Western Australia

Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007

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Western Australia

Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007

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Defined terms

Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007

Part 1 — Preliminary

Division 1 — Introductory

1. Citation

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

2. Commencement

These regulations come into operation as follows:

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day on which the Act Part 3 comes into operation.

3. Main objects

The main objects of these regulations are —

(a) to set out the obligations of persons involved in the transport of dangerous goods by road or rail; and

(b) to reduce as far as practicable the risks to people, property and the environment arising from the transport of dangerous goods by road or rail; and

(c) to give effect to the standards, requirements and procedures of the ADG Code so far as they apply to the transport of dangerous goods by road or rail; and

(d) to promote consistency between the standards, requirements and procedures applying to the transport of dangerous goods by road, rail and other modes of transport.

Division 2 — Interpretation

4. Terms used

In these regulations, unless the contrary intention appears —

Act means the *Dangerous Goods Safety Act 2004*;

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail* (also called the Australian Dangerous Goods Code) published by the National Transport Commission, including (for the avoidance of doubt) its appendices;

ADR approved means approved in accordance with the *Agreement Concerning the International Carriage of Dangerous Goods by Road* published by the Inland Transport Committee of the Economic Commission for Europe;

aggregate quantity, in relation to a load containing dangerous goods, means the total of —

(a) the number of kilograms of —

(i) solid dangerous goods; and

(ii) articles (including aerosols),

in the load; and

(b) the number of litres or kilograms, whichever is used in the transport documentation for the load to describe the goods, of liquid dangerous goods in the load; and

(c) the total capacity in litres of the receptacles in the load containing dangerous goods of UN Class 2 (other than aerosols);

ammonium nitrate explosion risk goods has the meaning given in regulation 4A;

another participating jurisdiction means a participating jurisdiction other than this State;

appropriately marked has the meaning given in regulation 106;

appropriately placarded has the meaning given in regulation 111(2);

approval means an approval that is given by the Chief Officer or an authorised body and is in effect under these regulations;

approved packaging means —

(a) packaging of a design that is approved under regulation 56; or

(b) foreign approved packaging;

approved tank means —

(a) a tank of a design that is approved under regulation 56; or

(b) a foreign approved tank;

approved test means a test that is approved under regulation 15(1)(a);

approved training course means a training course that is approved under regulation 15(1)(b);

article means a manufactured item, other than a fluid or particle, that —

(a) is formed into a particular shape or design during manufacture; and

(b) has hazard properties and a function that are wholly or partly dependent on that shape or design,

and includes batteries, aerosols, gas-filled lighters, seat belt pre-tensioners and refrigerating machines;

authorised body means a body or any other person authorised under regulation 60 to give approvals;

bulk container has the meaning given in regulation 33;

capacity means the total internal volume of a packaging at a temperature of 15°C, expressed in litres or cubic metres;

cargo transport unit means —

(a) a road transport tank or freight vehicle; or

(b) a railway transport tank or freight wagon; or

(c) a portable tank; or

(d) a bulk container; or

(e) a freight container; or

(f) an MEGC;

combination means a road vehicle consisting of a motor vehicle and one or more trailers;

Competent Authorities Panel or ***CAP*** means the panel of that name comprising persons each of whom —

(a) is a competent authority (or a representative of a competent authority) of this or a participating jurisdiction; and

(b) is appointed by the Ministerial Council;

compliance plate means a plate that must be attached to a portable tank, MEGC or tank vehicle under the ADG Code Part 6, and includes an identification plate;

consigns and ***consignor*** have the meaning given in regulation 40;

corresponding approval means an approval to which regulation 265 applies;

corresponding authority means the authority in another participating jurisdiction or, if there are separate authorities in that jurisdiction in relation to road transport and to rail transport, the authority in relation to road transport or rail transport, as the case requires, whose functions most nearly correspond to those of the Chief Officer under the Act;

corresponding dangerous goods driver licence means a licence to which regulation 266 applies that has effect in this State under that regulation as a dangerous goods driver licence;

corresponding dangerous goods vehicle licence means a licence to which regulation 266 applies that has effect in this State under that regulation as a dangerous goods vehicle licence;

corresponding determination means a determination to which regulation 263 applies;

corresponding exemption means an exemption to which regulation 264 applies;

corresponding law means a law of another State or a Territory corresponding, or substantially corresponding, to these regulations;

dangerous goods has the meaning given in regulation 28;

dangerous goods driver licence means a licence that is in force under Part 17 Division 3;

Dangerous Goods List means the list set out in the ADG Code section 3.2.3;

dangerous goods vehicle licence means a licence that is in force under Part 17 Division 4;

demountable tank means a tank, other than a portable tank, that is designed to be carried on a vehicle but that does not form part of and is not permanently attached to the vehicle and is designed to be removable;

determination means a determination that is made by the Chief Officer and is in effect under these regulations;

driver licence means an Australian driver licence as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

driver licensing authority means an Australian driver licensing authority as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

driving licences register means a register kept by the driver licensing authority of a State or Territory that records

information about driver licences granted under a law of that State or Territory;

emergency service officer —

(a) means an officer or employee of the FES Department; and

(b) in Part 14 — includes an officer of an ambulance service;

exemption means an exemption, in force under the Act Part 4, from any provision of these regulations;

FES Department means the department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*;

food includes —

(a) a substance prepared or intended for human or animal consumption; and

(b) a substance (except dangerous goods) intended to be an ingredient of food;

food packaging means —

(a) a receptacle that contains, or is designed or intended to contain, food; or

(b) material designed or intended to be used in a receptacle that is designed or intended to contain food; or

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

foreign approved, in relation to packaging, means packaging that has the markings required by the ADG Code Part 6 for packaging of its type, in confirmation that the packaging is ADR approved, ICAO approved, IMO approved, RID approved or UN approved;

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 m^3;

hose assembly means a hose, or hoses connected together, for use in the transfer of dangerous goods to or from a tank on a vehicle, a portable tank or a storage receptacle and includes —

(a) if there are 2 or more hoses connected together — the connections between the hoses; and

(b) the attachment connecting the hose or hoses to the tank; and

(c) anything else (except the vehicle, portable tank or storage receptacle) attached to the hose or hoses;

IBC or ***intermediate bulk container*** has the meaning given in regulation 34;

ICAO approved means approved in accordance with the ICAO Technical Instructions;

ICAO Technical Instructions means the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* published by the International Civil Aviation Organisation;

IMDG Code means the *IMDG Code: International Maritime Dangerous Goods Code* published by the International Maritime Organization;

IMO approved means approved in accordance with the IMDG Code;

incompatible has the meaning given in regulation 32;

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;

journey means the transport of dangerous goods from where the goods are consigned to where the goods are delivered to the consignee;

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 m^3;

load has the meaning given in regulation 38;

loads and ***loader*** have the meaning given in regulation 42;

