



Code of Practice

Introduction

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How to use this Code

This Code of Practice is designed to assist *premises* which store packaged *agricultural and veterinary chemical products*, under the Agsafe scope, to do so safely and responsibly. The code should be read in conjunction with your state regulations to make sure your site is meeting all your legislated requirements.

This code may also be used in conjunction with the Agsafe Personnel Accreditation Training manual and other Agsafe resource materials.

Premises which keep products outside the Agsafe scope should consult with *accreditation facilitators* or the Agsafe Accreditation & Training team for further advice. Examples of products outside the scope of this Code are:

- Above ground *tanks*
- Gases which are not agricultural and veterinary chemical products.
- Ammonium Nitrate (Fertilizer Grade)

Major hazard facilities need to comply with the relevant sections of this Code of Practice but there are additional requirements which are outside the scope.

How a store becomes accredited

The purpose of this Code of Practice is to assist owners/managers of agricultural and veterinary chemical *premises*. This Code also serves as the auditing protocol for Agsafe *Accreditation Facilitators*.

The process for gaining *premises* accreditation is:

- 1 To complete an application for Agsafe premises accreditation on our website.
- 2 For an *Accreditation Facilitator* to conduct a consultation visit of the *premises* (up to 4 hours in duration) and identify any apparent non-compliance with this Code of Practice.
- 3 *Premises* with non-compliance items are issued with a report of corrective actions that must be resolved before the premises can be deemed to be compliant.
- 4 *Premises* that comply within 21 days of the visit are issued with an Accreditation Premises Certificate and an Accreditation Window Sticker at Agsafe Advanced level. *Premises* that take longer than 21 days to comply are issued with an Accreditation Premises Certificate and an Accreditation Window Sticker at Agsafe Essential level.

- 5 The assessment process is ongoing. Agsafe Advanced premises will have their next accreditation visit 4 years after. Agsafe Essential premises will have their next accreditation visit 2 years after.
- 6 *Premises* which fail to address any corrective actions can have their Agsafe membership withdrawn. (See How Agsafe Membership Works)

Preparation for a Consultation Visit

An *Accreditation Facilitator* will contact you to arrange a mutually agreeable time 30 to 60 days prior to the actual visit. At this time they will confirm if you wish to participate in online training and confirm the training requirements of your staff. A booking confirmation is then sent to you. A pre-consultation checklist is available on our website to help you prepare for your accreditation visit.

Workplace Assessments for Web Based Training Courses

The Accreditation Facilitator may also conduct workplace assessments (WPAs) for any staff that have completed online courses. Each member of staff whose workplace competency needs to be assessed needs to make at least one hour available for this process. WPAs may also be conducted by eligible supervisors, please visit our website for more information.

Background to this Code

The content of the Code is primarily based on *AS 2507* the Australian Standard for the storage and handling of *agricultural and veterinary chemical products*. The layout template and supplementary content follows the National Standard For The Storage Of Workplace Dangerous Goods [NOHSC: 1015(2001)] (*NSSHWDG 2001*), the National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC: 1005(1994)] (*NMRCWHS 1994*) and the National Code Of Practice For The Control Of Workplace Hazardous Substances [NOHSC: 2007(1994)] (*NCoPCWHS 1994*).

Although the Safe Work Australia Standards and Codes of Practice (COP) will remain the key foundations of the Agsafe COP, and although they remain in place (as at 1 May 2012) the guidance material in these standards and COPs includes new Codes of Practice to reflect Work Health and Safety (WHS) legislation introduced from 2011.

NOTE: In some jurisdictions, the WHS law is applied to work health and safety issues arising from the storage and handling of dangerous goods. That is not the case under the National (Model) WHS Act, which applies to hazardous chemicals. As at 1 Jan 2013 NSW, Qld NT. SA and Tas have implemented the WHS laws and have included application to dangerous goods). ACT only partially adopted the WHS model law.

There are other Australian Standards for the storage and handling of single or mixed stores of dangerous goods, for example AS 4452 the storage and handling of toxic substances and AS 3833 the storage and handling of mixed classes of dangerous goods in packages and intermediate bulk containers. Premises have an option to use these, however in most cases they need to be used in their entirety rather than choosing portions

of one standard and portions of another. See the section 'Other Sources of Information' for a list of these. AS 2507 was written specifically for agricultural and veterinary chemicals with input from this industry, which allowed requirements to be less onerous than those in a standard for a single class of dangerous goods.

It is estimated that over 95% of *agricultural and veterinary chemical products* are classified as *hazardous chemicals* and consequently in most States of Australia are subject to regulatory expectation of performance outcomes based on a *risk* management process comprising *hazard* identification, *risk* assessment and a progressive hierarchy of control measures. In this context the validity of using AS 2507 is its status as being acknowledged by regulators as a recognised industry based generic assessment which can be used as a component of this *risk* management process.

The Code Layout and Terminology

This Code of Practice is set out with the following sections:

- **Introduction**
- **Management elements** are designated by the letter M, the four sections of which address regulatory compliant site management.
- **Physical elements** are designated by the letter P and presented in one section, "*Construction*" outlining the key structural features of a regulatory compliant *agricultural chemical product store*.
- **Operational elements** are designated by the letter O and divided into two sections addressing the safe storage and handling of chemicals.
- **Emergency management elements** are designated by the letter E and divided into two sections outlining the standard practices for appropriate emergency planning and set-up of store emergency facilities.

Each element includes a **purpose**, a **key requirement**, an **explanation** and **records** to track compliance with this Code of Practice. Defined terms are in *italics*, mandatory and advisory terms such as **shall**, **must**, **should** and **may** are in **bold**.

In the left hand column an abbreviated source of the key requirement or explanatory statement is provided. These are as follows:

AS 2507	AS 2507 – 1998, Australian Standard - The storage and handling of agricultural and veterinary chemicals
AS 1940	AS 1940 – 2004, Australian Standard - The storage and handling of flammable and combustible liquids.
NSSHWDG 2001	National Standard for the Storage and Handling of Workplace Dangerous Goods March 2001 [NOHSC: 1015(2001)] published by Safe Work Australia (SWA), previously the Australian Safety and Compensation Council, ASCC (2005-2009) and National Occupational Health and Safety Commission NOHSC (1985-2005)).

NMRCWHS 1994	National Model Regulations For The Control Of Workplace Hazardous Substances [NOHSC: 1005(1994)] published by SWA.
NCoPCWHS 1994	National Code Of Practice For The Control Of Workplace Hazardous Substances [NOHSC: 2007(1994)] published by SWA
NCP-FA-2012	National Code of Practice: First aid in the workplace (Draft) – SWA 2012
NCP-WHSR-2011	National Code of Practice How to Manage Work Health and Safety Risks Dec 2011 – SWA
NCP-L-2009	National Code of Practice: Labelling of Workplace Hazardous Chemicals July 2009 – SWA
NCP-Env-2011	National Code of Practice: Managing the Work Environment and Facilities 2011 – SWA
NCP-HCR-2012	National Code of Practice: Managing Risks of Hazardous Chemicals in the Workplace– SWA July 2012
NCP-DS-2011	National Code of Practice: Preparation of Safety Data Sheets for Hazardous Chemicals – SWA 2011
NCP-SDS-2012	National Code of Practice: Safe Design of Structures – SWA 2012
ADG Code	The Australian Code for the Transport of Dangerous Goods by Road and Rail (7 th Edition)
<i>Agsafe Industry Standard</i>	This refers to an advisory requirement, which is good industry practice and which is recommended by Agsafe Limited
<i>Agvet Code:</i>	Agricultural and Veterinary Chemicals Code Act 1994

Purpose

Purpose includes an outline of what the element is aiming to achieve.

Key Requirements

Key requirements describe the specific items against which the program is audited. These reflect the regulatory requirements; however the *premises responsible person* is responsible for ensuring compliance with the regulations and should consult these. Agsafe guides to Acts, Regulations and associated Codes of Practice are intended to assist this process.

Explanation

Explanation outlines the activities required and their justification. In most cases this is covered in the Agsafe Personnel Accreditation Training (basic) manual and this section references the relevant part of that manual.

Record

This is a separate section, which includes *record* forms and sample documents as required or types of evidence and where it can be found (if not included in this Code of Practice) as to how the *premises* is meeting the key requirements.

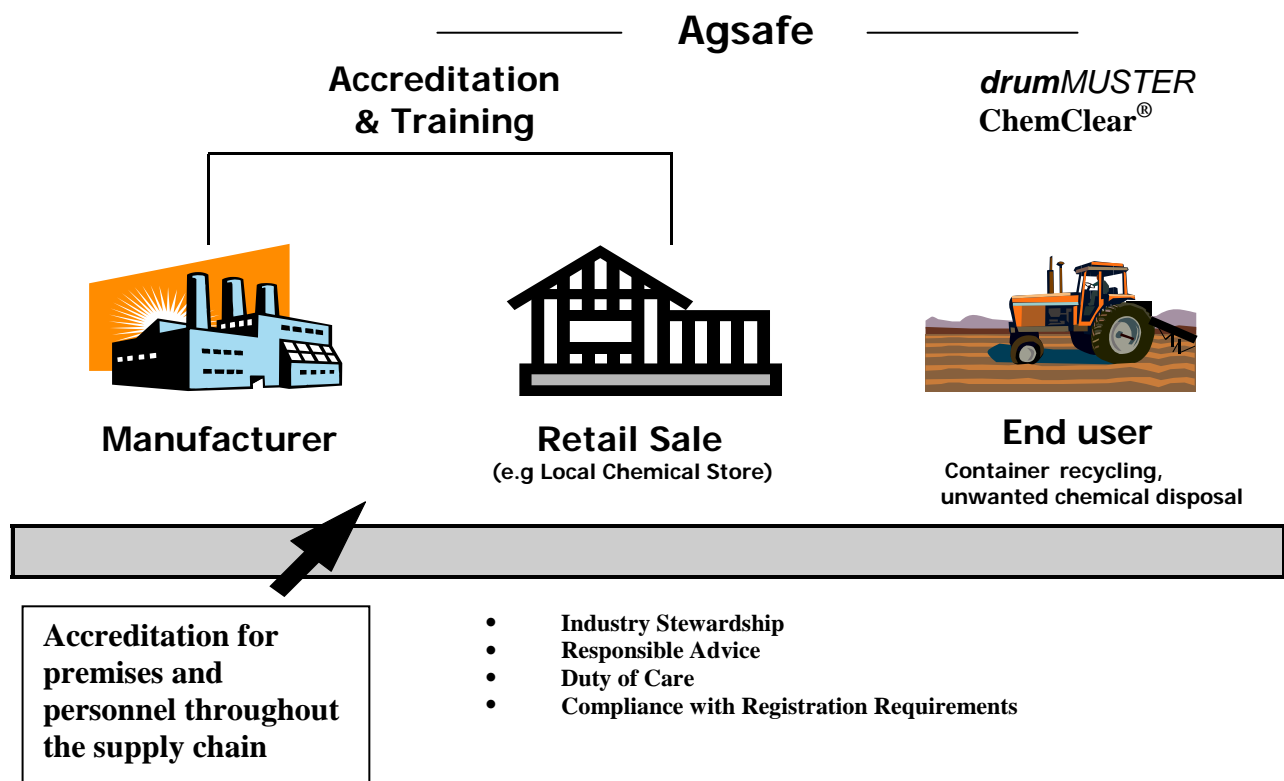
Each element of this Manual is a “controlled document”. These can only be altered by Agsafe Limited. In order to facilitate proper control of these documents, each Section of each Element is identified in the document header and footer.

The identification includes:

Version number, Date of issue, Element identification, Page Number.

Scope of the Agsafe Accreditation & Training Program

Agsafe Accreditation & Training is an accreditation program which applies to all personnel and *premises* involved in handling, storing, transporting and recommending agricultural and veterinary chemical products in the distribution chain from the point of manufacture to the point of sale.



The scope of Agsafe Accreditation & Training *Premises* Accreditation applies to businesses that keep *agricultural and veterinary chemical products* which are defined in the Agricultural and Veterinary Chemicals Code Act 1994 Section 4 (*agricultural chemical product*) and Section 5 (*veterinary chemical product*) and Regulations 7 and 8 of the Agricultural and Veterinary Chemical Code Regulations which are:

- Schedule 5 Poisons
- Schedule 6 Poisons
- Schedule 7 Poisons
- *Hazardous chemicals*
- *Dangerous Goods*

and which are not:

- Dairy sanitisers or cleansers in outlets which do not supply any other agricultural or *veterinary chemical products*;
- Products exclusively for home *use* including those for companion animals when sold in outlets catering exclusively for home *use*;
- Nutritional pre-mixes and supplements for animals;
- *Substances* used in conjunction with an *agricultural chemical product* to identify areas treated with that product;
- Insect repellents for *use* on human beings;
- *Substances* listed in Schedule 3, Part 3 of the Agricultural and Veterinary Chemical Code Regulations 1995 (examples are mould inhibitors used in paper and glue manufacture, fungicides, bactericide or deodorants in footwear or clothing, soil ameliorants if there is no claim to have effects as regulators of plant growth, invertebrate pest management lures based on *food*, cut flower preservatives, , predatory insects);
- Swimming pool products.
- Security sensitive ammonium nitrate (SSAN).

