (1) In regulation 17.2, revoke the definition of **AS 1940—2004 (5th Edition) (R2006)**.
- (2) In regulation 17.2, replace the definition of **BS EN ISO 10467:2004** with:
- BS EN ISO 10497:2010** means the British/European/International Standard on Testing of valves—Fire type-testing requirements

- 49 Regulation 17.6 amended (Design, construction, and installation of above ground stationary tanks for hazardous liquids)**
- (1) Before regulation 17.6(2)(b)(i), insert:
- (iaaa) API STD 650; or
- (2) Before regulation 17.6(3)(a)(i), insert:
- (iaaa) API STD 650; or
- 50 Regulation 17.7 amended (Design, construction, installation, and operation of above ground stationary tank for hazardous liquids for pressure management)**
- In regulation 17.7(3)(a), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.
- 51 Regulation 17.8 amended (Emergency pressure management for above ground stationary tank for flammable and oxidising liquids)**
- In regulation 17.8(2)(a)(ii)(B), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.
- 52 Regulation 17.13 amended (Design, construction, and installation of above ground stationary tank for gases)**
- In regulation 17.13(1)(a), replace “section 7.3 and section 7.5” with “sections 5.3 and 5.5”.
- 53 Regulation 17.28 amended (Location of tank containing class 6 substance)**
- (1) In regulation 17.28(1), replace “6.1C, or 6.1D” with “or 6.1C”.
- (2) Replace regulation 17.28(1)(a) with:
- (a) in accordance with the requirements set out in section 5.8.2.1(b) and (c) of AS/NZS 4452:1997; or
- (3) After regulation 17.28(1), insert:
- (1A) A relevant PCBU must ensure that an above ground stationary tank that contains a class 6.1D substance that does not have a flammable classification is separated from a protected place or public place in accordance with the separation requirements (if any) set out in a relevant safe work instrument.
- 54 Regulation 17.29 amended (Location of tank containing class 8 substance)**
- In regulation 17.29(1)(a), replace “section 5.3.2.2(b) to (d)” with “sections 5.3.2.2(b) to (d) and 5.3.2.3”.

55 Regulation 17.32 amended (Design, construction, installation, and operation of below ground stationary tank for hazardous liquids for pressure management)

In regulation 17.32(2)(a), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.

56 Regulation 17.40 amended (Fire-fighting equipment and facilities must be available)

In regulation 17.40(3)(a), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.

57 Regulation 17.42 amended (Testing of fire fighting equipment and facilities)

In regulation 17.42(1)(b)(i), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.

58 Regulation 17.57 amended (Installation of stationary container system)

(1) In regulation 17.57(3)(d), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.

(2) In regulation 17.57(4)(d), replace “sections 5.3.2(a) to (f), 5.3.3(a) to (c), and 5.3.4 of AS 1940—2004 (5th Edition) (R2006)” with “sections 5.3.2(a) to (f), 5.3.3(e)(i) to (iii), and 5.3.4 of AS 1940:2017”.

(3) After regulation 17.57(6), insert:

(6A) Subclause (5) does not apply to a stationary container system that provides a class 3.1D substance as fuel to an internal combustion engine that is used for fire protection purposes if—

- (a) the stationary container system—
 - (i) does not have a service tank; and
 - (ii) has a capacity of 1,500 L or less; and
- (b) the stationary container system and the engine are separated from any protected place by—
 - (i) a distance of at least 2 m; or
 - (ii) an intervening wall with a minimum fire-resistance rating of 120/120/120 minutes.

59 Regulation 17.64 amended (Service tank in stationary container system)

Replace regulation 17.64(4)(a)(ii) with:

- (ii) inside the building if the tank complies with regulation 17.63(6); or
- (iii) in a room or chamber in the building that complies with regulation 17.63(7); and

60 Regulation 17.73 amended (Installation of non-return valve for class 3.1 substance)

In regulation 17.73(1)(a), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.

