



Western Australia

Dangerous Goods Safety Act 2004

**Dangerous Goods Safety (Road and Rail
Transport of Non-explosives) Amendment
Regulations 2024**

Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2024

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Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2024

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*.

4. Regulation 4 amended

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

freight container

inner packaging

large packaging

outer packaging

overpack

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packaging

portable tank

Transport and Infrastructure Council

tubes

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

freight container means a container that —

- (a) is of a permanent character suitable for repeated use; and
- (b) is designed to facilitate the transport of goods by one or more modes of transport, without the need for the goods to be unloaded and reloaded when the container is transferred from one mode to another; and
- (c) is fitted with devices that permit the ready stowage and handling of the container, particularly in relation to the transfer of the container from one mode of transport to another; and
- (d) is designed in a way that facilitates the ease of loading and unloading of goods from the container; and
- (e) for a container used to transport goods other than radioactive material — has an internal volume of not less than 1 m³;

inner packaging has the meaning given in the ADG Code section 1.2.1;

intermediate packaging has the meaning given in the ADG Code section 1.2.1;

large packaging means packaging that —

- (a) consists of outer packaging that contains articles or inner packagings; and

- (b) is designed for mechanical handling; and
- (c) has —
 - (i) a net mass of more than 400 kg or a capacity of more than 450 litres; and
 - (ii) a volume of not more than 3 m³;

Ministerial Council means the body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to infrastructure and transport;

National Transport Commission means the National Transport Commission established under the *National Transport Commission Act 2003* (Commonwealth);

outer packaging has the meaning given in the ADG Code section 1.2.1;

overpack means an enclosure, other than large packaging, used to contain one or more packages in a way that forms one unit for convenience of stowage and handling during transport;

Examples for this definition:

1. Packages placed or stacked on a pallet and secured by strapping, shrink wrapping, stretch wrapping or another suitable way.
2. Packages placed in protective outer packaging such as in a box or crate.

packaging includes —

- (a) inner packaging, intermediate packaging, outer packaging, an overpack, large packaging, an IBC, an MEGC, a tank (including the tank of a tank vehicle), a bulk container or freight container, a drum, a barrel, a jerry can, a box and a bag; and

- (b) any other components or materials used for containing the contents of the packaging or performing another safety function in relation to the transport of the packaging and its contents;

portable tank means a tank used for the transport of a solid, liquid or gas that —

- (a) includes a shell fitted with service equipment and structural equipment necessary for the transport of the solid, liquid or gas; and
- (b) is capable of being loaded and unloaded without removing its structural equipment; and
- (c) has stabilising components external to its shell, and is capable of being lifted when full; and
- (d) is designed primarily to be loaded on to a vehicle or vessel and is equipped with skids, mountings or accessories to facilitate mechanical handling; and
- (e) for a tank used for transporting a substance of UN Class 1 and UN Class 3 to 9 — is a multimodal tank; and
- (f) for a tank used for transporting non-refrigerated, liquefied gases of UN Class 2 — is a multimodal tank having a capacity of more than 450 litres; and
- (g) for a tank used for transporting refrigerated, liquefied gases of UN Class 2 — is a thermally insulated tank having a capacity of more than 450 litres; and

- (h) is not an item that is not considered to be a portable tank for the purposes of the ADG Code;

Note for this definition:

In relation to paragraph (h), see the definition of portable tank in the ADG Code section 1.2.1 for the list of items that are not considered to be a portable tank for the purposes of the ADG Code.

rail tank wagon means a rail wagon of which a tank forms an integral part;

rail wagon means a unit of rolling stock that —

- (a) is designed to carry freight by rail; and
- (b) bears a unique identifying number or alphanumeric identifier;

road tank vehicle means a tank vehicle that is a road vehicle;

tube means a pressure receptacle of seamless or composite construction having a water capacity exceeding 150 litres but not more than 3 000 litres;

- (3) In regulation 4 in the definition of **Competent Authorities Panel** or **CAP** paragraph (b) delete “Transport and Infrastructure Council;” and insert:

Ministerial Council;

- (4) In regulation 4 in the definition of **food packaging**:

- (a) in paragraph (b) delete “food;” and insert:

food; or

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(b) after paragraph (b) insert:

(c) plastic wrapping intended for the packaging of food;

(5) In regulation 4 in the definition of *model subordinate instrument* delete “Transport and Infrastructure Council” and insert:

Ministerial Council

5. Regulation 33 replaced

Delete regulation 33 and insert:

33. Meaning of bulk container

- (1) A *bulk container* is a system for containing solid substances, including any liner or coating that —
- (a) is designed for transporting solid substances which are in direct contact with the system; and
 - (b) is of a permanent character suitable for repeated use; and
 - (c) is designed to facilitate the transport of solid substances by one or more modes of transport, without the need for the substances to be unloaded and reloaded when transferred from one mode to another; and
 - (d) is fitted with devices that permit ready handling; and

- (e) has a capacity of not less than 1 m³.