The accreditation program does not cover veterinarians or veterinary chemical wholesalers where the quantity of *agricultural and veterinary chemical products* (as defined above) held by the veterinarian or the veterinary chemical wholesaler does not at any time exceed 500 L or 500 kg, and they do not hold on their *premises* other chemical products which are the subject of the program.

Agsafe *premises* accreditation applies to all *premises* from point of manufacture to point of sale.

Work Health and Safety (WHS) legislation

The model Work Health and Safety (WHS) legislation, introduced from 2011, implements a system of chemical hazard classification, labelling and safety data sheets (SDS) requirements based on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). Transition to the GHS will occur over a 5 year period from 1 January 2012 until 31 December 2016.

The GHS is a single internationally agreed system of chemical classification and hazard communication. It includes harmonised criteria for the classification of physical hazards, health hazards and environmental hazards.

The *Model Code of Practice - Managing Risks of Hazardous Chemicals*– SWA July 2012 (NCP-HCR-2012) refers to hazard classes and categories under the GHS. However, it also applies to workplace hazardous substances and dangerous goods classified under the NOHSC Approved Criteria and the ADG Code, respectively. Most substances and mixtures that are dangerous goods under the ADG Code are also hazardous chemicals.

In the WHS Regulations manifest quantities refer to hazardous chemicals rather than dangerous goods.

Schedule 11 of the WHS Regulations follows for your reference.

The table shows placard and manifest quantities of hazardous chemicals. The final column of this table shows the link between the GHS classes and categories and the equivalent classes and categories of dangerous goods under the ADG Code.

Note: Where the WHS Regulations (Schedule 13) require a placard, the relevant dangerous goods class label (pictogram) must be displayed on the placard, rather than the corresponding GHS pictogram.

It is important to check the requirements of your state / territory as WHS legislation is introduced.

WHS Flammable Liquid Categories

Category	Criteria
Flammable Liquid category 1	Flash point <23oC and initial boiling point < 35oC
Flammable Liquid category 2	Flash point <23oC and initial boiling point > 35oC
Flammable Liquid category 3	Flash point >23oC and < 60oC
Flammable Liquid category 4	Flash point >60oC and < 93oC

Work Health and Safety Regulations 2011, Schedule 11, Placard and Manifest Quantities

Column 1	Column 2	Column 3	Column 4	Column 5	ADG Code Classification
Item	Description of hazardous chemical		Placard quantity	Manifest quantity	
1	Flammable gases	Category 1	200L	5 000L	2.1
2	Gases under pressure	Acute toxicity, categories 1, 2, 3 or 4 Note—Category 4 only up to LC ₅₀ of 5000 ppmV	50L	500L	2.3
3		Skin corrosion categories 1A, 1B or 1C	50L	500L	2.3
4		Aerosols (including flammable aerosols)	5000L	10 000L	2.1 or 2.2
5		Not specified elsewhere in this table	1000L	10 000L	2.2
6	Flammable liquids	Category 1	50L	500L	3 (PG I)
7		Category 2	250L	2500L	3 (PG II)
8		Category 3	1000L	10 000L	3 (PG III)
9		Any mix of chemicals from Items 6 – 8 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000L	10 000L	
10		Category 4	10 000L	100 000L	<i>Note 1</i>
11	Self-reactive substances	Type A	5kg or L	50kg or L	GTDTBT – <i>Note 2</i>
12		Type B	50kg or L	500kg or L	4.1 (Type B)
13		Type C-F	250kg or L	2500kg or L	4.1 (Type C-F)
14	Flammable solids	Category 1	250kg	2500kg	4.1 (PG II)
15		Category 2	1000kg	10 000kg	4.1 (PG III)
16		Any mix of chemicals from Items 12 - 15 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or L	10 000kg or L	
17	Pyrophoric liquids and Pyrophoric solids	Category 1	50kg or L	500kg or L	4.2 (PG I)
18	Self heating substances and mixtures	Category 1	250kg or L	2500kg or L	4.2 (PG II)
19		Category 2	1000kg or L	10 000kg or L	4.2 (PG III)
20		Any mix of chemicals from Items 17 - 19 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or L	10 000kg or L	
21	Substances which in contact with water emit flammable gas	Category 1	50kg or L	500kg or L	4.3 (PG I)
22		Category 2	250kg or L	2500kg or L	4.3 (PG II)
23		Category 3	1000kg or L	10 000kg or L	4.3 (PG III)
24		Any mix of chemicals from Items 21 - 23 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or L	10 000kg or L	
25	Oxidising liquids and Oxidising solids	Category 1	50kg or L	500kg or L	5.1 (PG I)
26		Category 2	250kg or L	2500kg or L	5.1 (PG II)
27		Category 3	1000kg or L	10 000kg or L	5.1 (PG III)
28		Any mix of chemicals from Items 25 - 27 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or L	10 000kg or L	
29	Organic peroxides	Type A	5kg or L	50kg or L	GTDTBT – <i>Note 2</i>
30		Type B	50kg or L	500kg or L	5.2 (Type B)

Introduction

Column 1	Column 2	Column 3	Column 4	Column 5	ADG Code Classification
Item	Description of hazardous chemical		Placard quantity	Manifest quantity	
31		Type C - F	250kg or L	2500kg or L	5.2 (Type C-F)
32		Any mix of chemicals from Items 30 and 31 where none of the items exceeds the quantities in columns 4 or 5 on their own	250kg or L	2500kg or L	
33	Acute toxicity (Note 3)	Category 1	50kg or L	500kg or L	6.1 (PG I)
34		Category 2	250kg or L	2500kg or L	6.1 (PG II)
35		Category 3	1000kg or L	10 000kg or L	6.1 (PG III)
36		Any mix of chemicals from Items 33 - 35 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or L	10 000kg or L	
37	Skin corrosion	Category 1A	50kg or L	500kg or L	8 (PG I)
38		Category 1B	250kg or L	2500kg or L	8 (PG II)
39		Category 1C	1000kg or L	10 000kg or L	8 (PG III)
40	Corrosive to metals	Category 1	1000kg or L	10 000kg or L	8 (PG III)
41		Any mix of chemicals from Items 37 - 40 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or L	10 000kg or L	
42	Unstable explosives		5kg or L	50kg or L	GTDTBT – Note 2
43		Any mix of chemicals from <i>items 11, 29 and 42</i> where none of the items exceed the quantities in columns 4 or 5 on their own	5kg or L	50 kg or L	
NOTES: <ol style="list-style-type: none"> 1. Only flammable liquids with a flash point of up to 93°C are classified as hazardous chemicals under the WHS Regulations. C1 combustible liquids with flashpoints between 93°C and 150°C are not classified as hazardous workplace chemicals. 2. GTDTBT = Goods too dangerous to be transported. 3. For gases classified with Acute Toxicity, the placard and manifest quantities as defined under item 2, rather than items 33-36, should be used. 4. Division 2.3 under the ADG Code includes gases and vapours as acutely toxic (categories 1, 2 and 3) and gases which are corrosive to skin (category 1). 5. For item 2, gases under pressure with acute toxicity category 4 only applies up to a LC50 of 5000ppmV, which is equivalent to Div. 2.3 under the ADG code. 					

Flammable liquid classification: For the purposes of this table, if a flammable liquid of category 4 is used, handled or stored in the same spill compound as one or more flammable liquids of categories 1, 2 or 3, the total quantity of flammable liquid is determined as if the flammable liquid of category 4 had the same classification as the flammable liquid in the spill compound with the lowest flash point. For example, 1000L of flammable liquid category 1 and 1000L of flammable liquid category 4 is considered to contain 2000L of flammable liquid category 1.

Minor Storage Limits from AS 2507

The following table has been extracted from AS 2507 1998 describing the *minor storage* limits for packaged stores. If *premises* exceed limits on the following table the storage shall be considered **greater than *minor storage***.

Minor Storage Quantities of Agricultural and Veterinary Chemicals

Location	Packing Group (PG)	Maximum Quantity		
		Liquids L	Solids kg	Class 4.3 kg [‡]
Areas where <i>packages</i> are always kept closed and trained staff present during operating hours (eg warehouses, retail premises)	PGI	5	5	5
	PGII	250	250	25
	PGIII in <i>packages</i> ≤ 210 L	1000	1000	100
	non DG*	1000	1000	N/A

* Non-DG – Non dangerous goods

‡ Indoor *minor storage* only

NOTES:

1. It is permitted to store each of the maximum allowable quantity of each packing group combined, e.g. 200 L PG II and 900 L PG III or even 900 L PG III and 900 L non Dangerous Goods are both permissible as *minor storage*.
2. Although AS 2507 does not cover the storage of Class 4.3, the presence of Class 4.3 dangerous goods shall be considered when determining the maximum quantities of chemicals stored.
3. For the purposes of the above table, aerosols (UN1950) are regarded as PG III.

Flammable and combustible liquids are also common in the agricultural and veterinary chemical industry and if quantities on the following table (taken from Table 2.1 AS 1940 2004) are exceeded then professional advice should be sought.

IMPORTANT NOTE: States and Territories under WHS legislation will need to comply with the new Flammable liquid classifications listed earlier.

Minor Storage Quantities of Flammable and Combustible Liquids

Location	Packing Group (PG)	Maximum Quantity Litres
Factories, workshops	PGI & II	1L per 2 m² <i>of floor space, with no more than 250L in any 500 m² area</i>
Indoors	PGIII	1L per 1 m² <i>of floor space, with no more than 500L in any 500 m² area</i>
	Combustible C1 & C2	4L per 1 m² <i>of floor space, with no more than 2000L in any area 500 m² area</i>
	Manufactured Product	In packages only – 2000 L
<hr/>		
Shops	PGI & II PGIII	As for factories and workshops (above) but no container for PG1 or PGII liquid may exceed 20L capacity
	Manufactured Product	Flammable products: 10,000 L , of which no more than 2000 L are PGII, provided that storage is closed packages, not to be opened except for tinting paint for immediate sale.
<hr/>		
Warehouses	PGI & II PGIII	As for factories and workshops (above)
	Manufactured Product	Flammable products: 10,000 L of which no more than 2000 L are PGII, provided that storage is closed packages, not to be opened except for tinting paint for immediate sale.

Dangerous Goods Placarding and Manifest Quantities

Safe Work Australia has published a National Standard ([NOHSC:1015(2001)]) and Code of Practice(NOHSC: 2017 (2001)]) for the storage and handling of dangerous goods. This document is picked up in regulations in some States and provides threshold limits, although in all States except Victoria and WA Schedule 11 of the WHS regulations now applies (see below).In all cases when determining the requirements for storage facilities the State regulations need to be checked.

Schedule 1 from the Standard follows for information.

Schedule 1 (NOHSC:1015(2001)): QUANTITIES OF DANGEROUS GOODS FOR SPECIFIC CLAUSES

Item	Dangerous Goods and Combustible Liquids	Packing Group	Placard Quantity	Manifest Quantity
1.	<i>Class 2</i> <i>Class 2.1</i> <i>Class 2.2 (Subrisk 5.1)</i> <i>Class 2.2 (Other)</i> <i>Class 2.3</i> Aerosols Cryogenic Fluids	n/a n/a n/a n/a n/a n/a	500 L 2,000 L 5,000 L 50 L 5,000 L 1,000 L	5,000 L 10,000 L 10,000 L 500 L 10,000 L 10,000 L
2.	Any one of <i>Class 3</i> , 4.1, 4.2, 4.3, 5.1, 5.2, 6.1 or 8	I II III Mixed Packing Groups in a single <i>Class of dangerous goods</i> where none of the Packing Groups present exceed the quantities specified in item 2 of this table	50 kg or L 250 kg or L 1,000 kg or L 1,000 kg or L	500 kg or L 2500 kg or L 10,000 kg or L 10,000 kg or L
3.	<i>Class 9</i>	II III Mixed Packing Groups in a single <i>Class of dangerous goods</i> where none of the Packing Groups present exceeds the quantities specified item 3 of this table	1,000 kg or L 5,000 kg or L 5,000 kg or L	10,000 kg or L 10,000 kg or L 10,000 kg or L
4a.	Mixed <i>Classes of dangerous goods</i> where none of the <i>Classes</i> , types and Packing Groups (if any) present exceeds the quantities specified in Items 1, 2 and 3 of this table	n/a	2,000 kg or L where the quantity specified in this Schedule for each of the <i>Classes</i> is 2,000 kg or L or less	10,000 kg or L

Item	Dangerous Goods and Combustible Liquids	Packing Group	Placard Quantity	Manifest Quantity
4b	Mixed Classes of dangerous goods where none of the Classes, types and Packing Groups (if any) present exceeds the quantities specified in Items 1, 2 and 3 of this table	n/a	5,000 kg or L where the quantity specified in this Schedule for one or more of the Classes is 5,000 kg or L and Placarding is not required for Items 1,2, 3 and 4a	
5.	Goods Too Dangerous To Be Transported	n/a	5 kg or L	50 kg or L
6.	Combustible liquids with fire risk dangerous goods	n/a	1,000 kg or L Includes both C1 and C2L	10,000 kg or L Includes both C1 & C2
7.	C1 Combustible liquids	n/a	1,000 kg or L Includes both C1 & C2 10,000 L in bulk containers 50,000 in packages 50,000 in bulk and packaged combined provided the quantity of C1's in bulk does not exceed 10,000 L	100,000 L Bulk or Packaged.

