

## Inflammable Liquid (Amendment) Bill.

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### EXPLANATORY NOTE.

THE objects of this Bill are to provide for—

- (a) the amendment of the definitions of Inflammable Liquid and Protected Work, and the omission of the definition of Highly Combustible Goods;
- (b) the power to refuse applications for store licenses or amendment thereof or registration of premises, if the granting thereof would be inimical to public interests, notwithstanding that the other provisions of the Act can be observed;
- (c) the increasing of the quantity of inflammable liquid which may be kept for private use only outside the boundaries of a city or town;
- (d) the omission of the provision for limiting to three gallons the quantity of mineral spirit which may be kept and used for any industrial purpose without license or registration;
- (e) the keeping of inflammable liquid not exceeding exemption quantities on registered premises or licensed stores in addition to any inflammable liquid which is kept in underground tanks under license or registration;
- (f) the keeping of additional fire-fighting apparatus or equipment if considered necessary;
- (g) the extension to certain declared Dangerous Goods of various provisions applicable to Inflammable Liquid;
- (h) the power to cancel store licenses upon conviction for an offence under Section 16 of the Act; and,
- (i) other matters of a machinery character and also to obtain further clarity and uniformity in certain directions.

[CONFIDENTIAL]

(Rough Draft for Consideration Only.)

No. , 1945.

# A BILL

To make further provision in relation to the keeping, conveyance and sale of inflammable liquid and/or dangerous goods; to amend the Inflammable Liquid Act, 1915-1931 ; and for purposes connected therewith.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows :—

1. (1) This Act may be cited as the "Inflammable Liquid (Amendment) Act, 1945."

Short title, citation and commencement.

(2) The Inflammable Liquid Act, 1915, as amended by subsequent Acts is in this Act referred to as the  
10 Principal Act.

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(3) The Inflammable Liquid Act, 1915, as amended by subsequent Acts and by this Act may be cited as the Inflammable Liquid Act, 1915-1945.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Principal Act is amended—

Amendment  
of Act No. 15,  
1915.  
Sec. 5.  
(Defini-  
tions.)

- 10 (a) (i) by inserting in section five at the end of the definition of "Dangerous goods" the word "goods";
- (ii) by omitting from the same section the definition of "Highly combustible goods";
- 15 (iii) by omitting from the same section paragraphs (a) and (b) of the definition of "Protected work" and by inserting in lieu thereof the following paragraphs:—
  - 20 (a) building in which any person dwells, or in which persons are accustomed to assemble for purposes of public concourse, public religious worship, public entertainment or amusement, education, or discussion, and public offices;
  - 25 (b) stores (including bonded or free, or bonded and free combined), warehouses and buildings in which persons are employed for the purpose of any trade or business and which are not situated on the licensed store;
- 30 (iv) by omitting from paragraph (c) of the same definition the word "any" and by inserting in lieu thereof the word "that";
- 35 (v) by omitting from the same section the words "Chief Commissioner for Railways and Tramways, or of the Commissioner for Water Conservation and Irrigation" in the definition of "Railway" and by inserting in lieu thereof the words "Commissioner for Railways or of the Water Conservation and Irrigation Commission";
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(b)

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- 5 (b) by inserting at the end of section six the words "but shall not include ethyl alcohol which has been methylated by the addition of mineral spirit in quantity not exceeding five per centum of the resultant mixture"; Sec. 6.  
(Definition of "inflammable liquid.")
- (c) (i) by inserting in section eight after the words "inflammable liquid" the words "or of dangerous goods"; Sec. 8.  
(True flashing point.)
- 10 (ii) by omitting from the same section the words "the liquid is" and by inserting in lieu thereof the words "such liquid is or dangerous goods are."

3. The Principal Act is further amended—

Further amendment of Act No. 15, 1915.