Examples for this subregulation:

Freight containers, offshore bulk containers, skips, bulk bins, swap bodies, trough-shaped containers, roller containers, load compartments of vehicles and flexible containers.

- (2) However, an IBC, large packaging or a portable tank is not a **bulk container**.

6. Regulation 36 replaced

Delete regulation 36 and insert:

36. References to tank

- (1) Unless the context otherwise requires, a reference in these regulations to a **tank** is a reference to a portable tank, a road tank vehicle, a rail tank wagon, or a receptacle used to contain a solid, liquid or gas.
- (2) However, a reference to a tank includes an item mentioned in subregulation (1) that is used to transport a gas (as defined in the ADG Code section 2.2.1.1) only if it has a capacity of not less than 450 litres.

7. Regulation 69 amended

- (1) Delete regulation 69(1) and (2) and insert:

- (1) A person who manufactures a portable tank for use in the transport of dangerous goods must attach a compliance plate to the tank in accordance with —
- (a) if the tank is not made of fibre reinforced plastic — the ADG Code Chapter 6.7; or

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- (b) if the tank is made of fibre reinforced plastic —
the ADG Code Chapter 6.7 and
section 6.9.2.10.

Penalty for this subregulation: a fine of \$10 000.

- (2) A person who manufactures an MEGC for use in the
transport of dangerous goods must attach a compliance
plate to the MEGC in accordance with the ADG Code
Chapter 6.7.

Penalty for this subregulation: a fine of \$10 000.

- (2A) Subregulation (1) does not apply to a person in relation
to a portable tank if —

- (a) the ADG Code Chapter 6.7 permits the marking
of the tank instead of the attachment of a
compliance plate; and
- (b) the tank is marked as required by that Chapter
and, if applicable, ADG Code section 6.9.2.10.

- (2) In regulation 69(3) delete “section 6.9.2.2.” and insert:

section 6.10.2.2.

- (3) At the end of regulation 69(3) insert:

Penalty for this subregulation: a fine of \$10 000.

- (4) At the end of regulation 69 delete the Penalty.

8. Regulation 180 amended

In regulation 180(2)(c) delete “Transport and Infrastructure Council.” and insert:

Ministerial Council.

9. Regulation 213 amended

In regulation 213 insert in alphabetical order:

Austroads means Austroads Limited
ACN 136 812 390;

Note: The heading to amended regulation 213 is to read:

Terms used

10. Regulation 215 amended

(1) Delete regulation 215(1) and insert:

(1) In this regulation —

relevant road tank vehicle means a road tank vehicle with a tank or demountable tank with a capacity of more than 500 L that is filled or emptied while attached to the vehicle.

(2) In regulation 215(2) and (5) before “road tank vehicle” insert:

relevant

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11. Regulation 221 amended

In regulation 221(c) delete “*Assessing Fitness to Drive for commercial and private vehicle drivers*, Fifth Edition 2016, published by Austroads Ltd (ISBN 987-1-925451-10-8).” and insert:

Assessing Fitness to Drive for Commercial and Private Vehicle Drivers — Medical Standards for Licensing and Clinical Management Guidelines, published by Austroads and the National Transport Commission, as in force at the time of the examination.

12. Regulation 227 amended

In regulation 227(1)(c) delete “*Assessing Fitness to Drive for commercial and private vehicle drivers*, Fifth Edition 2016, published by Austroads Ltd (ISBN 987-1-925451-10-8).” and insert:

Assessing Fitness to Drive for Commercial and Private Vehicle Drivers — Medical Standards for Licensing and Clinical Management Guidelines, published by Austroads and the National Transport Commission, as in force at the time of the examination.

13. Schedule 1 amended

After Schedule 1 item 5 insert:

5A.	Regulation 69(2)	600	3 000
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14. Various references to ADG Code Chapter 6.9 amended

In the provisions listed in the Table delete “6.9” and insert:

6.10

Table

r. 116	r. 117
r. 118	r. 119
r. 120	r. 232(2)(b)
r. 234(2)(b)	

N. HAGLEY, Clerk of the Executive Council