NOTES:

- i) For dangerous goods that are articles, the quantity of the gas or liquid in L or solid in kg that comprise those articles must be taken into account when determining a threshold quantity of dangerous goods for the application of this Schedule.
- ii) For the purposes of applying this Schedule, the dangerous goods specified in this Schedule do not include dangerous goods that are for fire fighting equipment, first aid equipment or identified by subclause 4 (3) of the national standard.
- iii) Where no Packing Group is assigned refer to Addendum 1 of Appendix 2 of the ADG code for packing group criteria, if unable to determine Packing Group from criteria consult the authority. In the case of Class 9 dangerous goods, where no Packing Group is assigned consider those goods Packing Group III.

Risk Management Regulation and this Code

Performance Regulation

Regulation in most States and to some extent standards and codes are adopting a performance rather than a prescriptive approach. Performance regulation means that the regulation has an outcome expectation, or expects a result rather than dictates how the result is to be achieved. This means that businesses have choices in how they achieve outcomes under performance regulation.

Performance regulation of hazardous substances, and to an increasing extent dangerous goods regulation, is based on three fundamental principles of risk management; identifying hazards, assessing risks and having control measures in place. A hazard can be defined as a property of a thing or situation which has potential to cause harm. A risk is the likelihood or probability of a harmful incident occurring. As a general rule a business in establishing its risk management strategy and tactics must not only consider the likelihood but also the consequence of harmful incidents.

In this Code of Practice Risk Management examples of performance outcomes are the three Management Elements, M2.1 Hazard Identification, M2.2 Risk Assessment and M2.3 Control of Risk. The remaining key requirements in the Physical, Operational and Emergency Elements tend to be prescriptive (particularly the physical elements, for example, P1.2 Construction, P1.3 Segregation, P1.5 Containment, P1.10 Hazardous Atmospheres and P1.13 Security). This means that the scope for alternative solutions to meet a performance outcome is limited to those solutions which go beyond what is already prescribed and in place.

Performance regulation may not have provision for exemptions

In the past in some situations where regulation had been problematic to implement, alternative ways to meet equivalent safety outcomes had been worked out and exemptions negotiated with the State government authorities. Performance regulation may no longer have a place for industry general exemptions, a number of which Agsafe had secured on behalf of the industry. Some businesses may have had individual exemptions. The content and provisions of individual and general exemptions may however still be valid for incorporation in premises risk management and safety management systems.

Prescriptive standards

Older style dangerous good regulation tended to 'pick up' Australian Standards which meant that businesses were compelled to comply with the specifications and prescriptions set out in the standards, hence the term prescriptive regulation.

Australian Standards and approved industry standards still play an important part in performance regulation. They are not directly invoked by performance regulation; however they are viewed by regulators as generic risk assessments and controls and are benchmarks for accepted good practice. They help government inspectors to determine

whether a business has an acceptable documented assessment and control measure in place.

The new WHS regulations are largely without prescriptive requirements, which are contained in specialised national model code of practices (COPs). COPs provide business operators with flexibility while clearly indicating acceptable levels of safety. Safety standards are not lowered as the national COP have evidentiary status under the WHS Act 2011. Duty holders can adopt other ways that provide a level of safety equal to or better than the standards set out in the national codes.

Industry and Australian Standards

Industry standards

Former editions of the Agsafe Code of Practice (the first two editions were known as the Industry Standard for the Storage, Handling and Transport of Agricultural and Veterinary Chemicals) were developed in consultation with the regulators and Agsafe has been assessing and accrediting premises since 1994. This means that Agsafe standards have been well tested and refined over the years to suit both the industry and government and have been accepted as technically sound and good practice in meeting safe outcomes.

AS 2507

Agsafe was represented on the committee which developed AS 2507 1998, the Australian Standard for the storage and handling of agricultural and veterinary chemical products and consequently this standard also reflects the agricultural and veterinary chemical industry determination of cost effective standards and good practice for managing the storing and handling of agricultural and veterinary chemical products.

AS 2507 1998 is based on the physical and chemical properties of agricultural and veterinary chemical products, particularly those which are dangerous goods. This means that in contrast to performance based legislation, AS 2507 1998 prescribes specific control measures and does not allow for alternative approaches to achieving safe outcomes.

AS 2507 is the result of a generic assessment by industry and regulators whilst performance based regulation provides a mechanism to ensure that all risk factors are assessed at a premises. In contrast to an industry developed standard such as AS 2507 performance based regulation broadens the approach with an expectation that all hazards are identified and risks assessed rather than simply putting in generically derived control measures. This means that activities and situations which occur at the individual premises and not just those arising from chemical and physical properties of the products stored are accounted for. This includes any variable which could cause harm including human activities as they relate to any unique circumstances in the premises itself and its structural and environmental features.

Application to agricultural and veterinary chemical premises

Packages are closed so the risk assessment must review anything or any situation that could damage packaging and result in exposure of people, property and the environment to the contents. Risk assessment requires consideration of factors such as scale (volume, pack size) likelihood and consequence (short and long term toxic effects, number of people, neighbourhood). In an agricultural and veterinary chemical retail or warehousing situation the type of products stored (e.g. formulation, toxicity, flammability) and the situations in which they are stored and handled (construction and layout of the store) are critical factors.

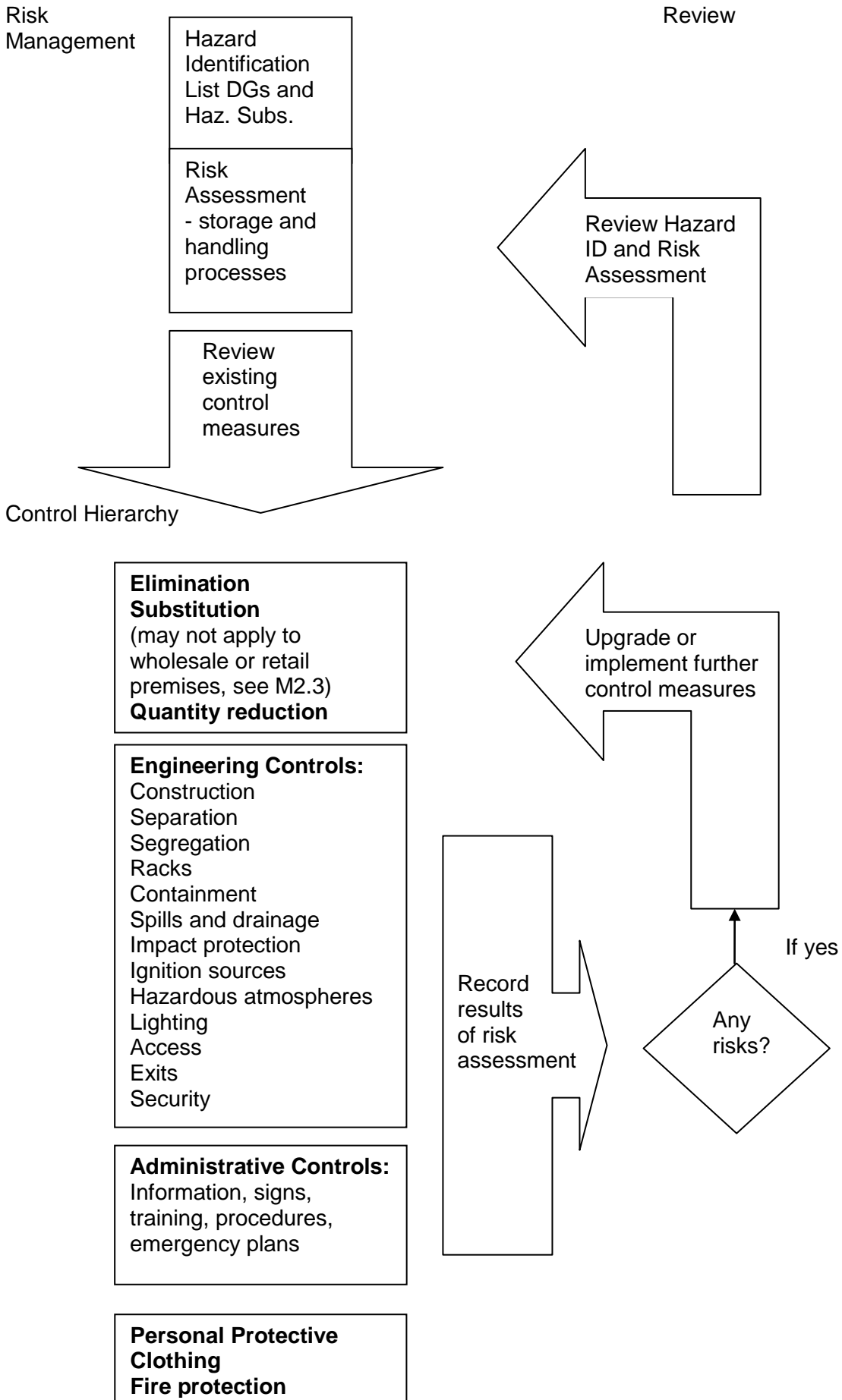
Spill and fire incidents are generally the most applicable to agricultural and veterinary chemical product warehouse and retail. Agsafe has guidelines for assessing these types of risks.

Spills are most likely in handling; such as unloading vehicles, transferring products to and from warehouse and retail storage, and loading vehicles.

Fires may be caused by ignition sources such as faulty wiring, inappropriate disposal of cigarette butts and matches and arson. Fire may spread from neighbouring properties. Combustible material lying around the premises is a factor which could determine the outcome of a fire.

Control measures for spills include containment bunding and spill kits, control measures for fire prevention and control include elimination or separation of ignition sources, no smoking policies and reduction in hazardous atmosphere by ventilation. Administrative controls such as training, placarding, safety signage and emergency planning should address both fires and spills.

Overview of Risk Management, Control Hierarchy and Review



How Agsafe Membership Works

Locations that participate in the Agsafe Accreditation & Training Program are committing the principles of best practice to ensure the safety and longevity of our industry.

Locations are measured against this Code of Practice to check for compliance by an accreditation facilitator. Any non-compliance will result in a corrective action being issued by Agsafe. Please note that the accreditation facilitator will advise you on how to complete the corrective action. Agsafe's primary role is to help industry to understand and comply with their legislated requirements.

At a Glance

1. An Agsafe Accreditation facilitator will conduct a consultation visit and issue a report based on this code.
2. Stores that are issued with corrective actions have the following timeframes to respond:
 - To Achieve **Agsafe Advanced Accreditation** complete all your corrective actions and send the evidence (copies of documents, photos etc.) to your facilitator within **21 days of the visit date**. Please note that this time frame cannot be extended.
 - To Achieve **Agsafe Essential Accreditation** complete all your corrective actions and send the evidence to your facilitator within **30 days of the visit date**. Extensions can be given for Agsafe Essential Accreditation by your facilitator upon reasonable request.
3. After 30 days a reminder will be sent if corrective actions are outstanding.
4. After another 30 days a final reminder will be sent if corrective actions remain outstanding.
5. After another 30 days membership may be cancelled if corrective actions remain outstanding.

All individuals who become Agsafe accredited and commit to the Agsafe Code of Conduct are obliged by virtue of clause 8.5 in the Code of Conduct to make enquiries on the accreditation status of other businesses/individuals which are involved in the supply chain. The scope of the program does not extend to the end user.

Agsafe Limited is then obliged, on receipt of a written query, to make an initial inquiry on the status of the business or individual accreditation.

Agsafe Advanced and Agsafe Essential

Agsafe Advanced Accreditation is awarded to locations that have no corrective actions or have minor corrective actions that can be attended to within 21 days.

These locations will be accredited for a period of four years before requiring another Agsafe consultation visit.

Agsafe Essential Accreditation is awarded to locations that need longer than 21 days to comply with corrective actions.

These locations will be accredited for a period of two years before requiring another Agsafe consultation visit.

Appeals Process

An appeals process is included in the Agsafe Code of Conduct. A simplified version is as follows:

- To protect the rights of everyone in the industry
- To avoid expensive legal action in the protection of these rights

Lodging an Appeal

Any person or organisation may appeal against Agsafe's refusal to grant accreditation membership or its withdrawal of a pre-existing accreditation membership

Steps in the Appeals Process

WITHIN 14 DAYS OF NOTIFICATION OF WITHDRAWAL OF ACCREDITATION MEMBERSHIP

STEP 1:

Lodge appeal with Agsafe Accreditation Committee
to seek mutually agreeable solution

IF SOLUTION NOT FOUND WITHIN 14 DAYS

STEP 2:

Appeal passes to Agsafe Board
to seek mutually agreeable solution

IF SOLUTION NOT FOUND WITHIN 14 DAYS

STEP 3:

Appeal passes to conciliator.
Mutually agreeable solution sought for 14 days.
IF solution NOT FOUND.
Conciliator to determine outcome.