61 Regulation 17.74 amended (Installation of transfer line between ship and stationary tank)

(1) In regulation 17.74(3)(a), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.

(2) In regulation 17.74(4)(a), replace “10467:2004” with “10497:2010”.

(3) After regulation 17.74(4)(c), insert:

(ca) section 6.3.3 of AS 1940:2017; or

62 Regulation 17.75 amended (Valve for stationary tank containing hazardous substance)

(1) In regulation 17.75(3)(a)(i), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.

(2) In regulation 17.75(4)(a), replace “10467:2004” with “10497:2010”.

(3) After regulation 17.75(4)(c), insert:

(ca) section 6.3.3 of AS 1940:2017; or

63 Regulation 17.80 amended (Records for stationary container systems)

In regulation 17.80(2),—

(a) replace “complies with—” with “complies with this Part.”;

(b) revoke paragraphs (a) and (b).

64 Regulation 17.92 amended (Validity of compliance certificate for stationary container system)

In regulation 17.92(1)(a)(i)(D), replace “AS 1940—2004 (5th Edition) (R2006)” with “AS 1940:2017”.

65 Regulation 17.99 amended (Requirement to have secondary containment system for pooling substances)

(1) Replace regulation 17.99(1) with:

(1) This regulation applies to a place within a workplace where—

(a) 1 or more stationary container systems are located; and

(b) pooling substances in an aggregate quantity greater than the relevant quantities specified in table 9 in Schedule 9, table 5 in Schedule 10, table 7 in Schedule 11, or the table in Schedule 16 are present, or are reasonably likely to be present, at any time.

(2) Replace regulation 17.99(6) with:

- (6) This regulation does not apply to the following:
- (a) a port, or part of a port facility, that is used to store hazardous substances for 72 hours or less:
 - (b) a place where E10, E85, petrol, aviation gasoline, or racing gasoline is present (or is reasonably likely to be present) in a total quantity of less than 1,000 L:
 - (c) a place where E10, E85, petrol, aviation gasoline, racing gasoline, kerosene, or diesel fuel is—
 - (i) present (or is reasonably likely to be present) in total quantities of less than 2,000 L; and
 - (ii) contained in—
 - (A) a tank wagon; or
 - (B) secure containers, each of which has a capacity of less than 250 L; and
 - (iii) located so that any spillage will not endanger any building or flow into any stream, lake, or natural water; and
 - (iv) present (or is reasonably likely to be present) for a continuous period of less than 14 days:
 - (d) a farm of 4 ha or more where E10, E85, petrol, aviation gasoline, racing gasoline, kerosene, or diesel fuel is—
 - (i) present (or is reasonably likely to be present) in a total quantity of less than 2,500 L; and
 - (ii) located so that any spillage will not endanger any building or flow into any stream, lake, or natural water.

66 Regulation 17.101 amended (Secondary containment for below ground stationary containers)

Revoke regulation 17.101(2).

67 Schedules 1, 2, 7, 8, 15, 17, and 25 amended

- (1) Amend Schedule 1 as set out in Part 1 of the Schedule of these regulations.
- (2) Amend Schedule 2 as set out in Part 2 of the Schedule of these regulations.
- (3) Amend Schedule 7 as set out in Part 3 of the Schedule of these regulations.
- (4) Amend Schedule 8 as set out in Part 4 of the Schedule of these regulations.
- (5) Amend Schedule 15 as set out in Part 5 of the Schedule of these regulations.
- (6) Amend Schedule 17 as set out in Part 6 of the Schedule of these regulations.
- (7) Amend Schedule 25 as set out in Part 7 of the Schedule of these regulations.

Schedule

Amendments to Schedules 1, 2, 7, 8, 15, 17, and 25

r 67

Part 1

Amendments to Schedule 1

r 67(1)

New Part 1 heading

In Schedule 1, before the cross-heading above clause 1, insert:

Part 1
Provisions relating to these regulations as made

Clause 1

In Schedule 1, clause 1, replace “this schedule” with “this Part”.