- 15 (a) by inserting in the heading to Part II after the word "Liquid" the words "and Dangerous Goods"; Part II.  
(Heading.)
- (b) (i) by omitting from section ten the words "or licensed"; Sec. 10.  
(Stores and premises may be licensed or registered.)
- 20 (ii) by inserting at the end of the same section the following new subsections:—
  - (2) An application for—
    - (a) the licensing of a store,
    - (b) the registration of any premises, or
    - (c) the amendment of a license,
- 25 may be refused if in the opinion of the chief inspector the grant of such application would, owing to the location of the site of the store or premises in respect of which the application is made or for any other reason, be contrary to public interests or safety.
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35 Any such application may be so refused notwithstanding that the requirements of this Act and the regulations thereunder applicable to the store or premises in respect of which such application is made have been or could be observed.

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(3) This subsection shall apply to any application for the licensing of a store or the amendment of any such license where such application is made to enable the keeping of inflammable liquid and/or dangerous goods in bulk in quantities exceeding ten thousand gallons in any one depot.

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Upon an application to which this subsection applies being made the chief inspector shall—

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(i) furnish the council of the municipality or shire within which the store or proposed store is situated or to be situated with particulars as prescribed of the store or proposed store together with a plan showing the location of the site thereof;

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(ii) notify such council and the applicant as to whether it is intended to grant the application with or without modifications or additions or subject to conditions or to refuse the application.

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If the council or the applicant is dissatisfied with the terms of any such notification the council or applicant may, within one month of the service of such notification, appeal to the Minister in the form and manner prescribed.

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The Minister may, having regard to the representations made by the council or the applicant upon such appeal, forthwith determine the appeal or appoint a competent person to hold an investigation in such manner and under such conditions as the Minister may approve as to the reasonableness of the terms of such notification and to report and make a recommendation thereon to him.

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5 The Minister shall make such orders as he deems just and necessary and his decision shall be final and given effect to by the chief inspector, the council or the applicant, as the case may require.

- (c) by omitting from the heading to section eleven the word "liquid" and by inserting in lieu thereof the words "inflammable liquid and dangerous goods"; Sec. 11.  
(Heading.)
- 10 (d) (i) by omitting from paragraph (a) of the proviso to subsection one of section eleven the words "Provided that all the inflammable liquid shall be kept in substantial vessels of metal or other prescribed material, so securely closed and stopped that neither liquid nor vapour can escape therefrom"; Sec. 11.  
(Only limited quantities may be kept in unlicensed and unregistered stores and premises.)
- 15 (ii) by omitting subparagraph (iii) of paragraph (a) of the proviso to the same subsection and by inserting in lieu thereof the following subparagraph:—
- 20 (iii) One thousand gallons of inflammable liquid when kept in any place not within a city or town, where such inflammable liquid is kept for private use and not for sale and is kept separated by a distance of at least one hundred feet from any thoroughfare or building other than a building, if any, in which it is kept;
- 25 (iii) by inserting at the end of the same subsection the following paragraph:—
- 30 Inflammable liquid kept pursuant to paragraph (a) of the foregoing proviso shall be kept in substantial vessels of metal or other prescribed material, so securely closed and stopped that neither liquid nor vapour can escape therefrom.
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(iv)

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(iv) by omitting subsection two of the same section;

(v) by inserting at the end of the same section the following new subsection:—

5 (3) If any person keeps dangerous goods on any land, ship or boat, except in a licensed store or in registered premises, other than in such quantities and subject to such conditions as may be prescribed he and  
10 the occupier of the premises and the person in charge of the ship or boat shall be liable to a penalty not exceeding fifty pounds.

(c) by omitting section twelve;

Sec. 12.  
(Mineral spirit exceeding three gallons.)

15 (f) (i) by omitting from paragraph (a) of subsection one of section fourteen the words "Provided that with the approval in writing of the chief inspector other goods of the nature and in the quantity specified in the approval may be kept in a depot" and by  
20 inserting in lieu thereof the following proviso:—

Sec. 14.  
(General rules as to registered premises.)