MEGC or ***multi-element gas container*** has the meaning given in regulation 35;

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;

model subordinate instrument means the *Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail* as agreed to from time to time by the Ministerial Council and published on the website maintained by the Parliamentary Counsel's Committee;

multimodal means applicable to, suitable for use on, more than one mode of transport;

NATA means the National Association of Testing Authorities;

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.

owner, of a vehicle, has the meaning given in regulation 39;

package in relation to dangerous goods or other goods, means the complete product of the packing of the goods for transport, and consists of the goods and their packaging;

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;

packed in limited quantities has the meaning given in regulation 45;

Packing Group has the meaning given in regulation 31;

packs and ***packer*** have the meaning given in regulation 41;

participating jurisdiction means —

(a) this State; and

(b) another State or a Territory that has a corresponding law;

placard load means a load that contains dangerous goods and that must be placarded under regulation 110;

placards has the meaning given in regulation 111(1);

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.

premises includes a structure, whether permanent or temporary, and land, but does not include a vehicle;

pressure drums means welded transportable pressure receptacles of a water capacity of more than 150 L but not more than 1 000 L;

Note for this definition:

Cylindrical receptacles equipped with rolling hoops, and spheres on skids.

prime contractor has the meaning given in regulation 43;

prime mover means a road vehicle that is designed to tow a trailer, but does not include a vehicle that has a load carrying capacity without a trailer;

provisional licence has the meaning given in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

rail, in relation to the transport of dangerous goods by rail, does not include —

(a) a railway in a mine; or

(b) a slipway; or

(c) a railway used exclusively by a crane;

rail authority, in respect of a train on a railway, means the person (whether or not a public authority) that is responsible for the care, control or management of the railway;

rail operator has the meaning given in regulation 44;

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;

receptacle, in relation to a substance or article, means a container that is —

(a) for receiving and holding the substance or article (including anything that enables the container to be closed); and

(b) in contact with the substance or article;

recognised testing facility has the meaning given in regulation 57;

registered means registered under Commonwealth, State or Territory law;

RID approved means approved in accordance with the *International Regulations Concerning the Carriage of Dangerous Goods by Rail* published by the Inland Transport Committee of the Economic Commission for Europe;

rigid vehicle means a road vehicle the load carrying area of which is fixed to the vehicle's chassis or frame;

road means a road or other place over which vehicles move, whether on private property or not, that is open to, or used by, the public, whether on payment of consideration or not;

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

service equipment, in relation to a tank or an MEGC, has the meaning given in the ADG Code section 6.7.2.1, 6.7.3.1, 6.7.4.1 or 6.7.5.1, as the case requires;

structural equipment, in relation to a tank or an MEGC, has the meaning given in the ADG Code section 6.7.2.1, 6.7.3.1, 6.7.4.1 or 6.7.5.1, as the case requires;

Subsidiary Hazard has the meaning given in regulation 30;

tank has the meaning given in regulation 36;

tank vehicle means a road vehicle or unit of rolling stock —

(a) of which a tank forms part; or

(b) to which a tank (other than a portable tank) is attached;

trailer means a road vehicle that is designed to be towed, or is towed, by another road vehicle, but does not include a road vehicle propelled by a motor that forms part of the vehicle;

train means 2 or more units of rolling stock coupled together, of which at least one unit is a locomotive or a self-propelled unit;

transport documentation means documentation that complies with the requirements of the ADG Code Chapter 11.1;

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

UN approved means approved in accordance with the *Model Regulations for the Transport of Dangerous Goods* annexed to the *Recommendations on the Transport of Dangerous Goods* published by the United Nations;

UN Class, in relation to dangerous goods, has the meaning given in regulation 29;

UN Division, in relation to dangerous goods, has the meaning given in regulation 29;

UN Number (or "UN" followed by a number), in relation to dangerous goods, means the identification serial number in the ADG Code section 3.2.3 Table 3.2.3 column 1 in relation to those goods;

unit of rolling stock means any thing capable of transporting people or things —

(a) that is designed to run on rails; or

(b) that is designed to operate or be used on the road or on a railway and is being operated or used on a railway,

and it does not matter how the thing is moved or propelled;

vehicle means —

(a) a road vehicle, including a combination; or

(b) a unit of rolling stock.

[Regulation 4 amended: Gazette 30 Jun 2008 p. 3130; 22 Jun 2010 p. 2717-19; 19 Feb 2013 p. 989; 13 Jun 2014 p. 1929-31; 8 Jan 2015 p. 131; 17 Nov 2015 p. 4696; 5 Feb 2016 p. 360; 11 Jul 2017 p. 3820-1; 31 Aug 2018 p. 3043-4; SL 2020/193 r. 10; SL 2024/22 r. 4; SL 2024/285 r. 4.]

4A. Meaning of ammonium nitrate explosion risk goods

The dangerous goods listed in the Table are ***ammonium nitrate explosion risk goods***.

Table

Ammonium nitrate explosion risk goods	**UN No.**	**Division**
Ammonium nitrate, with not more than 0.2% total combustible material, including any organic substance calculated as carbon, to the exclusion of any other added substance	1942	5.1
Ammonium nitrate based fertiliser	2067	5.1
Ammonium nitrate, liquid (hot concentrated solution)	2426	5.1
Ammonium nitrate emulsion or suspension or gel, intermediate for blasting explosives	3375	5.1

[Regulation 4A inserted: SL 2024/285 r. 5.]

5. Examples and notes in these regulations

(1) An example of the operation of a provision in these regulations forms part of these regulations but is not to be taken to be exhaustive and, if the example is inconsistent with the provision, the provision prevails.

(2) Notes in these regulations do not form part of them and are provided to assist understanding.

6. References to determinations, exemptions, approvals and licences

In these regulations, a reference to —

(a) a determination, exemption, approval, dangerous goods driver licence or dangerous goods vehicle licence; or

(b) a corresponding determination, corresponding exemption, corresponding approval, corresponding dangerous goods driver licence or corresponding dangerous goods vehicle licence,

includes a reference to the determination, exemption, approval, and licence as varied.

7. References to variation of determinations, exemptions, approvals and licences

In these regulations, a reference to the variation of —

(a) a determination, exemption, approval, dangerous goods driver licence or dangerous goods vehicle licence; or

(b) a corresponding determination, corresponding exemption, corresponding approval, corresponding dangerous goods driver licence or corresponding dangerous goods vehicle licence,

includes a reference to a variation by addition, omission or substitution.

8. Inconsistency between these regulations and documents adopted

(1) In this regulation —

code means a code, standard, rule, specification or other document, made in or outside Australia, that does not itself have legislative effect in this State;

subsidiary legislation includes rules, regulations and instructions made, determined or issued under any other Act or under any Act of the Commonwealth, another State or a Territory.