The Cost of an Appeal

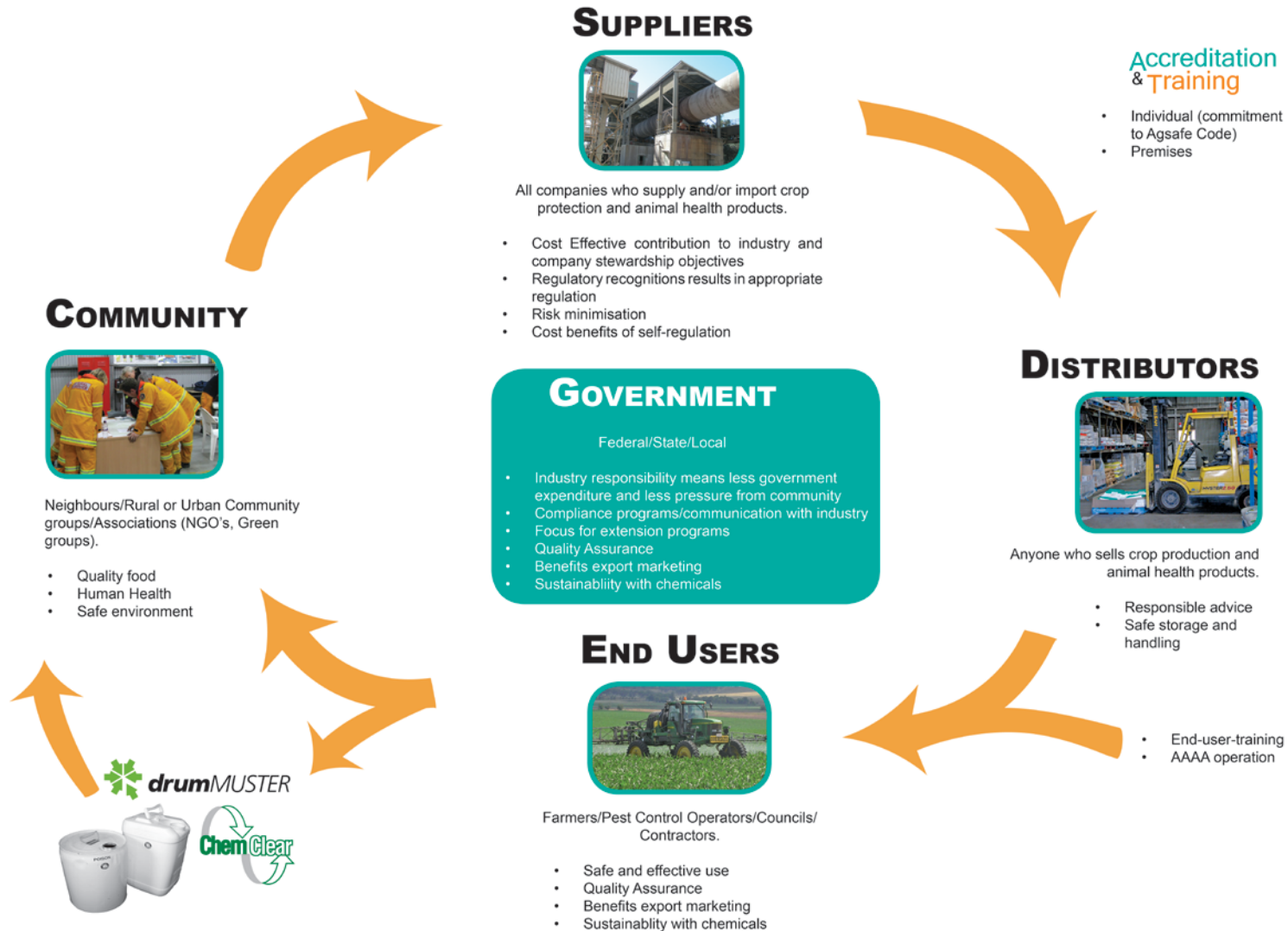
There is no cost for the first two steps in the Appeals process.

The Australian Commercial Disputes Centre will provide a conciliator when necessary, at a cost of \$200-\$500 per hour.

Payment for the conciliator is determined by the outcome of the appeal:

- If resolved in favour of the Appellant, Agsafe pays; or
- If resolved in favour of Agsafe, the cost is shared equally.

Benefits Of Accreditation & Training



Definitions

- “Access”** a means by which a person or vehicle can approach or leave a specific location, including walkways, platforms, stairways, ladders, roads and all provisions for safe entry and exit.
- “Accreditation Facilitator”** refers to a facilitator appointed by Agsafe Limited to conduct consultation visits to *premises* to identify items and situations which do not comply with the Industry Code of Practice for the safe storage, transport and handling of agricultural and veterinary chemicals.
- “ADG Code”** means the Australian Code for the Transport of Dangerous Goods by Road and Rail, published by the National Transport Commission (NTC) from time to time.
- “Aerosols”** (ADG7) means non-refillable receptacles made of metal, glass or plastics, containing gas which is compressed, liquefied or dissolved under pressure, with or without a liquid, paste or powder, and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state or in a gaseous state.
- “Aggregate quantity”** (ADG7 Regulation 1.2.1) in relation to a load containing *dangerous goods*, means the total of:
- (a) the number of kilograms of:
 - (i) solid dangerous goods; and
 - (ii) articles (including aerosols); and
 - (b) the number of litres or kilograms, whichever is used in the transport documentation to describe the goods, of liquid dangerous goods; and
 - (c) the total capacity in litres of receptacles containing dangerous goods of Class 2 (except aerosols);
- “Agricultural chemical product”** (Agricultural and Veterinary Chemicals Code Act 1994 (Agvet Code))
1. Subject to subsections **(2)** and **(3)**, an *agricultural chemical product* is a *substance* or mixture of *substances* that is represented, imported, manufactured, supplied or used as a means of directly or indirectly:
 - (a) destroying, stupefying, repelling, inhibiting the feeding of, or preventing infestation by or attacks of, any pest in relation to a plant, a place or a thing; or
 - (b) destroying a plant; or
 - (c) modifying the physiology of a plant or pest so as to alter its natural development, productivity, quality or reproductive capacity; or

- (d) modifying an effect of another agricultural chemical; or
 - (e) attracting a pest for the purpose of destroying it.
2. An agricultural chemical includes a *substance* or mixture of *substances* declared by the regulations to be an *agricultural chemical product*.
3. An *agricultural chemical product* does not include:
- (a) a *veterinary chemical product*; or
 - (b) a *substance* or mixture of *substances* declared by the regulations not to be an *agricultural chemical product*.

“Agsafe Industry Standard” means an advisory requirement which is good industry practice and which is recognised and approved by the Agsafe Accreditation Committee.

Note: These items may have originally been sourced from corporate safety manuals, GIFAP or CropLife Handbooks (CropLife was originally known as GIFAP) and/or have developed during the course of the Agsafe accreditation process since 1994. They have become an *Agsafe Industry Standard* through a generic assessment process involving industry, CropLife, Agsafe staff and *accreditation facilitator* knowledge, experience, advice, conferences and subsequent Agsafe committee approval.

“AgVet Code” means the Agricultural and Veterinary Chemicals Code Act 1994
“Approval” with the sanction of the *Authority*.

“Authority” means any Commonwealth, State or Territory regulatory agency with responsibility for the regulation of the storage and handling of *dangerous goods*.

“AS” followed by a designation means the Australian Standard to which that designation relates as issued by Standards Australia.

“AS 2507” AS 2507 – 1998, Australian Standard - The storage and handling of agricultural and veterinary chemicals

“Biological monitoring” means the measurement and evaluation of *hazardous substances* or their metabolites in the body tissues, fluids or exhaled air of an exposed person.

“Boundary” the perimeter of the whole of the site under the same occupancy as that on which the *storage area* is located.

“Bulk” in relation to a hazardous chemical, means any quantity of a hazardous chemical that is:
Work Health and Safety Regulations 2011
(a) in a container with a capacity exceeding 500 litres or net mass of more than 500 kilograms; or
(b) if the hazardous chemical is a solid — an undivided quantity

“Bulk container”
(Model Subordinate Law
on the Transport of
Dangerous Goods by Road
or Rail 2007 Regulation
1.2.6)

exceeding 500 kilograms.

means a container (with or without a liner or coating) that:

(a) has a capacity of 1.0 m³ or more; and

(b) is intended for the transport of solid dangerous goods that are in direct contact with the container.

To avoid doubt, the following are not bulk containers even if they have a capacity of 1.0 m³ or more and are intended for the transport of solid dangerous goods:

(a) a large packaging that complies with the requirements of Chapter 6.6 of the ADG Code 7;

(b) an IBC;

(c) a tank;

(d) a tank vehicle;

(e) any other packaging that complies with the requirements of Chapter 6.1 or 6.3 of ADG Code 7.

In addition, for the purposes of the ADG Code 7, Bulk containers are:

- of a permanent character and accordingly strong enough to be suitable for repeated use;

- specially designed to facilitate the transport of goods by one or more means of transport without intermediate reloading;

- fitted with devices permitting ready handling.

Examples of bulk containers are freight containers [when used in accordance with ADG Code 7 1.2.1.2.9.1(b)], offshore bulk containers, skips, bulk bins, swap bodies, trough-shaped containers, roller containers, load compartments of vehicles.

NOTE: This bulk container definition represents a major departure from earlier editions of the ADG Code, to align with UN 14 and provide consistency with the IMDG, ICAO and IATA codes for sea and air transport.

“Bund” an embankment or wall which may form part or the entire perimeter of a *compound* or *storage area*, designed to contain spills of liquids – both the *bund* and the *compound* floor must be sufficiently impervious to retain spillage or leakage.

“C1 and C2 combustible liquids” means these “combustible liquids” within the meaning of Australian Standard *AS 1940* The Storage and Handling of Flammable and Combustible Liquids, and for the purposes of this national standard the primary indicator for:

1. “C1” combustible liquid is that its flashpoint is greater than 60.5° C and less than 150° C; and

2. “C2” combustible liquid is that its flashpoint is greater than 150° C.

“Capacity” means the internal volume of a *container* at a temperature of 15° C expressed in litres or cubic metres.

“Class”
Model Subordinate Law
on the Transport of
Dangerous Goods by Road
or Rail 2007 Regulation 2.
1.1

1) Dangerous goods are assigned in ADG 7, in accordance with subclause (4) (see below), to one of the UN Classes 1 to 9.

Note: Each of these classes exhibits a common single or most significant *hazard* determined by the criteria or listing in the ADG Code. The broad classification of *dangerous goods* is as follows:

Class 1 - Explosives

Class 2 - Gases

Class 2.1 - flammable gas

Class 2.2 - non-flammable, non-toxic gases

Class 2.3 - toxic gases

Class 3 - *Flammable liquids*

Class 4 - Flammable solids; *substances* liable to spontaneous combustion; *substances* that in contact with water emit flammable gases

Class 4.1 - flammable solids

Class 4.2 - *substances* liable to spontaneous combustion

Class 4.3 - *substances* that in contact with water emit flammable gases

Class 5 - Oxidizing *substances*; organic peroxides

Class 5.1 - oxidizing *substances*

Class 5.2 - organic peroxides

Class 6 - Toxic and infectious *substances*

Class 6.1 - toxic *substances*

Class 6.2 - infectious *substances*

Class 7 - Radioactive material

Class 8 - Corrosive *substances*

Class 9 - Miscellaneous *substances* and articles

The ADG Code also assigns and qualifies the meaning of Class as follows:

(2) Dangerous goods may also be assigned, in accordance with subclause (4), to one of the UN Divisions.

(3) Some UN Classes or Divisions may be further divided into Categories.

“Class”
ADG7 2.1.3
Cont.

Examples: UN Division 6.2 infectious substances are divided into:

(a) Category A (substances transported in a form that, if exposure occurs, can cause permanent disability or life-threatening or fatal disease to humans or animals); and

(b) Category B (others).

(4) Dangerous goods are assigned to a UN Class or Division which is either:

(a) a Competent Authority determination (under ADG Code paragraph 1.6.1 (1) (b)), that the goods are of a particular UN Class or Division, or

(b) the UN Class or Division determined in accordance with Part 2 of the ADG Code.

(5) For dangerous goods that are listed in the Dangerous Goods List, the UN Class or Division determined in accordance with Part 2 of the ADG Code is, subject to subclause (6), found in column 2 of that list.

(6) If a special provision in Chapter 3.3 of the ADG Code that assigns the goods to a UN Class or Division applies under

column 6 of the Dangerous Goods List, the goods are then assigned to that UN Class or Division.

Note In determining to which UN Class or Division dangerous goods are assigned, a determination under paragraph 1.6.1 (1) (b) that is in effect takes precedence over any other method of determining to which UN Class or Division goods are assigned.

“Class label” means a *label* of a type specified in the ADG Code for the *Class* of *dangerous goods*.

“Clean-up action”
NSW Environmental
Protection Act 1997

in relation to a pollution incident, includes:

1. action to prevent, minimise, remove, disperse, destroy or mitigate any pollution resulting or likely to result from the incident, and
2. ascertaining the nature and extent of the pollution incident and of the actual or likely resulting pollution, and
3. preparing and carrying out a remedial plan of action.

It also includes (without limitation) action to remove or store waste that has been disposed of on land unlawfully.