25 Provided that where in any registered premises inflammable liquid is kept in a prescribed underground tank depot, quantities of inflammable liquid not exceeding those prescribed in paragraph (a) of the proviso in subsection one of section eleven of this Act may, with the approval of an  
30 inspector, also be kept elsewhere on the registered premises.

(ii) by inserting next after paragraph (a) of the same subsection the following new paragraph:—

35 (a1) Except as otherwise provided in this Act, or as to goods or things of the nature and quantity specified in any approval in writing given by the chief inspector, a depot shall

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shall not be used for the keeping of goods or things other than inflammable liquid and the packages in which such liquid is contained.

5 (iii) by omitting paragraphs (c) and (d) of the same subsection and by inserting in lieu thereof the following paragraphs:—

10 (c) The depot shall be so situated as not to be within fifty feet of any fire, forge, furnace, explosive or other source of danger, unless a screen wall intervenes between such fire, forge, furnace, explosive or source of danger and the depot.

15 (d) No explosives, nor anything liable to spontaneous ignition or combustion and no fire or light, except an artificial light of the construction and character prescribed, shall be placed, brought or allowed to remain within fifty feet of any depot or place where any vessel containing inflammable liquid is being kept, or is in course of conveyance on the premises, unless a screen wall intervenes between such inflammable liquid and such explosive, thing, fire or light.

20 (iv) by inserting at the end of paragraph (g) of the same subsection the following words:—

25 This paragraph shall not apply to any quantity of inflammable liquid kept on premises elsewhere than in the prescribed underground tank depot pursuant to the proviso to paragraph (a) of this subsection.

30 (v) by inserting in paragraph (I) of the same subsection after the word "shall" the words "smoke in any depot and no person shall";

40 (vi)



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(vi) by inserting at the end of paragraph (m) of the same subsection the following words:—

5 Where so ordered by the chief inspector, chemical extinguishers of the foam or such other type as may be approved by the chief inspector and such other fire-fighting apparatus or equipment as may appear necessary to the chief inspector, shall be  
10 kept immediately available for use on any premises.

4. The Principal Act is further amended—

15 (a) by omitting from paragraph (c) of subsection one of section fifteen the words "highly combustible goods" wherever occurring;

Further amendment of Act No. 15. 1915.

Sec. 15. (Conditions as to licensing stores.)

(b) (i) by inserting at the end of paragraph (a) of subsection one of section sixteen the following proviso:—

Sec. 16. (General rules as to licensed stores.)

20 Provided that where in the store inflammable liquid is kept in a prescribed underground tank depot, quantities of inflammable liquid not exceeding those prescribed in paragraph (a) of the proviso in subsection one of section eleven of this Act may, with  
25 the approval of an inspector, also be kept elsewhere on the store.

(ii) by omitting paragraph (b) of the same subsection and by inserting in lieu thereof the following paragraph:—

30 (b) Except as otherwise provided in this Act, or as to goods or things of the nature and quantity specified in any approval in writing given by the chief inspector, the  
35 depot shall not be used for the keeping of goods or things other than

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than inflammable liquid and the packages in which such liquid is contained.

- 5 (iii) by inserting at the end of paragraph (f) of the same subsection the following words:—

10 This paragraph shall not apply to any quantity of inflammable liquid kept on the store elsewhere than in the prescribed underground tank depot pursuant to the proviso to paragraph (a) of this subsection.

- (iv) by inserting in paragraph (k) of the same subsection after the words "kept in" the words "any depot of";

- 15 (v) by inserting in paragraph (l) of the same subsection after the words "chief inspector" the words "and such other fire-fighting apparatus or equipment as the Chief Inspector may require";

- 20 (vi) by inserting at the end of the same section the following new subsection:—

25 (3) If any person is convicted of an offence under this section the Minister may cause the license of the store in respect of which the offence was committed to be cancelled and such store shall thereupon be deemed to be unlicensed.

