



Victoria Government Gazette

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Subordinate Legislation Act 1994

(Section 12)

NOTICE OF DECISION

Dangerous Goods (Storage and Handling) Regulations 2022

I, Ingrid Stitt, Minister for Workplace Safety, and Minister responsible for administering the **Dangerous Goods Act 1985**, give notice under section 12 of the **Subordinate Legislation Act 1994** (SL Act) of my decision to make the proposed Dangerous Goods (Storage and Handling) Regulations 2022 (the proposed Regulations).

The proposed Regulations will replace the Dangerous Goods (Storage and Handling) Regulations 2012 (current Regulations) which expire on 27 November 2022.

The primary objectives of the current Regulations and the proposed Regulations is to regulate the safe storage and handling of dangerous goods.

The proposed Regulations support the objectives set out by the **Dangerous Goods Act 1985** by regulating the life-cycle of dangerous goods and requiring that duty holders:

- appropriately classify pack, mark and label dangerous goods;
- maintain a register of dangerous goods stored and handled at their premises;
- identify and control hazards in relation to the storage and handling of dangerous goods;
- prepare and provide of safety data sheets;
- notify WorkSafe Victoria (WorkSafe) of 'manifest quantities' stored on a premises; and
- have fire protection systems in the event of a safety incident occurring.

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed Regulations and was made available for public consultation and comment from 3 May 2022 until 31 May 2022 on the Engage Victoria website (engage.vic.gov.au). A notice of the public comment period was published in the Victoria Government Gazette and Herald Sun newspaper on 3 May 2022.

In response to the RIS and the proposed Regulations, WorkSafe received seven submissions from duty holders, industry peak bodies and emergency services, and all submissions were considered. The key issues raised related to:

- amendments made to regulation 15(2) which intended to clarify duties relating to the use of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) in the labelling of dangerous goods, which were not supported by industry;
- exempting classes of dangerous goods with UN number 3077 and 3802 from application of the proposed Regulations;
- concerns with amended notification requirements to the WorkSafe that were introduced in November 2021 under the Dangerous Goods (Storage and Handling) Amendment (Notification) Regulations 2021.

After consideration of the submissions received in accordance with section 11 of the SL Act, and further information from WorkSafe and key stakeholders, I have decided that the proposed Regulations should be made with minor amendments. These include:

- revision of regulation 15(2) to provide duty holders the choice to either comply with the Dangerous Goods (Transport by Road or Rail) Regulations 2018 or the GHS in regards to labelling inner packing of dangerous goods;
- clarification of regulation 54 concerning occupier duties to provide safety data sheets.

SPECIAL

A response to public comment, with further detail about the submissions received and WorkSafe's response to these, will be made publicly available on the Engage Victoria website and at www.worksafe.vic.gov.au.

Dated 27 September 2022

INGRID STITT MP
Minister for Workplace Safety

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