
MINERALS AND PETROLEUM

MP301

Dangerous Goods Safety Act 2004

Dangerous Goods Safety Regulations Amendment Regulations 2020

SL 2020/193

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Dangerous Goods Safety Regulations Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulation 10(2) — on 1 January 2021;
- (c) the rest of the regulations — on the day after gazettal day.

Part 2 — *Dangerous Goods Safety (General) Regulations 2007* amended

3. Regulations amended

This Part amends the *Dangerous Goods Safety (General) Regulations 2007*.

4. Regulation 3 amended

In regulation 3 in the definition of *ADG Code* delete
“Edition 7.4 (ISBN 978-1-921604-69-0), as in effect on
1 January 2016,”.

**Part 3 — *Dangerous Goods Safety (Major Hazard
Facilities) Regulations 2007* amended**

5. Regulations amended

This Part amends the *Dangerous Goods Safety (Major Hazard
Facilities) Regulations 2007*.

6. Regulation 4 amended

In regulation 4 in the definition of *ADG Code* delete
“Edition 7.4 (ISBN 978-1-921604-69-0), as in effect on
1 January 2016,”.

7. Regulation 10 amended

In regulation 10(5) delete “*subsidiary risk*” and insert:

subsidiary hazard

8. Schedule 1 amended

- (1) In Schedule 1 clause 2 delete the definition of *subsidiary risk*.
- (2) In Schedule 1 clause 2 insert in alphabetical order:

subsidiary hazard for a substance means —

- (a) the subsidiary hazard assigned to the substance in the Dangerous Goods List column 4; or
 - (b) if the subsidiary hazard is not assigned as described in paragraph (a), the subsidiary hazard determined using the relevant procedure referred to in the ADG Code.
- (3) In Schedule 1 Table 2 in the item relating to Compressed or liquefied gases delete “subsidiary risk” (each occurrence) and insert:

subsidiary hazard

**Part 4 — *Dangerous Goods Safety (Road and Rail
Transport of Non-explosives) Regulations 2007*
amended**

9. Regulations amended

This Part amends the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*.

10. Regulation 4 amended

- (1) In regulation 4 in the definition of **ADG Code** delete “Edition 7.6 (ISBN 978-1-921604-69-0), as in effect on 1 July 2018,”.
- (2) In regulation 4 in the definition of **ADR approved** delete “European”.
- (3) In regulation 4 in the definition of **cargo transport unit** paragraphs (a) and (b) delete “tank, or freight,” and insert:

tank or freight

11. Regulation 50 replaced

Delete regulation 50 and insert:

50. Application of Part

This Part does not apply to dangerous goods that are —

- (a) packed in limited quantities; or
- (b) packed in excepted quantities within the meaning of regulation 106(6).

12. Regulation 53 amended

In regulation 53(1):

- (a) in paragraph (f) delete “goods.” and insert:

goods; or

- (b) after paragraph (f) insert:

- (g) for goods purported to be packed in limited quantities — the packaging of the goods does not comply with the ADG Code Chapter 3.4; or
- (h) for goods purported to be packed in excepted quantities within the meaning of regulation 106(6) — the packaging of the goods

does not comply with the ADG Code
Chapter 3.5.

13. Regulation 61 amended

In regulation 61(1) delete “Chapter 3.4.” and insert:

Chapter 3.4 or 3.5.

14. Regulation 110 replaced

Delete regulation 110 and insert:

110. When loads must be placarded

(1) In this regulation —

classification code has the meaning given in the
Dangerous Goods Safety (Explosives)
Regulations 2007 regulation 3;

specified goods means dangerous goods that are —

- (a) packed in limited quantities; or
- (b) any of the following —
 - (i) fireworks that are bonbons, party poppers or sparklers with a classification code of 1.4S;
 - (ii) domestic smoke detectors containing radioactive material;
 - (iii) lighters or lighter refills containing flammable gas;
 - (iv) fire extinguishers containing compressed or liquefied gas, up to a net mass of 23 kg;

or

- (c) a combination of the dangerous goods referred to in paragraphs (a) and (b).