(2) If a code or subsidiary legislation adopted by these regulations is inconsistent with these regulations, these regulations prevail to the extent of the inconsistency.

9. References in ADG Code

For the purposes of these regulations, unless the contrary intention appears —

(a) a reference in the ADG Code to the Competent Authority is to be taken to be a reference to the Chief Officer;

(b) a reference in the ADG Code to a numbered Regulation is to be taken to be a reference to the provision in these regulations that corresponds to the provision of that number in the model subordinate instrument.

[Regulation 9 amended: Gazette 31 Aug 2018 p. 3044.]

Division 3 — Application

10. Application to transport by road and rail

Unless the contrary intention appears, these regulations apply to the transport of dangerous goods by road or rail.

Notes for this regulation:

1. These regulations do not apply to the transport of substances or articles that, under the ADG Code, are within Class 1 (explosives), Division 6.2 (infectious substances) or Class 7 (radioactive materials). Those substances and articles are not dangerous goods for the purposes of these regulations.
2. The Act section 16 provides for the relevant offence and penalty for transporting goods too dangerous to transport. As to goods too dangerous to transport, see the *Dangerous Goods Safety (General) Regulations 2007*.

11. Dangerous situations

These regulations do not apply to the transport of dangerous goods by or at the direction of —

(a) a DGO or a police officer who is exercising a power under the Act Part 6 Division 5 or 6; or

(b) an emergency service officer who is acting to reduce, eliminate or avert any risk to people, property or the environment from dangerous goods in a dangerous situation.

12. Exempt transport

(1) In this regulation —

designated goods means any substance or article that, under the ADG Code, is within —

(a) Class 1 (explosives), except —

(i) any substance or article that, under the ADG Code, is within Division 1.4S; and

(ii) track signals carried in a unit of rolling stock for the safety of persons working in rail transport;

or

(b) Category A of Division 6.2 (infectious substances); or

(c) Class 7 (radioactive materials).

(2) These regulations do not apply to the transport by a person of a load that contains dangerous goods if all of the following requirements are met —

(a) the load does not contain any designated goods;

(b) the load does not contain —

(i) dangerous goods in any single receptacle with a capacity of more than 500 L; or

(ii) more than 500 kg of dangerous goods in any single receptacle;

(c) the aggregate quantity of the dangerous goods in the load is less than 25% of a placard load;

(d) the goods are not being transported by the person in the course of a business of transporting goods by road;

(e) the goods are not being transported by the person on a passenger train.

[Regulation 12 amended: Gazette 22 Jun 2010 p. 2719; 13 Jun 2014 p. 1932.]

13. Further exemptions

These regulations do not apply to the transport by a vehicle of dangerous goods —

(a) that are in a consignment where the aggregate quantity of dangerous goods is less than the quantity set out in the ADG Code section 1.1.1.2(3)(a); or

(b) in the vehicle's fuel tank; or

(c) in an appliance or plant that forms part of the vehicle and is necessary for its operation; or

(d) that are portable fire fighting equipment or other portable safety equipment and are part of the vehicle's safety equipment.

[Regulation 13 amended: Gazette 13 Jun 2014 p. 1932; 11 Jul 2017 p. 3821.]

13A. Partial exemption for transport by complying MPU

(1) In this regulation —

complying MPU means an MPU that complies with an approved code of practice (if any) in respect of the following matters —

(a) packaging of dangerous goods carried by the MPU;

(b) consignment procedures for dangerous goods carried by the MPU;

(c) safety standards for vehicles and equipment;

(d) stowage and constraint of dangerous goods carried by the MPU;

(e) segregation of dangerous goods carried by the MPU;

(f) bulk transfer of dangerous goods carried by the MPU;

(g) documentation of dangerous goods carried by the MPU;

(h) safety equipment carried by the MPU;

(i) procedures during transport of dangerous goods by the MPU;

mobile processing unit (MPU) has the meaning given in the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 3 but does not include a trailer that is towed by a mobile processing unit.

(2) Parts 4, 5, 6, 8, 9, 10, 11, 12 and 13 and regulation 215 do not apply in respect of the transport by a person of the ingredients of an explosive if the transport is by means of a complying MPU.

[Regulation 13A inserted: Gazette 11 Jul 2017 p. 3822.]

13B. Special provisions for tools of trade and dangerous goods for private use

(1) This regulation applies to a load if —

(a) for loads not including dangerous goods of UN Division 2.1 (other than aerosols), UN Division 2.3 or Packing Group 1 — the load includes an aggregate quantity of dangerous goods of less than 500; and

(b) for loads including dangerous goods of UN Division 2.1 (other than aerosols), UN Division 2.3 or Packing Group 1 —

(i) the load includes an aggregate quantity of dangerous goods of less than 250; and

(ii) any dangerous goods of UN Division 2.3 or Packing Group 1 together constitute less than 100 of the aggregate quantity;

and

(c) the goods are not being transported in the course of a business of transporting goods but are being transported —

(i) by a person who intends to use them; or

(ii) so they can be used for a commercial purpose.

(2) A person transporting a load to which this regulation applies is exempt from all the obligations imposed by these regulations other than those imposed by this regulation.

(3) A person must not transport a load to which this regulation applies unless each package in the load —

(a) complies with the packaging requirements appropriate to the quantity of dangerous goods, as specified in Part 4; and

(b) is labelled and marked as specified in Part 5 Division 1; and

(c) is loaded, secured, segregated, unloaded and otherwise transported in such a way as to ensure that —

(i) its packaging remains fit for purpose; and

(ii) the risks to any person, property or the environment are eliminated, or if it is not practicable to eliminate the risks, are minimised to the maximum extent that is practicable.

Penalty for this subregulation: a fine of $1 500.

(4) If a load to which this regulation applies contains an aggregate quantity of dangerous goods of UN Class 3, 4, 5 or 6 of more than 250, a person must not transport the load —

(a) in the passenger compartment of a vehicle; or

(b) in an enclosed space that is not separated from the passenger compartment of a vehicle.

Penalty for this subregulation: a fine of $1 500.

(5) If a load to which this regulation applies contains an aggregate quantity of dangerous goods of UN Division 2.1, UN Division 2.3 or Packing Group 1 of more than 25% of a placard load, a person must not transport the load —

(a) in the passenger compartment of a vehicle; or

(b) in any other enclosed space in a vehicle unless the space is sufficiently ventilated to prevent an accumulation of vapours or fumes that is likely to cause risk.

Penalty for this subregulation: a fine of $1 500.

[Regulation 13B inserted: Gazette 11 Jul 2017 p. 3822-4; amended: Gazette 31 Aug 2018 p. 3044.]