“Clean up”
VIC Environment
Protection Act 1970

includes any measures—

1. to remove, disperse, destroy, dispose of, abate, neutralize or treat any pollutant, waste, substance, environmental hazard or noise; and
2. to restore the environment to a state as close as practicable to the state it was in immediately before -
 - (a) the discharge of any pollutant, waste or substance; or
 - (b) the creation of an environmental hazard; or
 - (c) the emission of noise; and
 - (d) to restore the environment to a state specified in a notice by the end of the time specified in the notice; and
 - (e) to assess the nature and extent of the damage and risk caused by any pollutant, waste, substance, environmental hazard or noise; and
 - (f) to take any measurement, recording or sample or to prepare any report, plan, drawing or other document, or to make any inspection, calculation, test or analysis or do anything that may be specified in the notice; and
 - (g) to retain any consultant, contractor, expert, agency or person at the cost of the occupier or person required to comply with the notice or otherwise for the purpose of taking any clean up measures specified in the notice; and
 - (h) to determine the most appropriate action to take in relation to the measures set out in paragraphs (a), (b), (c), (d), (e) and (f);

- “Combination packaging”** means a combination of *packagings* for transport purposes consisting of one or more *inner packagings* secured in an *outer packaging*.
- “Combination road vehicle”** or “combination”, means a group of road vehicles consisting of:
1. a prime mover and 2 or more trailers; or
 2. a rigid vehicle and 1 or more trailers.
- “Combustible liquid”** within the meaning of Australian Standard AS 1940 The Storage and Handling of Flammable and Combustible Liquids, any liquid other than a *flammable liquid* (i.e. with a flash point greater than 60.5°C) that has a flash point and that has a fire point less than its boiling point. Combustible liquids are divided into:
- Class C1* – a combustible liquid that has a flashpoint of 150°C or less.
- Class C2* - a combustible liquid that has a flashpoint of greater than 150°C.
- “Combustible materials”** materials of a type and quantity sufficient to constitute a significant heat radiation or fire *hazard* to the store.
- “Compatible”** means, in relation to two or more *substances*, that if they do interact they do not cause, or substantially increase, the potential to cause a *dangerous occurrence*.
- “Competent Authority”**
(ADG7)
1. in relation to *dangerous goods* transported by road or rail in a State or Territory, means the *Competent Authority* appointed for the State or Territory under the Regulations or corresponding legislation for the State or Territory under the Regulations and
 2. in relation to international transport of dangerous goods or to imported dangerous goods, packagings, portable tanks or bulk containers, means, depending on the context:
 - (i) the Competent Authority for road or rail transport in accordance with 1. above; and
 - (ii) the Competent Authority appointed by the Commonwealth for sea or air transport; and
 - (iii) any body or authority designated or otherwise recognized as such by the government of the country of origin for any purpose in connection with the transport of dangerous goods.
- “Composite packaging”**
(ADG7) means a *packaging* consisting of an outer packaging and an inner receptacle so constructed that the inner receptacle and the outer packaging form an integral packaging. Once assembled it remains thereafter an integrated single unit; it is filled, stored, transported and emptied as such.

“Compound” an area bounded by natural ground contours, or by a bund, and intended to retain spillage or leakage.
 Note: A containment vessel, pit or *tank* may be used for this purpose.

“Consignee” in relation to a consignment of *dangerous goods*, means any person, organization or government which is entitled to take delivery of a consignment.

“Consignor”
 (Model Subordinate Law
 on the Transport of
 Dangerous Goods by Road
 or Rail 2007 Regulation
 1.2.15)

A person consigns dangerous goods for transport, and is the **consignor** of the goods, if:

1. the person, with the person’s authority, is named or otherwise identified in transport documentation that complies with Chapter 11.1 of the ADG Code 7 as the consignor of the goods; or
2. the person:
 - (a) engages a prime contractor or rail operator, either directly or through an agent or other intermediary, to transport the goods; or
 - (b) if sub-clause (a) does not apply, has possession of, or control over, the goods immediately before the goods are transported; or
 - (c) if neither sub-clause (a) nor (b) applies, loads a vehicle with the goods, for transport, at a place where dangerous goods are awaiting collection and that is unattended (except by the driver) during loading; or
3.
 - (a) the goods are imported into Australia; and
 - (b) the person is the importer of the goods.

“Container” means anything in or by which *dangerous goods* and *hazardous substances* are wholly or partly encased, covered, enclosed, contained or packed and includes any components or materials necessary for a *container* to perform its containment function. In the case of *hazardous substances* such a *container* can be empty, or partially or completely full.

“Contamination” (QLD) of the environment is the release (whether by act or omission) of a contaminant into the environment.

A **contaminant** can be—

- (a) a gas, liquid or solid; or
 - (b) an odour; or
 - (c) an organism (whether alive or dead), including a virus;
- or
- (d) energy, including noise, heat, radioactivity and electromagnetic radiation; or
 - (e) a combination of contaminants.

"Controller of Premises" (NSW) A person who has control of premises used by people as a place of work, including:

- (a) a person who has only limited control of the premises, and
- (b) a person who has, under any contract or lease, an obligation to maintain or repair the premises.

“Dangerous goods” (ADG7) Dangerous Goods are dangerous goods, if:
 (a) the goods are determined under Dangerous Goods Subordinate Law 2007 Regulation 1.6.1(1)(a) to be dangerous goods, or
 (b) the goods satisfy the criteria set out, or referred to, in Part 2 of the ADG Code for determining whether goods are dangerous goods.

However, substances or articles that satisfy the criteria set out, or referred to, in Part 2 of the ADG 7 Code are not dangerous goods for the purposes of this Code if they are:

- (a) determined by the Competent Authority under Regulation 1.6.1(1)(a) not to be dangerous goods; or
- (b) described as ‘not subject to this Code’ in a special provision in Chapter 3.3 of the ADG Code that is applied to the goods by column (6) of the Dangerous Goods List, provided that all conditions included with that statement are met.

“Dangerous goods in transit” means *dangerous goods* that:

1. are supplied to *premises* in *containers* that are not opened at the *premises*; and
2. are not used at the *premises*; and
3. are kept at the *premises* for a period of not more than 5 consecutive days.

**See note 3
Clarify not same as manifest form**

Note: Check state legislation which may differ. Check States and put in.

“Dangerous goods packed in limited quantities” Dangerous goods are packed in limited quantities if:
 (a) the goods are packed in accordance with Chapter 3.4 of the ADG Code 7; and
 (b) the quantity of dangerous goods in each inner packaging does not exceed the quantity specified in or referenced from column (7) of the Dangerous Goods List for those goods in ADG Code 7.

(Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail 2007 Regulation 1.2.9)

“Dangerous occurrence” means, with respect to *dangerous goods*:

1. an uncontrolled emission;
2. loss of containment;
3. fire;
4. explosion; or
5. release of energy that poses a serious and immediate *risk* to health and safety, property or the environment.

“Dangerous situation” (ADG7) means a situation involving the transport of *dangerous goods* by road or rail that is causing or is likely to cause imminent risk of death or injury to a person, or harm to the environment or to property;

“Date controlled product” means a product which has an expiry date required by the Australian Pesticide and Veterinary Medicine Authority (APVMA) to be contained on the label as a condition of the registration of the product.

“Duty Holder” Has the meaning of Person Conducting a Business or Undertaking under the WHS Act 2011

“Emergency service”
(ADG7) means:
1. an ambulance, fire, police or other *emergency service*; or
2. a unit of the Defence Force corresponding to a service mentioned in paragraph (a).

“Emergency services authority” means an organisation with functional jurisdiction over emergency response as defined by a State, Territory or Commonwealth jurisdiction.

“Employee” means a person who works under a contract of employment, apprenticeship or traineeship.

“Employee representative” includes any person elected to represent a group of *employees* on safety and health matters and any *employee* member of a health and safety committee where this is established in the *workplace*.

“Employer” means a corporation or an individual who employs persons under a contract of employment, apprenticeship or traineeship. In a workplace where *dangerous goods* or combustible liquids are stored and handled the employer is also the occupier².

Note ¹: In relation to *hazardous substances* the definition of *employer* includes the self-employed which means a person who works for gain, other than under a contract of employment, apprenticeship or traineeship, whether or not that person employs others.

Note ²: A responsible person may be an employer but not an occupier if dangerous goods and combustible liquids are not stored or handled.

Note: See also “person conducting a business or undertaking”, which terminology replaces the use of “employer” in the Work Health and Safety Act 2011 and subordinate legislation

“Environmental harm”
(QLD Environmental Protection Act 1994) means any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

“Exposure standard” means an airborne concentration of a particular *substance* in a person's breathing zone, as established by the National Occupational Health and Safety Commission's Adopted Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC: 1003(1991)]

“Fire risk dangerous goods” means *dangerous goods* of Class 2.1, 3, 4 or 5 or *Subsidiary Risk* 2.1, 3, 4 or 5 which burn readily or support combustion.

“Fire resistance level (FRL)” the grading period, in minutes, determined in accordance with AS 1530.4 for:

1. structural adequacy;
2. integrity; and
3. insulation;

and expressed in that order (e.g. 60/60/30).

Note: Where an FRL is required, reference should be made to the *Building Code of Australia* (BCA) for guidance.

“Fire risk substance” (ADG7) means any readily ignitable solid *substance*, including:

1. waste paper;
2. hay;
3. sawdust; and
4. wood chips.

“Firewall” a wall or other barrier constructed and placed with the object of preventing the spread of fire or the radiation of heat from any one place to some other place.

“Flammable liquid” a liquid which when tested according to ADG tests and criteria has a flash point not greater than 60.5°C. Packing groups are allocated:

Packing Group	Flash point (closed cup)	Initial boiling point
I	-	≤ 35°C
II	< 23°C	> 35°C
III	≥ 23°C ≤ 60.5°C	> 35°C

“Food” includes:

1. a *substance* prepared or intended for animal or human consumption;
2. a *substance* (except *dangerous goods*) intended to be an ingredient of *food*.

“Food packaging” means:

1. a *container* that contains, or is designed or intended to contain, *food*; or
2. material designed or intended to be used in a *container* that is designed or intended to contain *food*; or
3. plastics wrapping intended for the packaging of food.

“Free from dangerous goods” Means that in relation to a receptacle, that:

1. the receptacle is:
 - (a) thoroughly cleaned so that there is no discernable trace of the dangerous goods; or
 - (b) subjected to a process in which its contents are neutralised, cured or chemically deactivated;
- and
2. the atmosphere within the receptacle is cleared:
 - (a) If the gas or vapour in the atmosphere is listed in “Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment”, to ensure that the concentration is less than the TWA Exposure Standard listed for that gas or vapour; and
 - (b) if the atmosphere includes dangerous goods of Division 2.1 or vapour from dangerous goods of Class 3 or Subsidiary Risk 3, to ensure that the concentration of those gases and vapours is less than 5% of the lower explosive limit for the goods when sampled at ambient temperature

“GHS” means the Globally Harmonised System of Classification and Labelling of Chemicals, Third revised edition, published by the United Nations as modified under Schedule 6 of the Work Health and Safety Regulations 2011.

“Hazard” means a situation or an intrinsic property with the potential to cause harm to people, property or the built or natural environment

“Hazardous area” an area in which an explosive atmosphere is present, or may be present, such as to require special precautions for the construction, installation and use of potential *ignition sources*.

Note: A classification system for *hazardous areas* is provided in *AS/NZS 60079.10.1:2009*

“Hazardous chemical”
WHS Regulations means any substance, mixture or article that satisfies the criteria of one or more Globally Harmonised System of Classification and Labelling of Chemicals (GHS) hazard classes (including a classification in schedule 7 of the WHS Regulations), but excludes a substance, mixture or article in the following hazard classes:

- acute toxicity - oral - category 5
- acute toxicity - dermal - category 5
- acute toxicity - inhalation - category 5
- skin corrosion/irritation - category 3
- serious eye damage/eye irritation - category 2B
- aspiration hazard - category 2
- flammable gas - category 2
- acute hazard to the aquatic environment – categories 1, 2 and 3
- chronic hazard to the aquatic environment - categories 1, 2, 3 and 4, or
- hazardous to the ozone layer.

Most substances and mixtures that are dangerous goods under the

Australian Code for the Transport of Dangerous Goods by Road or Rail (ADG) Code are hazardous chemicals.

Note: The hazardous chemicals part of the WHS Regulations does not apply to some hazard classes and categories in the GHS and the ADG Code. For example, environmental hazards, class 6.2, class 7 and class 9 dangerous goods are excluded.

“Hazard classes and categories” Note: The WHS Regulations refer to hazard classes and categories in accordance with the GHS, rather than dangerous goods classes, categories and divisions.

“Hazardous substance” means a *substance* which:

1. is listed in the Safe Work Australia Hazardous Substances Information System (HSIS) online database
- 2.
3. has been classified as a *hazardous substance* by the manufacturer or *importer* in accordance with the SWA Approved Criteria for Classifying *Hazardous Substances* [NOHSC:1008(2004)]

Note: NOHSC is now known as Safe Work Australia (SWA).