(2) A load that contains dangerous goods must be placarded if —

- (a) it contains —
 - (i) dangerous goods in a receptacle, other than an article, with a capacity of more than 500 L; or
 - (ii) more than 500 kg of dangerous goods in a receptacle, other than an article;

or

- (b) it contains an aggregate quantity of dangerous goods (other than specified goods) of 250 or more and those goods include —
 - (i) dangerous goods of UN Division 2.1 (other than aerosols); or
 - (ii) dangerous goods of UN Division 2.3; or
 - (iii) dangerous goods of Packing Group I;or
 - (c) it contains an aggregate quantity of dangerous goods (other than specified goods) of 1 000 or more; or
 - (d) it contains specified goods and either —
 - (i) the specified goods include an aggregate quantity of 2 000 or more of any one UN number from a single place of consignment; or
 - (ii) the total gross mass of the specified goods is 8 tonnes or more.
- (3) A load that contains dangerous goods, but is not required to be placarded under subregulation (2), must be placarded if the load meets the following conditions —
- (a) the load contains a mixture of specified goods and other dangerous goods;
 - (b) either of the following applies —
 - (i) if the load contains dangerous goods referred to in subregulation (2)(b)(i) to (iii) — the aggregate quantity of those goods, plus 10% of the total gross mass of the specified goods, is 250 or more;
 - (ii) otherwise — the aggregate quantity of dangerous goods that are not specified goods, plus 25% of the total gross mass of the specified goods, is 1 000 or more.

Note for this regulation:

See the ADG Code Table 5.3.

15. Part 7 heading amended

In the heading to Part 7 delete “**empty packaging**” and insert:

nominally empty storage vessels

16. Regulation 120A replaced

Delete regulation 120A and insert:

120A. Term used: nominally empty storage vessels

In this Part —

nominally empty storage vessels means nominally empty tanks or hoppers described in the ADG Code section 7.2.7.1.

17. Regulation 121 amended

In regulation 121(2) delete “empty dangerous goods containers.” and insert:

nominally empty storage vessels.

18. Regulation 122 amended

In regulation 122(2) delete “empty dangerous goods packaging for transport if the person knows, or ought reasonably to know, that the goods” and insert:

nominally empty storage vessels for transport if the person knows, or ought reasonably to know, that the storage vessels

19. Regulation 123 amended

In regulation 123(2) delete “empty dangerous goods packaging” and insert:

nominally empty storage vessels

20. Regulation 124 amended

In regulation 124(2) delete “empty dangerous goods packaging” and insert:

nominally empty storage vessels

21. Regulation 125 amended

In regulation 125(2) delete “empty dangerous goods packaging if the person knows, or ought reasonably to know, that the dangerous goods” and insert:

nominally empty storage vessels if the person knows, or ought reasonably to know, that the storage vessels

22. Part 11 Division 3 inserted

At the end of Part 11 insert:

Division 3 — Dangerous goods packed in limited quantities

162A. Duty on consignors

A person must not consign dangerous goods that are packed in limited quantities for transport unless the person has provided the prime contractor with the information required by the ADG Code section 3.4.12.1 in the form required by that section.

Penalty: a fine of \$3 000.

162B. Duty on prime contractors

A prime contractor who receives information under the ADG Code section 3.4.12.1 must ensure that the information is readily ascertainable during transport of the dangerous goods.

Penalty: a fine of \$5 000.

162C. False or misleading information

In providing information under the ADG Code section 3.4.12.1, a person must not include information that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Penalty: a fine of \$10 000.

23. Part 13 Division 2 heading replaced

Delete the heading to Part 13 Division 2 and insert:

Division 2 — General precautions: duties on drivers

24. Part 13 Division 3 inserted

At the end of Part 13 insert:

Division 3 — General precautions: duties on prime contractors

174A. Parking

A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to park the road vehicle, or leave the road vehicle standing, in a

public or private place except in accordance with the ADG Code Part 13.