Division 4 — Instruction and training

14. Instruction and training

(1) This regulation applies to any task involved in the transport of dangerous goods, including the following —

(a) packing dangerous goods;

(b) consigning dangerous goods;

(c) loading dangerous goods;

(d) unloading dangerous goods;

(da) handling fumigated cargo transport units;

(e) marking packages;

(f) placarding placard loads;

(g) preparing transport documentation;

(h) maintaining vehicles and equipment used in the transport of dangerous goods;

(i) driving a vehicle transporting dangerous goods;

(j) being the consignee of dangerous goods;

(k) following the appropriate procedures in accordance with these regulations in a dangerous situation.

(2) A person who is responsible for management or control of a task must not employ, engage or permit another person to perform the task if the other person —

(a) has not received, or is not receiving, appropriate instruction and training to ensure that he or she is able to

perform the task safely and in accordance with these regulations; or

(b) is not appropriately supervised in performing the task to ensure that he or she is able to perform the task safely and in accordance with these regulations.

Penalty: a fine of $10 000.

(3) A person must not manage, control or supervise a task unless the person has received instruction and training to enable him or her to manage, control or supervise another person to perform the task safely and in accordance with these regulations.

Penalty: a fine of $10 000.

[Regulation 14 amended: Gazette 13 Jun 2014 p. 1932.]

14A. Transport of ammonium nitrate explosion risk goods — instruction and training

A person must not transport a placard load of ammonium nitrate explosion risk goods by road vehicle unless the person has received appropriate instruction and training in the use of —

(a) the additional fire fighting equipment with which the road vehicle is equipped that meets the requirements of regulation 165(1)(c); and

(b) the temperature monitoring equipment with which the road vehicle is equipped to enable compliance with regulation 170A(2)(a).

Penalty: a fine of $10 000.

[Regulation 14A inserted: SL 2024/285 r. 6.]

15. Approvals — tests and training courses for drivers

(1) The Chief Officer may, on an application made in accordance with regulation 194, approve —

(a) a test of competence for drivers of road vehicles transporting dangerous goods; or

(b) a training course for drivers of road vehicles transporting dangerous goods.

(2) The Chief Officer may approve a test of competence or a training course only if the Chief Officer considers that a person who passes the test, or completes the course, will have the skills and knowledge to perform the task to which the test or course relates safely and in accordance with these regulations.

Division 5 — Goods suspected of being dangerous goods

16. Goods suspected of being dangerous goods

If it is not clear whether particular goods are dangerous goods, but a person suspects, or ought reasonably to suspect, that they are, the person must not consign or otherwise transport them until —

(a) the goods have been classified in accordance with the ADG Code; or

(b) a determination has been made under regulation 17(1)(a) in respect of the goods.

Penalty: a fine of $10 000.

[Regulation 16 amended: Gazette 22 Jun 2010 p. 2719.]

Division 6 — Determinations

17. Determinations — dangerous goods

(1) Subject to subregulation (2), the Chief Officer may, for the purposes of these regulations, determine that a substance or article is or is not —

(a) dangerous goods; or

(b) dangerous goods of a particular UN Class or UN Division; or

(c) dangerous goods that have a particular Subsidiary Hazard; or

(d) dangerous goods of a particular Packing Group; or

(e) incompatible with particular dangerous goods.

(2) The Chief Officer may determine that a substance or article is dangerous goods for the purposes of these regulations, only if the substance or article is dangerous goods for the purposes of the definition of ***dangerous goods*** in the Act section 3(1).

(3) If a substance or article ceases to be dangerous goods for the purposes of the definition of ***dangerous goods*** in the Act section 3(1), a determination made under subregulation (1)(a) that the substance or article is dangerous goods ceases to be in effect in respect of the substance or article.

Note for this regulation:

As to determinations that particular dangerous goods are or are not too dangerous to transport, see the *Dangerous Goods Safety (General) Regulations 2007*.

[Regulation 17 amended: Gazette 31 Aug 2018 p. 3047.]

18. Determinations — packaging

The Chief Officer may determine that —

(a) particular dangerous goods must not be or may be transported in or on the same cargo transport unit as other goods, whether or not dangerous goods; or

(b) particular dangerous goods may or may not be transported in any packaging despite any prohibition or authorisation in the Dangerous Goods List.

[Regulation 18 amended: Gazette 13 Jun 2014 p. 1932.]

19. Determinations — vehicles, routes, areas, times etc.

The Chief Officer may determine that particular dangerous goods may be or must or must not be transported —

(a) using a specified vehicle or kind of vehicle; or

(b) on a specified route; or

(c) in or through a specified area; or

(d) at a specified time; or

(e) in quantities in excess of a specified amount; or

(f) in specified packaging.

20. Determinations may be subject to conditions

(1) In making a determination, the Chief Officer may impose in relation to the determination any condition necessary for the safe transport of dangerous goods.

(2) A person to whom a determination applies must not contravene a condition of the determination.

Penalty: a fine of $10 000.

21. Effect of determinations on contrary obligations under these regulations

If these regulations impose an obligation on a person, and the person is authorised or permitted to act contrary to that obligation by a determination, the obligation is to be read as if it stated that the person could fulfil the obligation by acting in accordance with the determination.

22. Offence to do any thing prohibited by a determination

If a determination prohibits the doing of any thing, a person to whom the determination applies must not do that thing.

Penalty: a fine of $5 000.

23. Register of determinations

(1) The Chief Officer must keep a register of determinations.

(2) The register —

(a) may be part of a central register kept by the Chief Officer with the corresponding authorities; and

(b) may have separate divisions for different kinds of determinations.

(3) The Chief Officer must record in the register —

(a) each determination made under these regulations; and

(b) each corresponding determination.

(4) The Chief Officer must note in the register —

(a) any revocation of a determination; and

(b) a decision of CAP reversing a decision that a corresponding determination should have effect in all participating jurisdictions or participating jurisdictions including this State.

24. Records of determinations

The record of a determination in the register must include —

(a) the terms of the determination; or

(b) the following information —

(i) details of where in the *Gazette* the determination was notified or published;

(ii) the provision of these regulations, and of the ADG Code, to which the determination relates;

(iii) the dangerous goods, equipment, packaging, vehicle or other thing to which the determination relates.

Division 7 — Registers of determinations, exemptions, approvals and licences

25. Term used: register

In this Division —

register means each of the following —

(a) the register of determinations kept under regulation 23;

(b) the part of the register kept under the Act section 23(8) dealing with exemptions from compliance with these regulations;

(c) the register of corresponding exemptions kept under regulation 187;

(d) the register of approvals kept under regulation 202;

(e) the register of dangerous goods driver licences kept under regulation 245(1);

(f) the register of dangerous goods vehicle licences kept under regulation 245(2).

26. Registers may be kept on computer

(1) A register, or part of a register, may be kept on a computer.

(2) An entry made on a computer for a register is taken to be a record made in the register.