“Hazardous Substance Information System (HSIS)” An internet resource to find information on substances that have been classified in accordance with the *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(2004)] and/or have National Exposure Standards declared under the NOHSC *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC:1003(1995)] or subsequent updates. Note: In addition to providing powerful search features, HSIS also provides direct access to a consolidated list of all the classified substances contained in the HSIS database.

“Hazchem code” in relation to a load of *dangerous goods*, means the *Hazchem code* derived for those goods under Appendix 4 of the ADG Code, Volume 2, Technical Appendices.

“Health surveillance” means the *monitoring* of individuals for the purpose of identifying changes in health status due to occupational exposure to a *hazardous substance*. It includes *biological monitoring* (as defined) but not *monitoring* as defined elsewhere in this section.

“Ignition source” means a source of energy sufficient to ignite a flammable atmosphere and may include:

1. a lighted match, a cigarette lighter, a lighted cigarette, or other form of lit tobacco, a pilot light, a lighted furnace, an incinerator, and any other naked flame; and
2. mechanical or static sparks, and electrical or mechanical equipment that is not specifically designed to be used in an area defined as a *hazardous area* in AS/NZS 60079.10.

“Immediate Container” includes all forms of containers in which a poison is directly packed but does not include any such container intended for consumption or any immediate wrapper.

“Importer” means the person in Australia who arranges with an overseas *supplier*, overseas agent or any other person overseas to provide *dangerous goods* to Australia.

“Incompatible”
“Incompatibility”
(Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail 2007 Regulation 2.1.6)

Dangerous or other goods are incompatible with dangerous goods if:

1. the goods are determined under Dangerous Goods Transport Subordinate Law 2007 Regulation 1.6.1(1)(e) to be incompatible with the dangerous goods; or
2. when the goods are mixed, or otherwise brought into contact, with the dangerous goods, the goods are likely to interact with the dangerous goods and increase risk because of the interaction.

NOTE: For compatibility guidelines based on classification, see ADG Code 7 Chapter 9.1;

“Inner packaging”
ADG 7 means packaging for which an outer packaging is required for the transport of dangerous goods.

“Inner receptacles” means receptacles which require an *outer packaging* in order to perform their containment function.

“Ingredient” means any component of a *substance* (including impurities), in a mixture or combination. This includes, but is not limited to, diluents, solvents, wetting agents, stabilizers, inhibitors and adulterants.

“Intermediate packagings” Are packagings placed between inner packagings, or articles, and an outer packaging.

“Intermediate bulk container (IBC)”
(ADG7 1.2.1.2.7) are rigid or flexible portable packagings, other than packagings specified in ADG Code 7 Chapter 6.1 or 6.3 and large packagings specified in ADG 7 Code Chapter 6.6, that:

1. have a capacity of:
 - (a) not more than 3.0 m³ (3,000 litres) for solids and liquids of packing groups II and III;
 - (b) not more than 1.5 m³ for solids of packing group I when packed in flexible, rigid plastics, composite, fibreboard and wooden IBCs;
 - (c) not more than 3.0 m³ for solids of packing group I when packed in metal IBCs;
 - (d) not more than 3.0 m³ for radioactive material of Class 7;
2. are designed for mechanical handling;
3. are resistant to the stresses produced in handling and transport, as determined by tests.

Note: For the purposes of this Code the capacity of an *IBC* is limited to 1.6m³.

“Label” means one or more of the following:

1. a *Class label*
2. a *Subsidiary Risk label*
3. a *mixed class label*
4. an *agricultural chemical product label*
5. a *veterinary chemical product label*.
6. elements concerning a hazardous chemical in accord with regulation 335 of WHS Regulations 2011 (GHS principles)

“Large Packaging” means outer packaging that*:

ADG7

1. is designed for mechanical handling;
2. has a capacity of not more than 3 m³; and
3. is intended to contain articles or inner packagings with:
 - (a) a net mass of more than 400 kg; or
 - (b) capacities totalling more than 450 L;

*Note: Large packaging does not include an IBC and is a different concept to an overpack.

“Land pollution or pollution of land”

NSW Protection of the Environment Operations Act 1997

means placing in or on, or otherwise introducing into or onto, the land (whether through an act or omission) any matter, whether solid, liquid or gaseous:

1. that causes or is likely to cause degradation of the land, resulting in actual or potential harm to the health or safety of human beings, animals or other terrestrial life or ecosystems, or actual or potential loss or property damage, that is not trivial, or
2. that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter,

but does not include placing in or on, or otherwise introducing into or onto, land any substance excluded from this definition by the regulations.

“Limited quantities”

ADG7

Dangerous goods are packed in *limited quantities* if:

- (a) the goods are packed in accordance with Chapter 3.4 of the ADG Code; and
- b) the quantity of dangerous goods in each inner packaging or in each article does not exceed the quantity specified, or referred to, in column 7 of the Dangerous Goods List for those goods.

“Load”

In relation to a transport unit, all the goods in or on that transport unit.

“Loader”

Model Subordinate Law on the Transport of

A person loads dangerous or other goods for transport, and is a loader of the goods, if the person:

1. loads the goods in or on a transport unit; or
2. places or secures a portable transport unit containing the goods for transport on a vehicle; or
3. supervises an activity mentioned in paragraph (a) or (b); or
4. manages or controls an activity mentioned in paragraph 1, 2 or 3

“Manifest” manifest means a written summary of the hazardous chemicals used, handled or stored at a workplace. Refer to Element M3.4 clause 3 for what a manifest must contain..

Manufacturer of a hazardous substance Means a person who manufactures a hazardous substance. A person who imports a substance manufactured outside the State* for supply to others or for the person's own use assumes the responsibilities of a manufacturer.

*Applies in New South Wales.

“Manufactured product” means *dangerous goods* of Class 3 of Packing Group II or III:

- ADG7
1. that is a suspension or solution of at least 10% non-volatile materials as determined by AS 1580, Method 301.1; and
 2. of which less than 3% of the mobile solvent layer separates in the solvent separation test specified in the UN Recommendations: Manual of Tests and Criteria; and
 3. the viscosity of which is:
 - (a) at least 250 mm²/s (centistokes) at 23°C; or
 - (b) at least 20 mm²/s at 23°C if the product requires stirring before use.

Refer to Appendix A, AS 1940.

“Marking” includes all information, other than a label or a placard, that is required by this Code to be applied or affixed to a packaging, a package, an overpack, a large package, an intermediate bulk container, a portable tank, a demountable tank, a multiple element gas container a road tank vehicle or a rail tank wagon.

“Material safety data sheet (MSDS)” See also Safety Data Sheet A document in English which provides information on the identification, chemical and physical properties, health *hazards*, precautions for *use* and safe handling of a specific chemical product, and which complies with NOHSC: 2011.

Note: An *MSDS* should not be confused with an Emergency Procedure Guide (EPG). An EPG is specifically intended for use in transport, whereas an *MSDS* is a multi-purpose safety document intended for uses such as storage, handling and transport.

“May” means that a requirement is optional.

- “MEGC”** ADG7 1.2.19, Model Subordinate Law for Dangerous Goods Transport 2007 Regulation 1.2.8 A multiple-element gas container, comprising:
(a) multimodal assemblies of cylinders, tubes and bundles of cylinders that are interconnected by a manifold and assembled within a framework; and
(b) service and structural equipment necessary for the transport of gases.
- “Minor storage”** the storage of agricultural and veterinary chemicals and/or *dangerous goods* in quantities not exceeding those specified in the relevant Australian Standard. In this code minor storage means quantities not exceeding those specified in Table 1 in this Code (Table 2.1 AS 2507 1998), unless otherwise stated.
- “Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail 2007”** The Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail that is Schedule 2 to the National Transport Commission (Model Legislation – Transport of Dangerous Goods by Road or Rail) Regulations 2007
- “Monitoring”** means to survey regularly all measures which are used to control *hazardous substances* in the *workplace*. This includes the *monitoring* of atmospheric contaminants, but does not include *biological monitoring* which is an element of *health surveillance*.
- “Must”** means that a requirement is mandatory.
- “NSSHWDG 2001”** NOHSC National Standard for the storage and handling of *workplace dangerous goods* March 2001 [NOHSC:1015(2001)]
- “NMRCWHS 1994”** National Model Regulations For The Control Of *Workplace Hazardous Substances* [NOHSC:1005(1994)]
- “NCoPCWHS 1994”** National Code Of Practice For The Control Of *Workplace Hazardous Substances* [NOHSC:2007(1994)]
- “Near-miss”** means any unplanned event involving imminent *risk* which, but for mitigating effects, actions or systems, could have escalated into a *dangerous occurrence*.
- “Non-combustible”** material does not support combustion or is deemed to be non-combustible when tested in accordance with AS 1530.1.
- “N.O.S.”** An abbreviation in the ADG Code which means **“not otherwise specified”**.
- “Occupier”** means an *occupier* of *premises* where *dangerous goods* or combustible liquids are stored and handled.
An Owner or Owners depending on the qualifying context e.g. (Owner, owner of plant, owner of buildings) are deemed to be an Occupier or Occupiers for the purposes of this Code.

“On-site protected place” a building where people are employed within the property *boundary*, including offices, warehouses, manufacturing or processing areas and amenities and other dangerous goods stores where quantities exceed minor storage.

Note: For additional information please refer to *AS 1940*.

“Outer packaging” means external packaging (including absorbent materials, cushioning and any other components) necessary to contain and protect:
ADG7

1. articles: or
2. inner receptacles of composite packaging; or
3. inner packagings of combination packagings;

“Overpack” means an enclosure used to contain one or more packages and to form one unit for convenience of handling and stowage during transport. Examples of overpacks are a number of packages either:

- (a) placed or stacked on to a load board such as a pallet and secured by strapping, shrink wrapping, stretch wrapping, or other suitable means; or
- (b) placed in a protective outer packaging such as a box or crate;

“Owner” See *Occupier*.

“Owner”
(SA OHSWA 86,
SA ENVA 93)

In relation to any plant to which this Code applies which is installed in, or used in connection with, a building or structure, on a permanent basis, includes the owner, lessee or occupier of the building or structure.

In relation to any building or structure to which this Code applies on a permanent basis includes, the owner, lessee or occupier of the building or structure.

In relation to land means:

1. if the land is unalienated from the Crown—the Crown; or
2. if the land is alienated from the Crown by grant in fee simple—the owner (at law or in equity) of the estate in fee simple; or
3. if the land is held from the Crown by lease or licence—the lessee or licensee; or
4. if the land is held from the Crown under an agreement to purchase—the person who has the right to purchase;
5. in the case of land held under a tenancy for life, the person who is the life tenant;
6. in the case of land held under a lease for a term of not less than 99 years or for a term of not less than such other prescribed period, the person who is the lessee of the land;
7. in the case of land in respect of which a person has a prescribed interest, that person;

“Owner of a A person is an owner of a vehicle if the person:

vehicle” (a) is the sole owner, a joint owner or a part owner of the vehicle; or
 ADG7 1.2.1.2.18 (b) has possession or use of the vehicle under a credit, hire-purchase, lease or other agreement, except an agreement requiring the vehicle to be registered in the name of someone else.

“Package”, “Packaging” the complete product of the packing of the goods for transport by road, and consisting of the *packaging* and its contents.
 (ADG7 1.2.1.2.10, Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail 2007t 2007 Regulation 4.1.2) *Packagings* are the containers in which the goods are received or held for transport, and includes anything that enables the receptacle:
 1. to receive or hold the goods; or
 2. to be closed.

Note: This broad definition of packaging aligns with UN15 rather than the Regulations. In the ADG7 consistent with UN usage, the word ‘packaging’ is used in such a way that it includes IBCs and large packagings, but not articles, cylinders, pressure receptacles, MEGCs, tanks, bulk containers, freight containers or vehicles. That may not always be the case with the Regulations where, for example, a reference to a packaging may include, say, a tank vehicle or a portable tank.

“Packer” ADG 7 A person packs dangerous or other goods for transport, and is a packer of the goods, if the person:
 1. puts the goods in a packaging; or
 2. assembles packages into an overpack or large packaging; or
 3. supervises an activity mentioned in paragraph (a) or (b); or
 4. manages or controls an activity mentioned in paragraph 1, 2 or 3.

“Packing Group” ADG7 2.0.1.3 For packing purposes, substances other than those of Classes 1,2 and 7, Divisions 5.2 and 6.2, and other than self reactive substances of Division 4.1, are assigned to one of three packing groups in accordance with the degree of danger they present:
 Packing Group I: Substances presenting high danger;
 Packing Group II Substances presenting medium danger; and
 Packing Group III Substances presenting low danger.

The packing group to which a substance is assigned is indicated in the Dangerous Goods List in Chapter 3.2.
“Packing Group designator” means:
 1. in relation to *dangerous goods* of Packing Group I – “PGI” or “Packing Group I”; and
 2. in relation to *dangerous goods* of Packing Group II – “PGII” or “Packing Group II”; and
 3. in relation to *dangerous goods* of Packing Group III – “PGIII” or “Packing Group III”.

“Pesticide” Any *substance*, or mixture of *substances*, intended to prevent or control any unwanted species of plants or animals, including any *substances* or mixtures of *substances* intended for use as plant-growth regulators, defoliants or desiccants.

