

**COMMENTS ON DIESOHOL DISCUSSION PAPER
NSW DEPARTMENT OF THE ENVIRONMENT AND CONSERVATION**

The discussion paper raises questions regarding the adequacy and national consistency of state legislation relating to diesohol. In this respect a summary of state legislation relevant to diesohol storage and handling is provided below which may be of assistance.

State storage and handling legislation relating to diesohol

Overview

In NSW there is legislation covering the road and rail transport of dangerous goods (which the Department of Environment and Conservation (DEC) administer) and there is legislation administered by WorkCover covering the storage of dangerous goods. Depending on the quantity stored, a facility might require licensing under Protection of the Environment and Operations Act 1997, as well, as a chemical storage activity.

Transport of dangerous goods

In NSW dangerous goods transport is regulated under the Road and Rail Transport (Dangerous Goods) Act 1997 and the Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998 and the Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999. These mirror national legislation to provide a consistent national approach.

The legislation calls up the Australian Code for the Transport of Dangerous Goods. The Code is put together by the Advisory Committee for the Transport of Dangerous Goods. The committee is made up of representatives from bodies such as the National Road Transport Commission, Federal Office of Road Safety, Industry organisations and Regulators from each state (DEC and WorkCover in NSW). The Code is based on the United Nations Model regulations for international consistency.

The Australian Code sets out classification criteria, packaging and labelling requirements and transport controls. In NSW, the DEC basically looks after "on-road" issues while WorkCover looks after classification, labelling and packaging issues.

Storage of flammable liquids

The standard storage requirements for flammable liquids apply to any liquid with a flashpoint of less than 61 degrees Celsius. WorkCover NSW, through the Dangerous Goods Act 1975 and Dangerous General Act 1999, administers the storage legislation which, requires compliance with Australian Standard AS1940 – Storage of Flammable and Combustible Liquids (the same category as for petrol). There are licensing requirements for storage of most quantities of flammable liquids under WorkCover legislation.

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