Penalty: a fine of \$3 000.

174B. Unloading

A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to permit the dangerous goods to be unloaded from the vehicle except in accordance with the ADG Code Part 13.

Penalty: a fine of \$10 000.

174C. Detaching trailer

A prime contractor must not direct or induce the driver of a road vehicle that has attached to it a trailer transporting a placard load to detach the trailer or permit it to be detached from the vehicle except in accordance with the ADG Code Part 13.

Penalty: a fine of \$10 000.

174D. Road tank vehicle equipped with burner

A prime contractor must not direct or induce the driver of a road vehicle that is transporting a placard load, and that is equipped with a burner to heat the load, to operate the burner or permit it to be operated except in accordance with the ADG Code Part 13.

Penalty: a fine of \$10 000.

25. Part 22A inserted

After Part 22 insert:

Part 22A — Miscellaneous

272A. Exception for offence involving compliance with ADG Code

A person does not commit an offence against these regulations in relation to the transport of dangerous goods by road or rail if —

- (a) the offence relates to non-compliance with the ADG Code; and
- (b) the transport takes place during the period of 12 months beginning on the day on which an amendment to the ADG Code takes effect; and
- (c) the person transports the goods in accordance with the ADG Code as in force immediately before that day.

26. Part 23 Division 7 inserted

At the end of Part 23 insert:

Division 7 — Provision for *Dangerous Goods Safety Regulations Amendment Regulations 2020*

291. Transitional provision for offence involving compliance with ADG Code

- (1) In this regulation —
commencement day means the day on which the *Dangerous Goods Safety Regulations Amendment Regulations 2020* regulation 26 comes into operation.
- (2) A person does not commit an offence against these regulations in relation to the transport of dangerous goods by road or rail if —
- (a) the offence relates to non-compliance with the ADG Code; and
 - (b) the transport takes place during the period that begins on commencement day and ends on 30 September 2021; and
 - (c) the person transports the goods in accordance with the ADG Code as it was defined in regulation 4 immediately before commencement day.

27. Schedule 1 amended

In Schedule 1:

- (a) after item 49 insert:

49A.	Regulation 162A	200	1 000
49B.	Regulation 162B	300	1 500

- (b) after item 59 insert:

59A.	Regulation 174A	200	1 000
59B.	Regulation 174B	600	3 000
59C.	Regulation 174C	600	3 000
59D.	Regulation 174D	600	3 000

Part 5 — *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* amended

28. Regulations amended

This Part amends the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007*.

29. Regulation 3 amended

In regulation 3 in the definition of *ADG Code* delete “Edition 7.4 (ISBN 978-1-921604-69-0), as in effect on 1 January 2016,”.

Part 6 — *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* amended

30. Regulations amended

This Part amends the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*.

31. Regulation 4 amended

- (1) In regulation 4 delete the definitions of:

subsidiary risk

subsidiary risk label

- (2) In regulation 4 insert in alphabetical order:

subsidiary hazard has the meaning given in regulation 9;

subsidiary hazard label, in relation to dangerous goods, means a label of a type specified in the ADG Code for the subsidiary hazard of the dangerous goods;

32. Various references to “subsidiary risk” amended

In the provisions listed in the Table:

- (a) delete “subsidiary risk” (each occurrence) and insert:

subsidiary hazard

- (b) delete “subsidiary risk” and insert:

subsidiary hazard

Table

r. 4 def. of <i>fire risk dangerous goods</i> par. (b)(i) to (iv)	r. 4 def. of <i>free from dangerous goods</i> par. (b)(i)
r. 4 def. of <i>lower explosive limit</i>	r. 9(1) and (2)
r. 12A(2)(c)	r. 21(1)(a)
r. 57(1) def. of <i>hazardous atmosphere</i> par. (c)	Sch. 4 cl. 3(2)(d) and (3)(a) and (b)

Note: The heading to amended regulation 9 is to read:

Term used: subsidiary hazard

R. NEILSON, Clerk of the Executive Council.