27. Inspection of registers

(1) The Chief Officer must ensure that each register is available for inspection by the corresponding authorities and the public.

(2) The Chief Officer is taken to comply with subregulation (1) in respect of a register by ensuring that there is reasonable access to —

(a) copies of information in the register; or

(b) a computer terminal to inspect the register.

Part 2 — Key concepts

Division 1 — Kinds of goods

28. Term used: dangerous goods

(1) Subject to subregulations (2) and (3), for the purposes of these regulations, a substance or article is ***dangerous goods*** if —

(a) it satisfies the dangerous goods classification criteria set out, or referred to, in the ADG Code Part 2; or

(ba) it is named in column 2 of the Dangerous Goods List, irrespective of whether the name is —

(i) a generic name; or

(ii) a name described as "N.O.S";

or

(b) a determination made under regulation 17(1)(a) that the substance or article is dangerous goods is in effect.

(2) A substance or article that satisfies the criteria set out, or referred to, in the ADG Code Part 2 is not dangerous goods for the purposes of these regulations if —

(a) it is described as not subject to the ADG Code in a Special Provision in the ADG Code Chapter 3.3 that is applied to the substance or article by column 6 of the Dangerous Goods List; or

(b) a determination made under regulation 17(1)(a) that the substance or article is not dangerous goods is in effect.

(3) Except for regulation 29, a substance or article is not dangerous goods for the purposes of these regulations if, under the ADG Code, it is within any of the following classes or divisions of dangerous goods —

(a) Class 1 (explosives);

(b) Division 6.2 (infectious substances);

(c) Class 7 (radioactive materials).

[Regulation 28 amended: Gazette 22 Jun 2010 p. 2720.]

29. Terms used: UN Class, UN Division

For the purposes of these regulations, the ***UN Class*** or ***UN Division*** of particular dangerous goods is —

(a) if a determination made under regulation 17(1)(b) that the goods are of a particular UN Class or UN Division is in effect — the Class or Division specified in the determination; or

(b) if no such determination is in effect — the Class or Division determined for the goods in accordance with the ADG Code.

Notes for this regulation:

1. Under the UN classification system there are 9 classes of dangerous goods. Under that system some Classes are further divided into Divisions and some Divisions are divided into Categories.
2. Under the ADG Code, if particular dangerous goods are listed in the Dangerous Goods List, their UN Class or Division is that listed in column 3 of that list opposite the name and description of those goods, unless Chapter 3.3 of that Code provides for those goods to be assigned to a different Class or Division.

30. Term used: Subsidiary Hazard

For the purposes of these regulations, the ***Subsidiary Hazard***, if any, of particular dangerous goods is —

(a) if a determination made under regulation 17(1)(c) that the goods have a particular Subsidiary Hazard is in effect — the Subsidiary Hazard specified in the determination; or

(b) if no such determination is in effect — the Subsidiary Hazard determined for the goods in accordance with the ADG Code.

Note for this regulation:

Dangerous goods that are able to be assigned to more than 1 UN Class or UN Division are assigned a Subsidiary Hazard. The Subsidiary Hazard or Hazards are the other UN Class or Classes or UN Division or Divisions to which the goods also belong. Under the ADG Code, if particular dangerous goods are listed in the Dangerous Goods List, their Subsidiary Hazard, if any, is that listed in column 4 of that list opposite the name and description of those goods, unless Chapter 3.3 of that Code provides for those goods to be assigned a different Subsidiary Hazard.

[Regulation 30 inserted: Gazette 31 Aug 2018 p. 3045.]

31. Term used: Packing Group

For the purposes of these regulations, the ***Packing Group***, if any, of particular dangerous goods is —

(a) if a determination made under regulation 17(1)(d) that the goods are of a particular Packing Group is in effect — the Packing Group specified in the determination; or

(b) if no such determination is in effect — the Packing Group determined for the goods in accordance with the ADG Code.

Notes for this regulation:

1. The assignment of particular dangerous goods to a Packing Group indicates the degree of danger and the level of containment required for the goods. Only dangerous goods that are substances can be assigned to a Packing Group. The Packing Groups, and the degree of danger they indicate, are —
   (a) Packing Group I (substances presenting high danger);
   (b) Packing Group II (substances presenting medium danger);
   (c) Packing Group III (substances presenting low danger).
2. The Packing Group of a substance can be determined from the Dangerous Goods List, although in some cases it is also necessary to refer to the ADG Code Chapter 3.3.

32. Term used: incompatible

(1) Dangerous or other goods are ***incompatible*** with dangerous goods if —

(a) under the ADG Code Chapter 9.1, the goods are incompatible with the dangerous goods; or

(b) the goods are determined under regulation 17(1)(e) to be incompatible with the dangerous goods; or

(c) when the goods are mixed, or otherwise brought into contact, with the dangerous goods, the goods are likely to interact with the dangerous goods and increase risk to people, property or the environment because of the interaction.

(2) Packaging or equipment for use in the transport of dangerous goods is ***incompatible*** with the goods if any component of the packaging or equipment that is intended or likely to come into contact with the goods during transport —

(a) is likely to interact with the goods and increase risk to people, property or the environment because of the interaction; and

(b) is not protected from contact under foreseeable circumstances by a protective coating or other effective means.

Division 2 — Containers and loads

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 m^3.

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***.

[Regulation 33 inserted: SL 2024/22 r. 5.]

34. Terms used: IBC, intermediate bulk container

(1) An ***IBC*** or ***intermediate bulk container*** is a rigid or flexible portable packaging that —

(a) is intended for the transport of dangerous goods; and

(b) complies with the specifications in the ADG Code Chapter 6.5; and

(c) has a capacity of not more than —

(i) if the packaging is intended for the transport of solids of Packing Group I and is a composite container, fibreboard container, flexible container, wooden container or rigid plastics container — 1 500 L;

(ii) if the packaging is intended for the transport of solids of Packing Group I and is a metal container — 3 000 L;

(iii) if the packaging is intended for the transport of solids or liquids of Packing Group II and III — 3 000 L;

and

(d) is designed for mechanical handling.

(2) Rigid or flexible portable packaging that complies with the requirements of the ADG Code Chapter 6.1, 6.3 or 6.6 is not an IBC.

[Regulation 34 amended: Gazette 22 Jun 2010 p. 2720.]

35. Terms used: MEGC, multiple-element gas container

An ***MEGC*** or ***multiple-element gas container*** is —

(a) a multimodal assembly of cylinders, tubes or bundles of cylinders that are interconnected by a manifold and assembled within a framework and are intended for the transport of gases; and

(b) any service equipment and structural equipment necessary for the transport of gases in the cylinders or tubes.

[Regulation 35 amended: Gazette 17 Nov 2015 p. 4696.]

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.

[Regulation 36 inserted: SL 2024/22 r. 6.]