Clause 11

In Schedule 1, replace the heading to clause 11 with “**Separation of previously licensed class 2.1.1 liquefiable gas cylinders and above ground stationary tanks from protected places and public places**”.

In Schedule 1, replace clause 11(1) with:

- (1) This clause applies to cylinders and above ground stationary tanks (including any tank fill transfer points connected to any of those above ground stationary tanks) containing a class 2.1.1 liquefiable gas that, immediately before the commencement date, were—
- (a) located in accordance with a licence granted under section 9 of the Dangerous Goods Act 1974; and
 - (b) in use in accordance with that licence.

In Schedule 1, clause 11(2), replace “above ground tanks” with “above ground stationary tanks” in each place.

In Schedule 1, replace clause 11(2)(a) and (b) with:

- (a) in the case of cylinders, the cylinder is separated from—
 - (i) a protected place by not less than 50% of the distance specified in column 2 of table 2 in Schedule 12 that corresponds with the relevant aggregate quantity of liquefiable gas, in all of the cylinders at the location, specified in column 1 of that table; and
 - (ii) a public place by not less than 50% of the distance specified in column 3 of table 2 in Schedule 12 that corresponds with the rele-

Clause 11—*continued*

- vant aggregate quantity of liquefiable gas, in all of the cylinders at the location, specified in column 1 of that table; and
- (b) in the case of above ground stationary tanks, the tank (and any connected tank fill transfer point) is separated from—
 - (i) a protected place by not less than 50% of the distance specified in column 2 of table 3 in Schedule 12 that corresponds with the relevant tank capacity specified in column 1 of that table; and
 - (ii) a public place by not less than 50% of the distance specified in column 3 of table 3 in Schedule 12 that corresponds with the relevant tank capacity specified in column 1 of that table; and
 - (c) there are intervening walls that comply with subclause (4).

In Schedule 1, after clause 11(2), insert:

- (2A) Despite regulations 11.7(3) and 11.21(3), subclause (2)(b) also applies to LPG, propane, butane, and isobutane.

In Schedule 1, clause 11(3),—

- (a) replace “(2)(a)” with “(2)(a) and (b)”;
- (b) replace “above ground tank” with “above ground stationary tank (and any connected tank fill transfer point)”.

In Schedule 1, clause 11(4), replace “(2)(b)” with “(2)(c)”.

In Schedule 1, replace clause 11(4)(a)(i) and (ii) with:

- (i) for at least that length of the wall that separates the cylinder or above ground tank and any connections, associated pipework, and operable fittings (including any tank fill transfer point connected to the above ground stationary tank) in a line of sight from the protected area—
 - (A) have a minimum fire-resistance rating of 180/180/180 minutes; or
 - (B) be constructed of reinforced concrete or solid filled concrete block, that is at least 140 mm thick; and
- (ii) for the remaining length of the wall,—
 - (A) have the minimum fire-resistance rating required by subparagraph (i); or
 - (B) be constructed of fire-resistant materials; and

In Schedule 1, clause 11(4)(a)(iv), replace “tank” with “above ground stationary tank (and any connected tank fill transfer point)”.

In Schedule 1, clause 11(4)(b)(iii), replace “tank” with “above ground stationary tank (and any connected tank fill transfer point)”.

New clause 38A

In Schedule 1, after clause 38, insert:

38A Previously installed stationary container systems used in horticulture or viticulture

Regulation 17.57 does not apply to a stationary container system that is described in regulation 17.57(1) that was installed before the commencement date, if that stationary container system—

- (a) has a capacity of less than 600 L for a class 3.1D substance; and
- (b) supplies an internal combustion engine used for horticultural or viticultural purposes.