Notes:

1 The term “*pesticide*” includes any *substances* used for the control of pests in the human environment, or during the production, storage, transport, marketing or processing of *food* for humans or animals, or which may be administered to animals for the control of insects or arachnids in or on their bodies. It does not include antibiotics or other chemicals administered to animals for other purposes, e.g. to stimulate their growth or to modify their behaviour, nor does it include fertilizers or antifouling surface coatings.

2 The following are examples of materials included in this definition:

Insecticides	Fungicides
Herbicides	Fumigants
Nematicides	Rodenticides
Defoliants	Plant growth regulators
Acaricides	Miticides
Termiticides	Insect growth regulators

“Person conducting a business of undertaking (PCBU)” (1) For the purposes of the Commonwealth Work Health and Safety Act 2011, a ***person conducts a business or undertaking***:
 (a) whether the person conducts the business or undertaking alone or with others; and
 (b) whether or not the business or undertaking is conducted for profit or gain.

(2) A business or undertaking conducted by a person includes a business or undertaking conducted by a partnership or an unincorporated association.

(3) If a business or undertaking is conducted by a partnership (other than an incorporated partnership), a reference in this Act to a person conducting the business or undertaking is to be read as a reference to each partner in the partnership.

(4) A person does not conduct a business or undertaking to the extent that the person is engaged solely as a worker in, or as an officer of, that business or undertaking.

Note: refer to full definition in Work Health and Safety Act 2011

“Placard”
 ADG7 means a label or Emergency Information Panel that is fixed to, stencilled or printed on, or placed in a frame that is fixed to a transport unit or placardable unit.

“Placard load”
 ADG7 means a load in a transport unit that must be placarded under ADG Code Chapter 5.3, based on the aggregate quantity of dangerous goods in the load, determined in accordance with Table 5.3.

“Placardable unit” Means any large receptacle or other large item such as an IBC, pressure drum, tube, MEGC or demountable tank, that individually has a capacity of more than 500 kg(L), other than:

- (a) a transport unit; or
- (b) large packaging meeting the requirements of ADG7 Chapter 6.6; or
- (c) an overpack used in accordance with ADG7 Section 5.1.2; or
- (d) a segregation device meeting the requirements of ADG7 Chapter 6.11.

“Plant” includes any machinery, equipment (including scaffolding), appliance, implement or tool and any component or fitting thereof or accessory thereto.

“Pollute” includes causing or permitting pollution;
VIC Environment
Protection Act 1970

“Pollution” means:
NSW Protection of the
Environment
Operations Act 1997

“Practicable” In the context of *dangerous goods* means *practicable* having regard to the:

1. severity of the *hazard* or *risk* in question;
2. state of knowledge about the *hazard* or *risk* and any ways of removing or mitigating that *hazard* or *risk*;
3. availability and suitability of ways to remove or mitigate that *hazard* or *risk*; and
4. cost of removing or mitigating that *hazard* or *risk*.

“Practicable” In the context of *hazardous substances* means '*practicable*' in Victoria, Queensland, Western Australia and the Northern Territory, '*reasonably practicable*' in New South Wales, South Australia, the Australian Capital Territory and Commonwealth jurisdiction and '*a reasonable precaution*' in Tasmania.
See also Reasonably Practicable

“Premises” the area under the control of the *occupier* and which includes a structure, whether permanent or temporary, and land, but does not include a vehicle.

“Prescribed Quantities (QLD)” Means the quantity of hazardous material described in Schedule 2 in the Dangerous Goods Safety Management Regulation 2001.

“Prime contractor” a person is the *prime contractor* for the transport of dangerous or other goods by road if the person, in conducting a business for or
(ADG7 1.2.1.2.11, Model
Subordinate Law for

involving the transport of *dangerous goods* by road, undertakes to be responsible, or is responsible, for the transport of the goods by road.

“Product name” means the brand name, trade name, code name or code number specified by the *supplier*.

“Proper shipping name”
ADG7 has the meaning given to it in clause 2.0.2 of the ADG Code.

1. dangerous goods are assigned UN numbers and proper shipping names according to their hazard classification and their composition.
2. in relation to *dangerous goods* referred to in ADG 7 Chapter 3 the proper shipping name is that portion of the entry in the Dangerous Goods List in ADG7 3.2.3., or the Australian Specific Entries in ADG7 3.2.5, which is shown in upper case characters (plus any numbers, Greek Letters, “sec”, “tert”, and the letters m, n, o, p which form an integral part of the name). An alternative proper shipping name may be shown in brackets following the main proper shipping name [e.g. ETHANOL (ETHYL ALCOHOL)].
3. In the case where there are combinations of several distinct entries listed under a single UN number refer to AD7 3.1.2.2 for advice on most appropriate choice of name.
4. in relation to *dangerous goods* referred to as a generic or entry or an N.O.S. entry - the name determined by reference to ADG7 3.1.2.8;
5. The technical name must be a recognized chemical or other name currently used in scientific and technical handbooks, journals and texts. Trade names must not be used for this purpose.
6. In the case of pesticides, only ISO common name(s), other name(s) in the World Health Organisation (WHO) Recommended Classification of Pesticides by Hazard and Guidelines to Classification or the name(s) of the active substance(s) may be used. Refer to ADG7 3.1.2.8.1.
7. in relation to *dangerous goods* which are mixtures refer to the name determined by reference to ADG7 3.1.3.

“Protected place” means a place to be provided with a measure of protection from the *dangerous goods*. It is any of the following:

1. a dwelling, residential building, place of worship, public building, school or college, hospital, theatre and any building or open area in which persons are accustomed to assemble whether it is within or outside the property *boundary* of the installation,
2. a factory, workshop, office, store, warehouse, shop, or building where persons are employed, that is outside the property boundary of the installation.
3. A ship lying at permanent berthing facilities.
4. Any storage facility for dangerous goods outside the property

boundary of the installation, except those defined as minor storages in AS1940 or other Standards or regulations.

- “Purchaser”** means a person or *employer* who acquires an article or *substance* by the payment of money or its equivalent.
- “Quality Assurance”**
ADG 7 A systematic program of controls and inspections applied by any organisation or body which is aimed at providing adequate confidence that the standard of safety prescribed in the ADG Code is achieved in practice.
- “Reasonably practicable”**
WHS Act 2011 in relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:
- (a) the likelihood of the hazard or the risk concerned occurring; and
 - (b) the degree of harm that might result from the hazard or the risk; and
 - (c) what the person concerned knows, or ought reasonably to know, about: (i) the hazard or the risk; and (ii) ways of eliminating or minimising the risk; and
 - (d) the availability and suitability of ways to eliminate or minimise the risk; and
 - (e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.
- “Record”** means a collection of information in a permanent form. It may be in a written or electronic format, for example, a written report or a computerised database. In the context of national model regulations for *hazardous substances*, *records* include assessment reports, results of *monitoring*, documentation of induction and training programs and results of *health surveillance*.
- “Register”** In the context of *hazardous substances* means a listing of all *hazardous substances* which are used or produced in the *workplace* and the available *MSDS* (or *SDS*) for *hazardous substances*, as required by these national model regulations.
- “Responsible Person” (Note includes Responsible Person in a workplace).** means the person who is responsible either as an individual or on behalf of a business for meeting a key requirement as determined by duties specified in regulation, or an approved code of practice, or a relevant Australian Standard or an Agsafe industry standard.
- Responsible persons in a workplace are also included within the definition of a responsible person. There may however be qualifying context (eg hazardous substances, dangerous goods, plant, buildings, access, non-domestic premise etc.). The defined term ‘workplace’ may be used to qualify the ‘responsible person’,

however all premises within the scope of Agsafe Accreditation & Training are deemed to be 'workplaces'

Note: The term '*responsible person*' is a generic term which aims to ensure that any person who is covered by the scope of Agsafe Accreditation & Training has an obligation to comply with regulation. Even if the Australian Standard or regulatory instrument does not spell out an obligation to a person. This is in line with many new regulations which assign accountability to people by defining their duties.

The term Responsible Person shall include a PCBU, Officer or Worker, as appropriate, when referring to requirements of the WHS legislation

“Restricted area” an area to which access is limited to specific or authorised persons, and usually under specified conditions. It may be an area within the boundaries of *premises* used for the storage and handling of flammable or combustible liquids, or an area designated for that specific purpose and used for other purposes, but excluding any area therein which has been designated as a safe area.

Note: For additional information please refer to AS 3833 Clause 1.4.37; AS 4452 Clause 1.5.29 and AS 4326 Clause 1.4.27.

Restricted chemical Product Means a product which the APVMA declares to be a restricted chemical product when it is in the public interest and with regard to the following:

1. whether the product may have an effect that is harmful to human beings;
2. whether the product may have any unintended effect that is harmful to any animal, plant or thing or to the environment;
3. whether any special knowledge, skill or qualification is required in the preparation or handling of the product;
4. whether any special equipment is required to use the product with safety.

“Retailer” means a person whose principal business is that of supplying consumer products (which include *dangerous goods*) to members of the public, who themselves are not engaged in any further supply of those goods.

Retail area means an area in which products are displayed to the public and does not include the storage facility for schedule 7 poisons.

Note: The storage of Schedule 7 poisons can only occupy the same space in the building as the retail area if it cannot be accessed by the public. A locked cage or cupboard for schedule 7 poisons may occupy the same building or floor space as the retail area, however the retail area by definition does not include the Schedule 7 cage or cupboard.

“Retail premises” a retail outlet selling agricultural and veterinary chemicals to predominantly non-domestic end users. (Ref AS 2507). Note: this includes the whole of the premises within its boundary eg. the stores, warehouses, yard and includes areas not accessible to the public,

“Retail warehouse operator” means a person who operates a warehouse where unopened packaged goods intended for retail sale are held on the *premises*.

“Risk” *Dangerous goods* - means the likelihood of harm occurring from a hazard.

NSSHWDG01
NMRCWHS94 *Hazardous substances* - means the likelihood that a *substance* will cause harm in the circumstances of its *use*.

“Risk phrase” means a phrase describing the *hazard* of a *substance* as provided in the ASCC (Australian Safety and Compensation Council, previously National Occupational Health and Safety Commission) Approved Criteria for Classifying *Hazardous Substances* [NOHSC:1008(1994)]

“Safety data sheet” Means the Material Safety Data Sheet (MSDS) or Safety Data Sheet for the dangerous goods or other substance prepared by the manufacturer or Australian supplier in accordance with the National Code of Practice for the Preparation of Material Safety Data Sheets, or equivalent.

ADG7

“Safety management system” is a documented system that addresses all relevant aspects of safety management at the premises. It may include such matters as procedures, plans, programs for operations, maintenance, testing, monitoring, training, accident investigation and follow up and management of change, and supporting records. A document control system may be incorporated. Along with environmental and quality systems, it may be an aspect of the overall management system for the enterprise. (See Element M2.3 2(e))

“Safety phrase” means a phrase describing the safe handling, storage or use of personal protective equipment for a *substance*.

“Salvage packaging” means special *packaging* into which damaged, defective or leaking packages, or *dangerous goods* that have spilled or leaked, are placed for the purpose of transport before recovery or disposal and includes a *package* known as an overdrum, recovery drum or HazMat Bin.

“Self employed person” Self-employed person means a person who works for gain or reward otherwise than under a contract of employment or apprenticeship, whether or not employing others.
Note: Self-employed persons have the same duties as employers in some clauses of Regulation.

“Scheduled poison” any *substance* which is included in the schedules of the Commonwealth *Standard for the Uniform Scheduling of Drugs and Poisons* (SUSDP).

Note: The name of this document is expected to become the Commonwealth *Standard for the Uniform Scheduling of Medicines and Poisons* (SUSMP).

“Segregated” *Segregate, segregated* and *segregation* mean isolation or separation from other *substances* (including *dangerous goods*) so that a loss of containment cannot cause a serious incident.

“Segregation device” in the ADG Code means a transport device for segregating *dangerous goods* from *incompatible goods*, that:
ADG7

1. complies with the requirements in relation to devices used to segregate those goods set out in ADG 7 Chapter 6.11; or
2. is approved by a *Competent Authority* as a segregation device for use in segregating the goods.

“Sell”
VIC Drugs, Poisons and
Controlled Substances Act
1981

Means Sell, whether by:

1. wholesale or retail or otherwise, barter, exchange, deal in, agree to sell, offer or expose for sale, keep or have in possession for sale, send forward, deliver or receive for or for the purpose of sale or in the course of sale; and
2. authorize, direct, allow, cause, suffer, permit or attempt any of the acts or things mentioned in paragraph 1.:

and "**sale**" and each of the other derivatives of "**sell**" have corresponding meanings;

“Separated” means the physical separation of *dangerous goods* from the person, property or thing, by either distance or a physical barrier.
Note: See also segregation.

“Shall” indicates that a requirement is mandatory.

Shop See retail premises
“Shipping documentation” means documentation that complies with the requirements for *shipping documentation* in Chapter 11 of the ADG Code.

“Should” means a recommendation or advisory guideline, compliance with which is not mandatory.

“Storage area” for the purposes of this Code means an area used for the storage of agricultural and veterinary chemicals. These may also be *hazardous substances* and/or *dangerous goods* and/or *scheduled poisons*.