*[**37.** Deleted: Gazette 13 Jun 2014 p. 1932.]*

38. Loads

For the purposes of these regulations —

(a) all the goods in or on a road vehicle are a single load, even if the vehicle is transporting more than one cargo transport unit; and

(b) all the goods in a cargo transport unit being transported on a rail vehicle are a single load.

[Regulation 38 inserted: Gazette 22 Jun 2010 p. 2720; amended: Gazette 13 Jun 2014 p. 1933.]

Division 3 — Persons with special duties

39. Term used: owner

A person is an ***owner*** of a vehicle if the person —

(a) is the sole owner, a joint owner or a part owner of the vehicle; or

(b) has possession or use of the vehicle under a credit, hire-purchase, lease or other agreement, except an agreement requiring the vehicle to be registered in the name of someone else.

40. Terms used: consigns, consignor

(1) A person ***consigns*** dangerous goods or other goods for transport, and is the ***consignor*** of the goods, if —

(a) subregulation (2) applies to the person; or

(b) subregulation (2) does not apply to the person or anyone else, but subregulation (3) applies to the person; or

(c) subregulations (2) and (3) do not apply to the person or anyone else, but subregulation (4) applies to the person.

(2) This subregulation applies to a person who, with the person's authority, is named or otherwise identified in the transport documentation as the consignor of the goods.

(3) This subregulation applies to a person who —

(a) engages a prime contractor or rail operator, either directly or through an agent or other intermediary, to transport the goods; or

(b) if paragraph (a) does not apply — has possession of, or control over, the goods immediately before the goods are transported; or

(c) if neither paragraph (a) nor (b) applies — loads a vehicle with the goods, for transport, at a place —

(i) where dangerous goods are awaiting collection; and

(ii) that is unattended (except by the driver of the vehicle) during loading.

(4) This subregulation applies to a person if —

(a) the goods are imported into Australia; and

(b) the person is the importer of the goods.

[Regulation 40 amended: Gazette 31 Aug 2018 p. 3047.]

41. Terms used: packs, packer

A person ***packs*** dangerous or other goods for transport, and is a ***packer*** of the goods, if the person —

(a) puts the goods in a packaging; or

(b) assembles packages into large packaging or an overpack; or

(c) supervises an activity mentioned in paragraph (a) or (b); or

(d) manages or controls an activity mentioned in paragraph (a), (b) or (c).

42. Terms used: loads, loader

A person ***loads*** dangerous or other goods for transport, and is a ***loader*** of the goods, if the person —

(a) loads the goods in or onto a vehicle; or

(b) places or secures a portable tank, bulk container or freight container containing the goods for transport onto a vehicle; or

(c) supervises an activity mentioned in paragraph (a) or (b); or

(d) manages or controls an activity mentioned in paragraph (a), (b) or (c).

43. Term used: prime contractor

A person is the ***prime contractor*** for the transport of dangerous or other goods by road if the person, in conducting a business for or involving the transport of goods by road, undertakes to be responsible, or is responsible, for the transport of the goods by road.

44. Term used: rail operator

A person is a ***rail operator*** for the transport of dangerous or other goods by rail if the person undertakes to be responsible, or is responsible, for —

(a) the transport of the goods by rail; or

(b) the condition of a unit of rolling stock transporting the goods.

Division 4 — Miscellaneous

45. Term used: packed in limited quantities

Dangerous goods are ***packed in limited quantities*** if —

(a) the goods are packed in accordance with the ADG Code Chapter 3.4; and

(b) the quantity of dangerous goods in each inner packaging or in each article that contains the goods does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods.

[Regulation 45 amended: Gazette 31 Aug 2018 p. 3045.]

Part 3 — Transport of dangerous goods to which Special Provisions apply

46. Application of this Part

This Part applies in relation to the transport of dangerous goods if —

(a) column 6 of the Dangerous Goods List specifies that a Special Provision in the ADG Code Chapter 3.3 applies to the dangerous goods; and

(b) that Special Provision —

(i) prohibits the transport of the goods by road or rail; or

(ii) imposes a restriction on the way the goods are to be transported by road or rail.

[Regulation 46 inserted: Gazette 22 Jun 2010 p. 2721.]

47. Duty on consignors

A person must not consign dangerous goods for transport if the person knows, or ought reasonably to know, that —

(a) a Special Provision applies to the transport of the goods; and

(b) the transport of the goods does not or will not comply with the Special Provision.

Penalty: a fine of $10 000.

48A. Duty on packers

A person must not pack dangerous goods for transport if the person knows, or ought reasonably to know —

(a) that column 6 of the Dangerous Goods List specifies that a Special Provision in the ADG Code Chapter 3.3 applies to the transport of the goods; and

(b) that the transport of the goods does not, or will not, comply with the Special Provision.

Penalty: a fine of $5 000.

[Regulation 48A inserted: Gazette 22 Jun 2010 p. 2721.]

48B. Duty on loaders

A person must not load dangerous goods on to a vehicle for transport if the person knows, or ought reasonably to know —

(a) that column 6 of the Dangerous Goods List specifies that a Special Provision in the ADG Code Chapter 3.3 applies to the transport of the goods; and

(b) that the transport of the goods does not, or will not, comply with the Special Provision.

Penalty: a fine of $5 000.

[Regulation 48B inserted: Gazette 22 Jun 2010 p. 2722.]

48. Duty on prime contractors and rail operators

A prime contractor or rail operator must not transport dangerous goods if the prime contractor or rail operator knows, or ought reasonably to know, that —

(a) a Special Provision applies to the transport of the goods; and

(b) the transport of the goods does not comply with the Special Provision.

Penalty: a fine of $10 000.

49. Duty on drivers

A person must not drive a road vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that —

(a) a Special Provision applies to the transport of the goods; and

(b) the transport of the goods does not comply with the Special Provision.

Penalty: a fine of $5 000.

Part 4 — Packaging

Division 1 — General

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).

[Regulation 50 inserted: SL 2020/193 r. 11)

*[**51.** Deleted: Gazette 22 Jun 2010 p. 2722.]*

52. References to ADG Code Part 4 include Dangerous Goods List requirements

In this Part, a reference to dangerous goods being packed in accordance with any relevant provision in the ADG Code Part 4 is to be taken to include a reference to the goods being packed in accordance with any packing requirement specified in relation to the goods in the Dangerous Goods List.

Division 2 — Suitability and design of packaging

53. Suitability of packaging for transport

(1) Packaging is unsuitable for the transport of dangerous goods if —

(a) it is required to undergo performance tests under the ADG Code Part 6 and it is not approved packaging; or

(b) it does not meet any relevant standards or requirements specified by the ADG Code Part 4 or 6 (including requirements with respect to inspection, maintenance and repair); or

(c) its use, or reuse, for the transport of the goods does not comply with the ADG Code Part 4 or 6; or

(d) its use for the transport of the goods is prohibited by a determination; or

(e) it is incompatible with the goods; or

(f) it is damaged or defective to the extent that it is not safe to use to transport the goods; or

(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.