5. The Principal Act is further amended—

- 30 (a) by inserting in the heading to Part IV after the word "Liquid" the words "and Dangerous Goods";

Further amendment of Act No. 15, 1915.

Part IV.  
(Heading.)

- 35 (b) (i) by inserting in subsection one of section eighteen after the word "liquid" where firstly occurring the words "and/or dangerous goods";

Sec. 18.  
(General rules as to conveying, loading, and unloading inflammable liquid.)

- (ii) by inserting in paragraph (a) of the same subsection after the word "liquid" where firstly and secondly occurring the words "or goods";

(iii)

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- (iii) by inserting in the same paragraph after the word "vessels" where firstly occurring the words "or receptacles";
- 5 (iv) by inserting in the same paragraph after the word "vapour" the words "or otherwise";
- (v) by omitting from the same paragraph the words "or vessels" and by inserting in lieu thereof the words "vessels or receptacles";
- 10 (vi) by inserting in paragraphs (b) and (c) of the same subsection after the word "liquid" wherever occurring the words "or goods";
- (vii) by inserting in paragraph (d) of the same subsection after the word "liquid" the words "or dangerous goods";
- 15 (c) (i) by omitting from subsection one of section nineteen the words "Sydney Harbour Trust Commissioners, the Railway Commissioners for New South Wales, the Water and Irrigation Commission" and by inserting in lieu thereof the words "Maritime Services Board of New South Wales, the Commissioner for Railways, the Water Conservation and Irrigation Commission";
- 20 (ii) by omitting from the same subsection the words "is conveyed" and by inserting in lieu thereof the words "and/or dangerous goods are conveyed";
- 25 (iii) by inserting in the same subsection after the word "liquid" where secondly occurring the words "and/or dangerous goods";
- 30 (iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—
- 35 (3) If any person required by the Minister under subsection one of this section to make special by-laws as aforesaid fails within three months to comply with such requisition

Sec. 19.  
(By-laws.)

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requisition to the satisfaction of the Minister, the Minister may make such by-laws which shall, when approved by the Governor, have the same effect as if made by such person.

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6. The Principal Act is further amended—

Further amendment of Act No. 15, 1915.

- (a) by inserting in section twenty-two after the word "liquid" wherever occurring the words "or dangerous goods";
- (b) by inserting in paragraph (c) of subsection one of section twenty-three after the word "liquid" wherever occurring the words "or dangerous goods";
- (c) by inserting in section twenty-four after the word "liquid" the words "or dangerous goods";
- (d) by inserting in subsection one of section twenty-five after the word "liquid" the words "or dangerous goods";
- (e) by inserting in section thirty after the word "liquid" the words "or dangerous goods";
- (f) (i) by inserting in section thirty-one after the word "liquid" where firstly occurring the words "or dangerous goods";
- (ii) by inserting in the same section after the word "liquid" where secondly and thirdly occurring the words "or goods";
- (g) by inserting in section thirty-four after the word "liquid" the words "or dangerous goods".
- (h) by inserting in section thirty-nine after the word "liquid" the words "or dangerous goods";
- (i) by inserting next after section forty-four the following new section:—

Sec. 22. (Powers of inspector.)  
 Sec. 23. (Inspector to be assisted.)  
 Sec. 24. (Protection to inspector.)  
 Sec. 25. (Standard model apparatus for testing.)  
 Sec. 30. (Costs and forfeiture.)  
 Sec. 31. (Forfeiture where owner unknown.)  
 Sec. 34. (Payment of penalties and proceeds of forfeiture.)  
 Sec. 39. (Forging stamp.)  
 New sec. 44A.

44A. Rules, regulations and by-laws made in pursuance of this Act may authorise any matter or thing from time to time to be determined, applied or regulated by the Minister, chief inspector or inspector, either generally or for any class of cases or in any particular case.

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(j)

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- (j) by inserting in the Schedule to the Act after Schedule.. the word "liquid" where secondly occurring the words "or dangerous goods".
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