“Subsidiary Risk” (ADG7 1.2.12.13, Model Subordinate Law for Dangerous Goods Transport 2007 Regulation 2.1.4) a reference to any additional *hazard* that the *dangerous goods* might have, indicated by the *Subsidiary Risk* number to which the *dangerous goods* are assigned and means “*Subsidiary Risk*” with which the *dangerous good*: are assigned in accordance with:

1. determination under ADG 7 Regulation 1.6.1(1)(c); or
2. satisfy the criteria in Part 2 of the ADG Code for assignment to more than one Class or Division or
3. If there is no determination, in Column (4) of the Dangerous Goods List, subject to any Special Provision in Chapter 3.3 that is applied to the goods by column (6).
4. For dangerous goods that meet the criteria of ADG 7 1.2.1.2.13.1 and are not assigned a Subsidiary Risk by 1.2.1.2.13.2, the Subsidiary Risk or risks must be determined in accordance with Section 2.0.3 of the ADG Code.

“Subsidiary Risk label” means a *label* of a type specified in the ADG Code for the *Subsidiary Risk* of the *dangerous goods*.

“Substance” means any natural or artificial entity, composite material, mixture or formulation, other than an article.

“Substance name” means:

1. the correct shipping name assigned in the ADG Code for a *substance* specifically listed in the ADG Code and which meets the classification criteria of Section 2 of that code;
2. the name as it appears in the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP) for a *substance* scheduled in the SUSDP; or where neither of the above are applicable,
3. the recognised chemical name as used in the scientific and technical texts.

“Supplier” means an *importer*, manufacturer, wholesaler or distributor of *workplace substances*, but excludes a *retailer*.

“Supply” In relation to *Scheduled Poisons* means:

1. provide, give or deliver, whether or not for fee, reward or consideration or in expectation of fee, reward or consideration;
2. agree or offer for the purpose of supply as defined in paragraph (1) including for the purpose of supply to expose, keep or have in possession and to send forward or receive; and
3. authorise, direct, cause, allow, suffer, permit or attempt to do any of the acts or things mentioned in paragraph (1) or paragraph (2);

and the derivatives of "supply" shall have corresponding meanings.

“Tank” means a receptacle in the form of a shell fitted with service equipment and structural equipment necessary to contain dangerous substances.
(ADG7 1.2.1.2.14, Model Subordinate Law for Dangerous Goods Transport 2007 Regulation 1.2.12)

Tanks include fixed storage tanks, portable tanks, demountable tanks and the cargo receptacles of road tank vehicles and rail tank wagons, but do not include:

- (a) receptacles, for substances of Class 2, that have a capacity of less than 450 L; or
- (b) packagings that comply with Chapter 6.1 or 6.3 of the ADG Code; or bulk containers that comply with Chapter 6.8 of the ADG Code; or
- (d) IBCs, MEGCs, cylinders or pressure drums.

“Technical name” means a name, other than a trade name, that:

1. if the *substance* is a *pesticide*; is used for the *substance* in applicable State or Territory legislation relating to *pesticides*; or is the accepted common name for the *substance* in *AS 1719*; or
2. in any other case, is used to identify the *substance* in available scientific and technical literature; or
3. is a recognised abbreviation that is sufficient to allow a *substance* being transported to be identified and an appropriate emergency response to be determined.

“Telephone Advisory Service” For the transport of dangerous goods means a service providing access by telephone to persons competent to give advice about:
(ADG7 1.2.1.2.15, Model Subordinate Law for Dangerous Goods Transport 2007 Regulation 14.2.1)

- (a) the construction and properties of the receptacles in which dangerous are being transported; and
- (b) the use of equipment on vehicles on which the dangerous goods are being transported and
- (c) the properties of the dangerous goods; and
- (d) methods of safely handling the dangerous goods; and,
- (e) methods of safely containing and controlling the dangerous goods in a dangerous situation.

“Transfer” includes the pumping, dispensing, or decanting from one *container* into another or from one place to another within a *premises*.

“Transport Unit” A transport unit includes:
(ADG7 1.2.1.2.16, Model Subordinate Law for Dangerous Goods Transport 2007 Regulation 1.2.13)

1. a vehicle; or
2. a portable tank; or
3. a bulk container; or
4. a freight container.

“Transit storage” AS3833 the storage of *dangerous goods*, for at least 12 hours and less than three normal working days, in accordance with the requirements of Section 4 of *AS/NZS 3833:1998*, where such *dangerous goods* are intended for further transport to another location.

Note: For additional information please refer to AS 4326 Clause 1.4.34; AS 4332 Clause 1.5.29; AS 4452 Clause 1.5.37; NSW, WorkCover Authority Code of Conduct for the Storage and Handling of Dangerous Goods, Tasmanian 1998 *Dangerous Goods Regulations*, Regulation 49(a); Victorian Regulations 2000 – *Dangerous Goods in Transit*, and the Victorian COP for *dangerous goods*. Reference should be made to State Regulations.

“Transit” means dangerous goods at premises that:
 NSW, WorkCover Authority Code of Conduct for the Storage and Handling of Dangerous Goods (a) are part of a transport load in compliance with the relevant transport code, and
 (b) are loaded on a vehicle, vessel or aircraft, or being transhipped from one vehicle, vessel or aircraft to another, and
 (c) are not intended to be at the premises for more than 5 consecutive days (not including public holidays) and have not been at the premises for more than 5 consecutive days (not including public holidays), and
 (d) are not intended to be consumed or processed at the premises and have not been consumed or processed at the premises, and
 (e) are not intended for sale at the premises.

Note: The “relevant transport code” in this Code is ADG 7.

“In Transit” for stated dangerous goods or combustible liquids at a place, means:
 Queensland Dangerous Goods Safety Management Regulation 2001 (a) at the place for not more than 5 days; and
 (b) not used or to be used at the place; and
 (c) if supplied in tanks or packages, the tanks or packages are not opened.

"dangerous goods in transit" means dangerous goods that:
 Victorian Dangerous Goods (storage and handling) Regulations, 2000 1. are supplied to premises in containers that are not opened at the premises; and
 2. are not used at the premises; and
 3. are kept at the premises for a period of not more than 5 consecutive days;

“UN Classes, UN Divisions and Categories of dangerous goods” Notwithstanding regulation 2.1.3, for the purposes of the ADG7 Code, except when subject to a determination under Regulation 1.6.1(1) (b), dangerous goods are assigned to *classes*, *divisions* and *categories* in accordance with Part 2 of the ADG7 Code, subject to any Special Provision in Chapter 3.3 that is assigned to the particular dangerous goods from column (6) of the Dangerous Goods List.
 ADG7 1.2.1.2.17, Model Subordinate Law for Dangerous Goods Transport 2007 Regulation 2.1.3

“Underground Tank” means a *tank* intended to remain in one place and is wholly or partially buried below the surrounding ground gradient.

“UN Number” in relation to *dangerous goods*, means the *substance* identification serial number shown in the Dangerous Goods List in Chapter 3.2 of ADG7.

“Unregistered agricultural and veterinary chemical product” means an agricultural chemical product or a veterinary chemical product that is not registered under the Agricultural and Veterinary Chemical Code Act 1994

“Use” means the production, handling, storage, transport or disposal of *substances* in the *workplace*.

Excluded from this definition are *substances* carried in compliance with the ADG Code, the Inter-Governmental Maritime Consultative Organisation's International Maritime *Dangerous Goods Code*, the International Civil Aviation Organisation's Technical Instructions for the Safe Transport of Dangerous Goods by Air, the International Air Transport Association's Dangerous Goods Regulations or relevant Commonwealth, State or Territory legislation.

“Vapour barrier” a wall or other barrier constructed and placed with the object of preventing the passage of vapour from any one place to another.

“Veterinary chemical product”

1. Subject to subsections **(2)** and **(3)**, a *veterinary chemical product* is a *substance* or mixture of *substances* that is represented as being suitable for, or is manufactured, supplied or used for, administration or application to an animal by any means, or consumption by an animal, as a way of directly or indirectly:
 - (a) preventing, diagnosing, curing or alleviating a disease or condition in the animal or an infestation of the animal by a pest; or
 - (b) curing or alleviating an injury suffered by the animal; or
 - (c) modifying the physiology of the animal:
 - (i) (veterinary) so as to alter its natural development, productivity, quality or reproductive capacity; or
 - (ii) so as to make it more manageable; or
 - (iii) modifying the effect of another *veterinary chemical product*.
2. A veterinary chemical includes:
 - (a) a vitamin, a mineral *substance*, or an additive, if, an only if, the vitamin, *substance* or additive is used for a purpose mentioned in paragraph (2)(a), (b), (c) or (d); and
 - (b) a *substance* or mixture of *substances* declared by the regulations to be a veterinary chemical product.

- 3 A *veterinary chemical product* does not include:
- (a) a *substance* or mixture of *substances* that is:
 - (i) prepared by a pharmacist in accordance with the instructions of a veterinary surgeon; or
 - (ii) prepared by a veterinary surgeon;
 - (iii) in the course of the practice, by the person preparing the *substance* or mixture of *substances*, of his or her profession as permitted by or under a law of this jurisdiction; or
 - (b) a *substance* or mixture of *substances* declared by the regulations not to be a *veterinary chemical product*.

- “Water capacity”**
- 1. the total internal volume of a cylinder or *tank* is expressed in L (one litre of water nominally weighs 1kg); or
 - 2. the internal volume expressed in litres at 15°C.

“Waste”
NSW Environment
Operations Act 1997
VIC Environment
Protection Act 1970

includes:

- 1. any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- 2. any discarded, rejected, unwanted, surplus or abandoned substance, or
- 3. any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- 4. any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- 5. any substance prescribed by the regulations to be waste.

A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.

**“Water pollution or
pollution of
waters”**

NSW Environment
Operations Act 1997

means:

- 1. placing in or on, or otherwise introducing into or onto, waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, so that the physical, chemical or biological condition of the waters is changed, or
- 2. placing in or on, or otherwise introducing into or onto, the waters (whether through an act or omission) any refuse, litter, debris or other matter, whether solid or liquid or gaseous, so that the change in the condition of the waters or the refuse, litter, debris or other matter, either

alone or together with any other refuse, litter, debris or matter present in the waters makes, or is likely to make, the waters unclean, noxious, poisonous or impure, detrimental to the health, safety, welfare or property of persons, undrinkable for farm animals, poisonous or harmful to aquatic life, animals, birds or fish in or around the waters or unsuitable for use in irrigation, or obstructs or interferes with, or is likely to obstruct or interfere with persons in the exercise or enjoyment of any right in relation to the waters, or

3. placing in or on, or otherwise introducing into or onto, the waters (whether through an act or omission) any matter, whether solid, liquid or gaseous, that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter, and, without affecting the generality of the foregoing, includes:

“Water pollution or pollution of waters” cont.

NSW Environment
Operations Act 1997

4. placing any matter (whether solid, liquid or gaseous) in a position where:

(a) it falls, descends, is washed, is blown or percolates, or

(b) it is likely to fall, descend, be washed, be blown or percolate, into any waters, onto the dry bed of any waters, or into any drain, channel or gutter used or designed to receive or pass rainwater, floodwater or any water that is not polluted, or

(c) placing any such matter on the dry bed of any waters, or in any drain, channel or gutter used or designed to receive or pass rainwater, floodwater or any water that is not polluted, if the matter would, had it been placed in any waters, have polluted or have been likely to pollute those waters.

“Wholesale” Means in relation to *agricultural and veterinary chemicals* and *scheduled poisons*:

1. sale or supply for the purposes of resale;
2. sale or supply to a person for the purposes of supply by that person to another person; and
3. sale or supply for the purposes of use in connection with a trade, business, profession or industry.

“Wholesaler” Means person who *wholesales*

“Wholesale distributor”

“Wholesale dealer”

“WHS” Work Health and Safety

“Worker” A worker is someone who carries out work for a person conducting a business or undertaking (PCBU). A worker includes an employee, labour
WHS legislation

hire staff, volunteer, apprentice, work experience student, subcontractor, and contractor.

A sole trader who is a PCBU may also meet the definition of worker, for example where a sole trader carries out work for another business (PCBU).

The duties of a worker, as set out in the model WHS Act, are the same as those of an employee, as set out in the OHSW Act. While at work, a worker must take reasonable care for their own safety and ensure that they do not adversely affect the health and safety of others. A worker must comply with any reasonable instruction and cooperate with the PCBU's work health and safety policy and procedures.

“Workplace” Means any place whether or not in a building or structure, where a person works, or is likely to work and includes any place where a person goes while at work or is employed under a contract of employment or contract of training or who is a self-employed person.

Note: See State specific definitions in the following:

Victoria: Victorian Dangerous Goods Regulations 2000.

NSW: WorkCover Code of Conduct for the Storage and Handling of Dangerous Goods 2005. Workplace means any *premises* where persons work. Also note: Section 135A of the OHS Act and clause of the OHS Regulation extend *workplace* provisions to non-*workplaces* when *dangerous goods* are handled or stored over the quantities shown in appendix 1.

“Workplace”
WHS Act (1) A *workplace* is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.
(2) In this section, *place* includes:
(a) a vehicle, vessel, aircraft or other mobile structure; and
(b) any waters and any installation on land, on the bed of any waters or floating on any waters.