(2) A freight container is also unsuitable for use as a bulk container for the transport of dangerous goods if it does not have affixed to it a Safety Approval Plate as required under the International Convention for Safe Containers 1972.

[Regulation 53 amended: Gazette 22 Jun 2010 p. 2722-3; SL 2020/193 r. 12.]

54. Marking packaging

(1) A person must not apply any marking required by the ADG Code Part 6 on packaging if the packaging is not of a design that is approved under regulation 56.

(2) A person must not apply a marking mentioned in the ADG Code Part 6 on packaging that is not appropriate for the packaging.

Penalty: a fine of $10 000.

55. Applications for approval of packaging designs

(1) This regulation applies to packaging that is required to undergo tests under the ADG Code Part 6.

(2) A person may apply to the Chief Officer for the approval of a design for a packaging to which this regulation applies for use in the transport of dangerous goods.

(3) An application for approval must include the information required under the ADG Code Part 6.

[Regulation 55 amended: Gazette 3 Aug 2012 p. 3757.]

56. Approvals — packaging designs

(1) The Chief Officer may, on an application made in accordance with regulations 55 and 194, approve a design for a packaging for use in the transport of dangerous goods if satisfied that a packaging of that design —

(a) will comply with, or is permitted by, the ADG Code Part 6; and

(b) satisfies all the relevant testing and inspection requirements set out in that Part.

(2A) In determining whether packaging of a particular design satisfies any particular testing requirement, the Chief Officer may rely on any test certificate issued by a recognised testing facility that complies with regulation 58.

(2) If approval is sought for the design for a tank or an IBC that is pressure equipment of a kind the design of which must be registered under the *Work Health and Safety (General) Regulations 2022* regulation 243, the Chief Officer must not approve the design unless the design has been so registered.

(3) In giving his or her approval, the Chief Officer may impose in relation to the approval any condition that —

(a) is about the construction, packing, maintenance or use of packaging manufactured in accordance with the design; and

(b) is necessary for the safe use of the packaging to transport dangerous goods.

(4) A person must not construct, pack or fail to maintain packaging for use in the transport of dangerous goods or use packaging to transport dangerous goods if the person knows, or ought reasonably to know, that —

(a) a condition about the construction, packing, maintenance or use of the packaging, as the case requires, was imposed in relation to the approval of the design for the packaging; and

(b) the construction, packing, failure to maintain or use is in contravention of the condition.

Penalty: a fine of $10 000.

[Regulation 56 amended: Gazette 22 Jun 2010 p. 2723; SL 2022/24 r. 4.]

57. Term used: recognised testing facilities

For the purposes of these regulations, the following testing facilities are ***recognised testing facilities*** for packaging of a particular design —

(a) a testing facility registered by NATA to conduct performance tests required under the ADG Code Part 6 for the design;

(b) if NATA has not registered a testing facility to conduct performance tests of that kind — a testing facility in Australia capable of conducting the tests;

(c) a facility in a foreign country approved by a public authority of the country to conduct performance tests of that kind.

58. Test certificates

(1) A recognised testing facility may certify in writing that packaging of a particular design has passed particular performance tests for particular dangerous goods.

(2) If a performance test is conducted by a testing facility registered by NATA, any test certificate, or report on the test, must —

(a) contain any details required under the relevant Chapter of Part 6 of the ADG Code; and

(b) be in the appropriate form used by NATA registered testing facilities.

(3) If a performance test is conducted in Australia by a recognised testing facility that is not registered by NATA —

(a) the test must be observed by or for the Chief Officer; and

(b) any test certificate or report must contain any details required under the relevant Chapter of Part 6 of the ADG Code.

59. Approvals — overpacks

(1) The Chief Officer may, on an application made in accordance with regulation 194, approve a method of preparing an overpack for transporting dangerous goods that does not comply with the ADG Code section 5.1.2 if the Chief Officer considers that the risk involved in using the method is not greater than the risk involved in using a method that complies with the section.

(2) In giving his or her approval, the Chief Officer may impose in relation to the approval any condition that is about the use of the overpack and is necessary for the safe use of the overpack to transport dangerous goods.

(3) A person must not use an overpack to transport dangerous goods if the person knows, or ought reasonably to know, that —

(a) a condition about the use of the overpack was imposed in relation to the approval of the method of preparing the overpack; and

(b) the use is in contravention of the condition.

Penalty: a fine of $10 000.

60. Authorised bodies may give approvals

(1) The Chief Officer may, on an application made in accordance with regulation 194, authorise a body or any other person to give approvals under regulations 56 and 59.

(2) In giving his or her authorisation, the Chief Officer may impose in relation to the authorisation any condition that the Chief Officer considers appropriate in relation to the giving of approvals by the body or other person.

(3) In giving an approval, the body or other person must also, in addition to complying with any condition imposed under subregulation (2) —

(a) comply with any relevant requirements imposed under the ADG Code Part 6 in relation to the giving of the approval; and

(b) give to the Chief Officer, in relation to the approval, all of the information required under regulation 203(a) and (b) to be included in the register of approvals.

(4) If a body or any other person is authorised under this regulation to give approvals —

(a) regulation 55 and regulations 56 and 59 (or regulation 56 or 59 as the case requires) apply, in relation to the giving of approvals by the body or other person, as if a reference in those regulations to the Chief Officer were a reference to the body or other person; and

(b) Part 16 Divisions 1 and 4, to the extent that they deal with approvals, apply, in relation to the giving of approvals by the body or other person, as if a reference in those Divisions to the Chief Officer were a reference to the body or other person; and

(c) a reference in these regulations to an approval given under regulation 56 or 59 includes a reference to an approval given by the body or other person under regulation 56 or 59 as applied under paragraph (a).

(5) The Chief Officer may at any time withdraw an authorisation given under this regulation.

(6) The withdrawal of an authorisation does not affect any approval given by the body or other person before the withdrawal.

Division 3 — Prohibition on the sale or supply of non-compliant packaging

61. Offence to sell or supply non-compliant packaging

(1) A person must not sell, supply or offer to sell or supply any packaging for use in the transport of dangerous goods if it does not comply with the requirements of the ADG Code Parts 4 and 6 or Chapter 3.4 or 3.5.

(2) A person must not sell, supply or offer to sell or supply any packaging for use in the transport of dangerous goods that is marked in accordance with the ADG Code Part 6 unless the packaging conforms with a design that is approved under regulation 56.

Penalty: a fine of $10 000.

[Regulation 61 amended: SL 2020/193 r. 13.]

Division 4 — Offences relating to general packaging

[Heading inserted: Gazette 22 Jun 2010 p. 2724.]

