

Australian Construction Law Discussion Group

The inaugural meeting of the Australian Construction Law Discussion Group was held in July 1989 at the University and Schools Club, 60 Phillip Street, Sydney. The Group is a mixture of solicitors and barristers working in the construction/commercial law area. The Group invites membership from interested lawyers. The membership subscription fee is \$100.00 per annum.

At present, the Discussion Group is not open to wider construction industry participation.

Meetings are held bi-monthly and are addressed by one of the Discussion Group's members on a matter of current interest. Recent topics have included concurrent liability in tort and contract, notices of claim, misconduct of arbitrators, recent developments in variations and expert witnesses. Unreported case summaries are also circulated to members.

Further enquiries may be addressed to the convenors, G E Underwood on 232 4766 or Kerrie E Leotta on 223 8442.

Dangerous Goods (Storage and Handling) Regulations 1989 (Victoria)

The Dangerous Goods (Storage and Handling) Regulation 1989 (Vic) came into force on 1 June 1990. The objective of the Regulations is to prevent accidents arising from the storage, handling, transfer, use, manufacture and sale of prescribed "dangerous goods".

The list in the Regulations defining dangerous goods runs to many pages but, in essence, dangerous goods are explosives or chemicals which have the potential to cause injury or environmental damage.

The Regulations introduced two new concepts. The first is *The Assessment Factor*. An assessment factor is a measure of the quantity and potential risk of dangerous goods stored at particular premises. The occupiers of most premises who store dangerous goods must calculate an assessment factor to determine which requirements set out in the Act apply to them. The method of determining the assessment factor for dangerous goods kept at premises is set out in Schedule 2 of the Regulations. Depending on the magnitude of the assessment factor, occupiers will be required to carry out certain obligations relating to:

- registration of premises, approvals and licences;
- accident prevention, planning and management;
- design, construction, location and operation of dangerous goods' storage facilities;
- storage and handling of dangerous goods.

The second concept is *Manifests*. The occupier of any premises which has an assessment factor of 10 or more must prepare and keep a manifest. In the event of an accident, it will assist emergency services to identify what dangerous goods are kept on the premises and where they are.

A manifest is a listing of the dangerous goods kept at

the premises together with a site plan showing where they are kept. It must contain certain information (set out in Schedule 7 of the Regulations) and must be kept at a location and in a type of protective container approved by the fire brigade.

The Regulations provide that any person who contravenes them is guilty of an offence. A company may be liable to a penalty of up to \$40,000 plus \$5,000 for each day on which the offence continues after conviction. A natural person may be liable to a penalty of up to \$10,000 plus \$1,000 for each day on which the offence continues after conviction.

All persons who store "dangerous goods" on their premises should be aware of the strict requirements of these Regulations in light of both health and safety issues and the severe penalties applicable for failing to comply with them.

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