New Part 2

In Schedule 1, after clause 51, insert:

Part 2	
Provisions relating to Health and Safety at Work (Hazardous Substances) Amendment Regulations 2021	
52 Interpretation	In this Part, commencement date means 5 January 2022.
53 Separation distances for above ground stationary tanks containing class 2.1.1 liquefiable gas installed before 2 September 2010	
(1)	This clause applies to above ground stationary tanks (and any tank fill transfer points connected to any of those above ground stationary tanks) containing a class 2.1.1 liquefiable gas that were installed before 2 September 2010.
(2)	An above ground stationary tank (and any connected tank fill transfer point) must, on and after the commencement date, be treated as meeting the separation distance requirements of regulation 11.7 or 11.21 (as applicable) if the tank (and any connected tank fill transfer point) is separated from— (a) a protected place by not less than the distance specified in column 2 of table 3 in Schedule 12 that corresponds with the relevant tank capacity specified in column 1 of that table: (b) a public place by not less than the distance specified in column 3 of table 3 in Schedule 12 that corresponds with the relevant tank capacity specified in column 1 of that table.
(3)	However, a tank fill transfer point that is connected to an above ground stationary tank is not required to be separated from a protected place by more than 15 m.

New Part 2—*continued*

54 Separation distances for cylinder filling stations containing class 2.1.1A liquefiable gas installed before 1 April 2004

- (1) This clause applies to a cylinder filling station for class 2.1.1A liquefiable gas if—
 - (a) less than 1,000 kg of the gas is stored in cylinders at the filling station; and
 - (b) immediately before 1 April 2004, the filling station was—
 - (i) licensed under section 9 of the Dangerous Goods Act 1974; and
 - (ii) in use in accordance with that licence.
- (2) The cylinder filling station must, on and after the commencement date, be treated as meeting the separation distance requirements of regulation 11.22(1)(b) or (c) (as applicable) if—
 - (a) its separation distances exceed 50% of the separation distances required by the applicable provision; and
 - (b) there are intervening walls that comply with subclause (4).
- (3) The reduced separation distances referred to in subclause (2)(a) may be applied only to 1 side or 2 adjacent sides of the cylinder filling station.
- (4) For the purposes of subclause (2)(b),—
 - (a) in the case of separation from a protected place, the intervening wall must—
 - (i) either—
 - (A) have a minimum fire-resistance rating of 180/180/180 minutes for at least that length of the wall that separates the cylinder filling station in a line of sight from the area being protected; or
 - (B) be constructed of reinforced concrete or solid filled concrete block, that is at least 140 mm thick; and
 - (ii) be vapour-tight; and
 - (iii) be more than 1.8 metres high or 0.6 metres above the top surface of the cylinder filling station; and
 - (b) in the case of separation from a public place, the intervening wall must—
 - (i) be constructed of fire-resistant materials; and
 - (ii) be vapour-tight; and
 - (iii) be more than 1.8 metres high or 0.6 metres above the top surface of the cylinder filling station; and

New Part 2—*continued*

(c)	the distance measured on the horizontal plane around the end of each intervening wall by the most direct line to the protected place or public place (as the case may be) must at least meet the separation distance requirements of regulation 11.22.
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Part 2

Amendment to Schedule 2

r 67(2)

Table

In Schedule 2, table, replace “15.4” with “15.4A”.

Part 3

Amendment to Schedule 7

r 67(3)

Table 1

In Schedule 7, table 1, replace the items relating to hazardous classification 1.4S that relate to UN numbers UN0349 and UN0337 with:

1.4S	UN0337	Firework. Display pyrotechnics designed for entertainment and not covered by the Hazardous Substances (Fireworks) Regulations 2001: bouquets, coloured fires and lights, crackers, fountains, gerbs, lances, maroons, mines, port fires, rockets, roman candles, saxons, scintillettes, serpents, squibs (with or without reports), tourbillions, wheels, and other manufactured fireworks.
1.4S	UN0349	Articles, explosive, not otherwise specified.
1.4S	UN0432	Articles, pyrotechnic for technical purposes. Articles that contain pyrotechnic substances and are used for technical purposes such as heat generation, gas generation, theatrical effects, and the like.

