

Guide

Schedule 11 hazardous chemicals and abandonment of tanks notifications

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Introduction

The Work Health and Safety (National Uniform Legislation) Regulations – the WHS (NUL) Regulations – provides for the notification of Schedule 11 hazardous chemicals and notification of the abandonment of an underground, partially underground or fully mounded tank.

A person conducting a business or undertaking (PCBU) at a workplace is required to ensure, so far as reasonably practicable, the health and safety of workers and others. Notifications of Schedule 11 hazardous chemicals and abandonment of tanks provides risk based information to the Regulator so it can apply resources and target compliance and enforcement actions to areas of greatest risk to health and safety.

Scope

Hazardous chemicals

Notification to the Regulator is required where:

- A quantity of a Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals that exceeds the manifest quantity is used, handled or stored or is to be used, handled or stored, at the workplace – Regulation 348(1).
- Immediately after the PCBU knows there will be a significant change in the risk in using, handling or storing the Schedule 11 hazardous chemical at the workplace or at least 14 days before that change, whichever is earlier – Regulation 348 (2).
- After the Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals are no longer used, stored or handled at the workplace and they are not likely to be used, handled or stored at the workplace in the future – Regulation 348(4).

Manifest quantity in relation to a Schedule 11 hazardous chemical, means the manifest quantity referred to in Schedule 11, table 11.1, column 5 of the WHS (NUL) Regulations for that hazardous chemical – Regulation 5.

Abandonment of tank

Notification to the Regulator is also required for the abandonment of an underground, partially underground or fully mounded tank that was used to store flammable gases or flammable liquids – Regulation 367.

Who must notify

A person conducting a business or undertaking at the workplace where the quantity of Schedule 11 hazardous chemical exceeds the manifest quantity or is no longer used, handled or stored must notify the Regulator – Regulation 348(1) and 348(4).

A PCBU at a workplace where that person controls or manages the tank must notify the Regulator [Regulation 367]. “Person conducting a business or undertaking” is defined in Section 5 of the *Work Health and Safety (National Uniform Legislation) Act* – the WHS (NUL) Act.

A PCBU may be an individual, a body corporate, a government agency, a partnership or an unincorporated association.

A PCBU at the workplace where the quantity of Schedule 11 hazardous chemical exceeds the manifest quantity must notify the Regulator – Regulation 348(1).

When to notify

Hazardous chemicals

Notification to the Regulator is required:

- Immediately after it is known that the Schedule 11 hazardous chemical or Schedule 11 group of hazardous chemicals is to be first used, handled or stored or at least 14 days before that first use, handling or storage (whichever is earlier), and
- Immediately after it is known that there will be a significant change in the risk of using, handling or storing the Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals at the workplace or at least 14 days before that change (whichever is the earlier), and
- As soon as practicable after the Schedule 11 hazardous chemical or group of Schedule 11 hazardous chemicals is no longer used, stored or handled or it is not likely to be used, handled or stored at the workplace in the future.

Regulation 348(2) and 348 (4)

Abandonment of tank

Notification to the Regulator is required as soon as practicable after the tank is abandoned Regulation 367(3)

The tank is taken to be abandoned if:

- The tank has not been used to store flammable gases or flammable liquids for 2 years, or
- The person does not intend to use the tank to store flammable gases or flammable liquids again.

Regulation 367(2)

Tank means a container, other than an intermediate bulk container (IBC) designed to use, handle or store hazardous chemicals in bulk, and include fittings, closures and other equipment attached to the container – Regulation 367(4).

How to Notify

Notifications are required to be made to the Regulator in which the business or undertaking that uses handles or stores Schedule 11 hazardous substances in quantities that exceed manifest quantities is located or in which the tank to be abandoned is/was located. Notification forms are available on NT WorkSafe's website www.worksafe.nt.gov.au

For information on completing a manifest and site plan refer to the Guide to Manifest Requirements for Hazardous Chemicals available on NT WorkSafe's website www.worksafe.nt.gov.au

Fees

There is no fee for a notification of Schedule 11 hazardous chemicals or for the notification of the abandonment of an underground, partially underground or fully mounded tank.