Part 4

Amendment to Schedule 8

r 67(4)

Table 1

In Schedule 8, replace table 1 with:

	A	B	C	D	E	F	G	H	J	K	L	N	S
A	✓												
B		✓	①	①	①	①	①						✓
C		①	✓	✓	✓	②	③					✓	✓
D		①	✓	✓	✓	②	③					✓	✓
E		①	✓	✓	✓	②	③					✓	✓

Table 1—*continued*

	A	B	C	D	E	F	G	H	J	K	L	N	S
F		①	②	②	②	✓	②						✓
G		②	③	③	③	②	✓	④					✓
H							④	✓					✓
J									✓				✓
K													
L													
N			✓	✓	✓							✓	✓
S		✓	✓	✓	✓	✓	✓	✓	✓			✓	✓
Key													
✓ The 2 categories indicated by a cell so marked may be stored and transported together without the segregation required by regulation 9.17.													
① The 2 categories indicated by a cell so marked may be stored together without the segregation required by regulation 9.17, provided the category B explosive articles are held in a manner (achieved through containment, internal barricading, or separation distance, or any combination of them) that will prevent their accidental initiation propagating to explosive substances of the other category.													
② The 2 categories indicated by a cell so marked may be stored together without the segregation required by regulation 9.17, provided the category F explosive substances are held in such a manner (achieved through a combination of containment, internal barricading, and separation distance) that will substantially reduce the risk of their accidental initiation propagating to explosive substances of the other category.													
③ The 2 categories indicated by a cell so marked may be stored together without the segregation required by regulation 9.17, provided the category G pyrotechnic articles are held in a manner (achieved through meeting the relevant packaging requirements in regulations 2.12 and 2.13) that will prevent their release of loose pyrotechnic substances.													
④ The 2 categories indicated by a cell so marked may be stored without the segregation required by regulation 9.17, provided they are separated from each other by a wall with a fire resistance rating of 120/120/120 minutes.													

Part 5

Amendments to Schedule 15

r 67(5)

Schedule 15 heading

In the Schedule 15 heading, delete “**and materials**”.

Table

In Schedule 15, table, in the heading to the second column, delete “**and materials**”.

In Schedule 15, table, replace “corrosive acids” with “(corrosive acids)” in each place.

In Schedule 15, table, replace “corrosive alkali” with “(corrosive alkalis)”.

In Schedule 15, table, replace “corrosive alkalis” with “(corrosive alkalis)”.

In Schedule 15, table, replace “substances toxic cyanides” with “substances (toxic cyanides)”.

Part 6

Amendments to Schedule 17

r 67(6)

Table 1

In Schedule 17, table 1, replace the fourth column with:

Class 6.1C

N/A

N/A

6

8

10

16

20

30

Tables 2 and 3

In Schedule 17, tables 2 and 3, replace the fourth column with:

Class 6.1C

N/A

N/A

3

4

5

8

10

15

Table 4

In Schedule 17, table 4, in the heading above the second, third, and fourth columns, replace “**protected places**” with “**public places**”.

In Schedule 17, table 4, replace the fourth column with:

Class 6.1C

N/A

N/A

3

3

3

4

5

7.5

Part 7

Amendments to Schedule 25

r 67(7)

Table 1

In Schedule 25, table 1, replace column 1 with:

Column 1

Capacity of tank A (L)

Less than 5,000
50,000
100,000
250,000
500,000
1,000,000
2,000,000
4,000,000
10,000,000
40,000,000 or more

Table 2

In Schedule 25, table 2, replace column 1 with:

Column 1

Water capacity of tank (L)

Less than 7,500
7,500 to less than 50,000
50,000 to less than 100,000
100,000 and over

Table 3

In Schedule 25, table 3, in the heading to column 1, replace “**Water Capacity (L) of tank A**” with “**Water capacity of tank A (L)**”.

Rachel Hayward,
for 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, which come into force on 5 January 2022, amend the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the **principal regulations**).

Regulations 1 to 3 give the Title and commencement date of these regulations and identify the principal regulations being amended.

Regulation 4 amends regulation 3 (interpretation) by inserting new definitions, including definitions of above ground stationary container, below ground stationary container (relocated from regulation 17.101), and retail shop (relocated from regulation 11.1).

Regulation 5 makes a minor amendment to regulation 10(3) to clarify the reference to incompatibility.

Regulation 6 amends regulation 1.9 to incorporate the provisions of regulation 8.7 in amended form. Regulation 1.9 now provides fully for the limited application of the principal regulations to an ethanol-water dilution that is intended for drinking.

Regulation 7 replaces regulation 4.2(3). *New regulation 4.2(3)* provides for when a compliance certificate as a certified handler comes into force.

Regulation 8 amends regulation 5.3(3) in relation to the fire suppression equipment that is required, as an alternative to a fire extinguisher, for LPG, propane, butane, or isobutane.

Regulation 9 revokes regulation 8.7 (*see note relating to clause 6*).

Regulation 10 makes a grammatical correction to regulation 10.28(4)(b).

Regulation 11 amends regulation 10.30, primarily by replacing subclause (6). *New subclause (6)* sets out more fully the circumstances to which regulation 10.30 does not apply, including in relation to large farms, unattended tank wagons, and stationary container systems. This amendment is related to amendments made to regulations 16.41 and 17.99.

Regulation 12 revokes the definition of retail shop in regulation 11.1 (*see amendments to regulation 3*).

Regulation 13 amends regulation 11.7 in relation to the way tank fill transfer points are referred to.

Regulation 14 makes a minor amendment to regulation 11.11 to correct a reference to a safety standard.

Regulation 15 makes a minor consequential amendment to regulation 11.15 to correct a reference to a “transfer point” (*see new definition of tank fill transfer point inserted in regulation 11.1*).

Regulation 16 makes an editorial amendment to regulation 11.16.

Regulation 17 makes amendments to regulation 11.17 in relation to the maximum quantities of class 3.1 hazardous substances that may be held in different kinds of buildings.

Regulation 18 makes minor amendments to regulation 11.21, including clarification that a tank fill transfer point is not necessarily connected to an above ground stationary tank, transportable container, or tank wagon.

Regulation 19 makes a minor amendment to regulation 11.22 clarifying the first reference to the cylinder filling station.

Regulation 20 amends regulation 11.23 by correcting a cross-reference.

Regulation 21 amends regulation 11.28 by correcting a reference to a standard.

Regulation 22 makes a minor amendment to regulation 11.29 to correct a reference to a safety standard.

Regulation 23 makes minor amendments to regulation 11.32, including correcting references to retail shops.

Regulation 24 makes similar minor amendments to regulation 11.33.

Regulation 25 makes a minor consequential amendment to regulation 11.35 to correct a reference to a “transfer point” (*see* new definition of tank fill transfer point inserted in regulation 11.1).

Regulation 26 makes amendments to regulation 11.37 in relation to the maximum quantities of class 3.1 hazardous substances that may be held in different kinds of buildings.

Regulation 27 makes a minor amendment of expression to regulation 11.40.

Regulation 28 amends regulation 12.45 to correct a reference to a standard.

Regulation 29 amends regulation 13.1 to remove an unnecessary definition.

Regulation 30 amends regulation 13.9 to provide for when that regulation does not apply to specified toxic agents. This amendment is related to the amendment made to regulation 13.19.

Regulation 31 amends regulation 13.11 to clarify that the substances being transported are packaged. Similar amendments have been made to regulations 13.41 to 13.43.

Regulation 32 revokes regulation 13.19(7), as the matter is now provided for in regulation 13.9 as amended.

Regulation 33 amends regulation 13.29 to clarify references to the relevant substances and to incompatibility.