What information does the regulator require?

Hazardous chemicals

Written notification to the Regulator of Schedule 11 hazardous chemicals requires the following information to be provided:

- The name and contact details of the PCBU including business registration (trading) name (if applicable) and Australian Business number (ABN)
- The type of business or undertaking conducted
- Address of the business or undertaking where the Schedule 11 hazardous chemicals are used, handled or stored
- The activities of the business or undertaking that involve using, handling or storing the Schedule 11 hazardous chemicals
- If the workplace of the business or undertaking was previously occupied by someone else – the name of the previous occupier, if known
- Details of the Schedule 11 hazardous chemicals that are used, handled or stored
- Details of the storage facilities used to store the Schedule 11 hazardous chemicals
- The manifest that meets the requirements of Schedule 12 of the WHS Regulations.

Regulation 348(3)

Abandonment of tank

The Regulator requires written notification of the abandonment of a tank to include the following information:

- The name and contact details of the PCBU who controls or manages a tank including business registration (trading) name (if applicable) and Australian Business Number (ABN)
- The address of the workplace on which the tank is/was located
- Details of the tank: identification or code number, type and capacity
- Date the tank was abandoned (DD/MM/YYYY)
- Class of Schedule 11 hazardous chemical that the tank contained
- Copy of the letter or certificate from a competent person/contractor confirming the method of abandonment was in accordance with AS 4976.

Obligations

Manifest

A PCBU at a workplace where the quantity of a Schedule 11 hazardous chemicals exceeds the manifest quantity are used stored or handled must:

- Prepare a manifest of hazardous chemicals, and
- Amend the manifest as soon as reasonably practicable if:
 - The type or quantity of hazardous chemical that must be listed in the manifest changes, or
 - There is a significant change in the information required to be recorded in the manifest.
- A manifest of Schedule 11 hazardous chemicals must comply with Schedule 12 of the WHS (NUL) Regulations.
- The manifest must be kept in a place determined in agreement with the primary emergency service organisation and be available for inspection under the *WHS Act* and be readily accessible to the emergency services organisation.

Regulation 347

Further information requested by the Regulator

The Regulator may request further information and the PCBU must ensure that information is provided – Regulation 348(6).

Further information

Legislation

The Work Health and Safety (National Uniform Legislation) Act and Work Health and Safety (National Uniform Legislation) Regulations are available on NT WorkSafe’s website www.legislation.nt.gov.au.

List of jurisdiction contacts

Jurisdiction	Name of Regulator	Telephone	Web site
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Jurisdiction	Name of Regulator	Telephone	Web site
Commonwealth	Comcare	1300 366 979	www.comcare.gov.au
New South Wales	WorkCover NSW	13 10 50	www.workcover.nsw.gov.au
Victoria	WorkSafe Victoria	1800 136 089 or (03) 9641 1444	www.worksafe.vic.gov.au
Queensland	WorkCover QLD	1300 362 128	www.worksafe.qld.gov.au
South Australia	SafeWork SA	1300 365 255	www.safework.sa.gov.au
Western Australia	WorkSafe WA	1300 307 877	www.worksafe.wa.gov.au
Australian Capital Territory	WorkSafe ACT	(02) 6207 3000	www.worksafe.act.gov.au
Tasmania	WorkSafe Tasmania	1300 366 322 (Inside Tasmania) (03) 6166 4600 (Outside Tasmania)	www.worksafe.tas.gov.au

Contact us

For further information please contact us on 1800 019 115, via email at ntworksafe@nt.gov.au or go to the NT WorkSafe website at www.worksafe.nt.gov.au.

DISCLAIMER

This publication contains information regarding work health and safety. It includes some of your obligations under the *Work Health and Safety (National Uniform Legislation) Act* – the WHS (NUL) Act – that NT WorkSafe administers. The information provided is a guide only and must be read in conjunction with the appropriate legislation to ensure you understand and comply with your legal obligations. NT WorkSafe does not warrant the information in this publication is complete or up-to-date and does not accept any liability for the information in this report or as to its use.