Regulation 34 amends regulation 13.30 to clarify the reference to pooling substances.

Regulation 35 amends regulation 13.38 to correct a cross-reference.

Regulation 36 amends regulation 13.41 to provide that reduced minimum separation distances may apply to protected places that are on-site. This allows a PCBU to avoid high costs of redesigning the workplace for minimal safety gains. The reduced requirement is safeguarded as it applies only if, under *new regulation 13.43A*, Work-Safe determines that proposed alternative controls are appropriate and specifies the reduced minimum separation distances that are to apply. The effect of these amendments aligns with best practice Australian standards. The amendment constitutes an exemption and the reasons stated are the reasons for the exemption (*see* section 211(2) of the Health and Safety at Work Act 2015).

Regulation 37 makes minor amendments to regulation 13.42 for clarification and consistency.

Regulation 38 amends regulation 13.43 to provide that reduced minimum separation distances may apply to protected places that are on-site. This allows a PCBU to avoid high costs of redesigning the workplace for minimal safety gains. The reduced requirement is safeguarded as it applies only if, under *new regulation 13.43A*, WorkSafe determines that proposed alternative controls are appropriate and specifies the reduced minimum separation distances that are to apply. The effect of these amendments aligns with best practice Australian standards. The amendment constitutes an exemption and the reasons stated are the reasons for the exemption (*see* section 211(2) of the Health and Safety at Work Act 2015).

Regulation 39 inserts *new regulation 13.43A*, which authorises WorkSafe, on application, to determine that alternative control measures proposed by a PCBU are appropriate for the purposes of *new regulations 13.41(1B) and 13.43(3B)*.

Regulation 40 revokes regulation 15.4(2), the subject-matter of which is now addressed in *new regulation 15.4A*.

Regulation 41 inserts *new regulation 15.4A*, which provides a process by which a PCBU may apply for the approval of the alteration of the design of a gas container for the purposes of regulation 15.4.

Regulation 42 amends regulation 15.16 by exempting applications for certain compliance certificates from some of the application requirements in subclause (3). The effect of the exemption is to make it easier for a PCBU to import low-pressure fire extinguishers if they meet quality assurance requirements specified in the their design. The amendment constitutes an exemption and the reasons stated are the reasons for the exemption (*see* section 211(2) of the Health and Safety at Work Act 2015).

Regulation 43 makes an editorial amendment to regulation 15.71.

Regulation 44 makes minor clarifying amendments and corrections to regulation 16.22.

Regulation 45 makes a minor clarifying amendment to regulation 16.39.

Regulation 46 makes a minor clarifying amendment to regulation 16.40.

Regulation 47 amends regulation 16.41 to clarify the circumstances in which a tank wagon may be left unattended for a limited time.

Regulation 48 amends regulation 17.2 to update the definition of a standard.

Regulation 49 amends regulation 17.6 to insert references to a standard as a further means of complying with that regulation.

Regulation 50 amends regulation 17.7 to correct a reference to a safety standard.

Regulation 51 amends regulation 17.8 to correct a reference to a safety standard.

Regulation 52 amends regulation 17.13 to correct a cross-reference.

Regulation 53 amends regulation 17.28, including to provide different separation requirements for class 6.1D substances.

Regulation 54 amends regulation 17.29 to correct a cross-reference.

Regulation 55 amends regulation 17.32 to correct a reference to a safety standard.

Regulation 56 amends regulation 17.40 to correct a reference to a safety standard.

Regulation 57 amends regulation 17.42 to correct a reference to a safety standard.

Regulation 58 amends regulation 17.57, including by inserting *new subclause (6A)*, which provides for circumstances in which subclause (5) does not apply.

Regulation 59 amends regulation 17.64 to provide a further means of complying with requirements for the location of a service tank in a building.

Regulation 60 amends regulation 17.73 to correct a reference to a safety standard.

Regulation 61 amends regulation 17.74 to correct references to a standard and by inserting a reference to a further standard as an additional means of ensuring that a fire stop valve is fire safe.

Regulation 62 makes minor amendments to regulation 17.75, including to correct references to safety standards and by inserting a reference to a further safety standard as an additional means of ensuring that a valve is fire safe.

Regulation 63 amends regulation 17.80 to expand the extent of the compliance of stationary container systems that must be described in records about those systems.

Regulation 64 amends regulation 17.92 to correct a reference to a safety standard.

Regulation 65 amends regulation 17.99, primarily by replacing subclause (6). *New subclause (6)* sets out more fully the circumstances to which regulation 10.30 does not apply, including in relation to large farms. This amendment is related to amendments made to regulation 10.30.

Regulation 66 revokes regulation 17.101(2), which defines below ground stationary container. That definition has been relocated to regulation 3.

Regulation 67 and the *Schedule* amend a number of schedules of the principal regulations.

Schedule

Amendments to Schedule 1

Clause 11

Clause 11 is amended as follows:

- amendments to clause 11—
 - describe more clearly the cylinders and the above ground stationary tanks, transportable containers, and tank wagons that clause 11 applies to:

- ensure that clause 11 also applies to any tank fill transfer points connected to any above ground stationary tanks:
- clarify the reduced requirements for separation distances:
- further reduce the safety features of intervening walls. This reduction removes a compliance burden without any reduction in safety because it applies only to PCBU's who have already met the requirements of the licence they hold under the Dangerous Goods Act 1974. The amendment constitutes an exemption and the reasons stated are the reasons for the exemption (*see* section 211(2) of the Health and Safety at Work Act 2015).

New clause 38A

New clause 38A is inserted. It provides that regulation 17.57 (installation of stationary container system) does not apply to pre-existing small stationary container systems in engines used for horticulture or viticulture. This exemption relieves PCBU's in those sectors from the burden of altering engines, that have been in use for a significant period of time, at a cost that is highly disproportionate to any increase in safety that might result. The amendment constitutes an exemption and the reasons stated are the reasons for the exemption (*see* section 211(2) of the Health and Safety at Work Act 2015):

New Part 2

New Part 2 of Schedule 1 is inserted. It contains new provisions (similar to clause 11) that reduce separation requirements for a specified category of installations:

- *new clause 53* reduces the separation requirements for above ground stationary tanks that are unlicensed but were installed before 2 September 2010. The exemption relieves PCBU's from the burden of otherwise costly compliance. As the reduced requirements are sufficient, safety is not compromised. The amendment constitutes an exemption and the reasons stated are the reasons for the exemption (*see* section 211(2) of the Health and Safety at Work Act 2015):
- *new clause 54* reduces the requirements for specified cylinder filling stations that were licensed under the Dangerous Goods Act 1974 before 1 April 2004. The exemption relieves PCBU's from the burden of otherwise costly compliance. As the reduced requirements are sufficient, safety is not compromised. The amendment constitutes an exemption and the reasons stated are the reasons for the exemption (*see* section 211(2) of the Health and Safety at Work Act 2015):
- these provisions apply from the commencement of these amending regulations.

Amendment to Schedule 2

Schedule 2 is amended by replacing a reference to regulation 15.4 with a reference to *new regulation 15.4A*.

Amendment to Schedule 7

Schedule 7 is amended by replacing some items in table 1 of that schedule.

Amendment to Schedule 8

Schedule 8 is amended by replacing table 1 of that schedule.

Amendments to Schedule 15

Schedule 15 is amended by deleting references to materials in the headings and by making editorial amendments to a number of references to substances.

Amendments to Schedule 17

Schedule 17 is amended by replacing specified columns of figures in the tables of that schedule.

Amendments to Schedule 25

Schedule 25 is amended by replacing specified columns of figures in tables 1 and 2, and amending a column heading in table 3, of that schedule.

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These regulations are administered by the Ministry of Business, Innovation, and Employment.