62. Term used: general packaging

In this Division —

general packaging means all packaging other than demountable tanks, portable tanks, MEGCs, bulk containers, freight containers, tanks on tank vehicles and overpacks.

[Regulation 62 inserted: Gazette 22 Jun 2010 p. 2724.]

63. Duty on consignors

A person must not consign dangerous goods for transport in any general packaging if the person knows, or ought reasonably to know, that —

(a) the packaging is unsuitable for the transport of the goods; or

(b) the goods have not been packed in the packaging in accordance with any relevant provision of the ADG Code Part 4.

Penalty: a fine of $10 000.

[Regulation 63 inserted: Gazette 22 Jun 2010 p. 2724.]

64. Duty on packers

(1) A person must not pack dangerous goods for transport in any general packaging if the person knows, or ought reasonably to know, that the packaging is unsuitable for the transport of the goods.

(2) A person must not pack dangerous goods for transport in any general packaging in a way that the person knows, or ought reasonably to know, does not comply with any relevant provision of the ADG Code Part 4.

Penalty: a fine of $5 000.

[Regulation 64 inserted: Gazette 22 Jun 2010 p. 2724.]

65. Duty on loaders

A person must not load dangerous goods that are in any general packaging on to a vehicle for transport if the person knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Penalty: a fine of $5 000.

[Regulation 65 inserted: Gazette 22 Jun 2010 p. 2725.]

66. Duty on prime contractors and rail operators

A prime contractor or rail operator must not transport dangerous goods in any general packaging if the prime contractor or rail operator knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Penalty: a fine of $10 000.

[Regulation 66 inserted: Gazette 22 Jun 2010 p. 2725.]

67. Duty on drivers

A person must not drive a road vehicle transporting dangerous goods in any general packaging if the person knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods by road.

Penalty: a fine of $5 000.

[Regulation 67 inserted: Gazette 22 Jun 2010 p. 2725.]

Division 5 — Offences relating to other packaging

[Heading inserted: Gazette 22 Jun 2010 p. 2725.]

68. Term used: other packaging

In this Division —

other packaging means demountable tanks, portable tanks, MEGCs, bulk containers, freight containers and tanks on tank vehicles.

[Regulation 68 inserted: Gazette 22 Jun 2010 p. 2725.]

69. Duty on manufacturers of portable tanks, MEGCs or tank vehicles

(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

(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.

(3) A person who manufactures a tank vehicle for use in the transport of dangerous goods must attach a compliance plate to the vehicle in accordance with the ADG Code section 6.10.2.2.

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

[Regulation 69 inserted: Gazette 22 Jun 2010 p. 2726; amended: SL 2024/22 r. 7.]

70. Duty on owners of demountable tanks, portable tanks and MEGCs

The owner of a demountable tank, a portable tank or an MEGC must not use the tank or MEGC, or permit the tank or MEGC to be used, to transport dangerous goods if the tank or MEGC is unsuitable for the transport of the goods.

Penalty: a fine of $10 000.

[Regulation 70 inserted: Gazette 22 Jun 2010 p. 2726.]

71. Duty on consignors

(1) A person must not consign dangerous goods for transport in any other packaging provided by the person if —

(a) the packaging is unsuitable for the transport of the goods; or

(b) the goods have not been packed in the packaging in accordance with any relevant provision in the ADG Code Part 4.

(2) A person must not consign dangerous goods for transport in any other packaging that was provided by any other person if —

(a) the packaging is unsuitable for the transport of the goods; or

(b) the goods have not been packed in the packaging in accordance with any relevant provision in the ADG Code Part 4.

Penalty: a fine of $10 000.

[Regulation 71 inserted: Gazette 22 Jun 2010 p. 2726-7.]

72. Duty on packers

(1) A person must not pack dangerous goods for transport in any other packaging if the person knows, or ought reasonably to

know, that the packaging is unsuitable for the transport of the goods.

(2) A person must not pack dangerous goods for transport in any other packaging in a way that the person knows, or ought reasonably to know, does not comply with any relevant provision in the ADG Code Part 4.

Penalty: a fine of $5 000.

[Regulation 72 inserted: Gazette 22 Jun 2010 p. 2727.]

73. Duty on loaders

A person must not load dangerous goods that are in any other packaging on to a vehicle for transport if the person knows, or ought reasonably to know, that the packaging is unsuitable for the transport of the goods.

Penalty: a fine of $5 000.

[Regulation 73 inserted: Gazette 22 Jun 2010 p. 2727.]

74. Duty on prime contractors and rail operators

(1) A prime contractor or rail operator must not transport dangerous goods in any other packaging provided by the prime contractor or rail operator if —

(a) the packaging is unsuitable for the transport of the goods; or

(b) the goods have not been packed in the packaging in accordance with any relevant provision of the ADG Code Part 4.

(2) A prime contractor or rail operator must not transport dangerous goods in any other packaging provided by any other person if the prime contractor or rail operator knows, or ought reasonably to know, that —

(a) the packaging is unsuitable for the transport of the goods; or

(b) the goods have not been packed in the packaging in accordance with any relevant provision of the ADG Code Part 4.

Penalty: a fine of $10 000.

[Regulation 74 inserted: Gazette 22 Jun 2010 p. 2728.]

75. Duty on drivers

A person must not drive a road vehicle transporting dangerous goods in any other packaging if the person knows, or ought reasonably to know, that —

(a) the packaging is unsuitable for the transport of the goods; or

(b) the goods have not been packed in the packaging in accordance with any relevant provision of the ADG Code Part 4.

Penalty: a fine of $5 000.

[Regulation 75 inserted: Gazette 22 Jun 2010 p. 2728.]

*[**76-82.** Deleted: Gazette 22 Jun 2010 p. 2724.]*

[Divisions 6-8 (r. 83-100) deleted: Gazette 22 Jun 2010 p. 2724.]

Division 9 — Offences relating to overpacks

101. Duty on consignors

A person must not consign dangerous goods for transport in an overpack if —

(a) the packages to be included in the overpack cannot be transported safely in the overpack; or

(b) the preparation of the overpack does not comply with either —

(i) the ADG Code section 5.1.2; or

(ii) an approval given under regulation 59.

Penalty: a fine of $5 000.

102. Duty on packers

A person must not pack dangerous goods for transport in an overpack if the person knows, or ought reasonably to know, that —

(a) the packages to be included in the overpack cannot be transported safely in the overpack; or

(b) the preparation of the overpack does not comply with either —

(i) the ADG Code section 5.1.2; or

(ii) an approval given under regulation 59.

Penalty: a fine of $5 000.

103. Duty on loaders

A person must not load dangerous goods in an overpack for transport if the person knows, or ought reasonably to know, that —

(a) the packages within the overpack cannot be transported safely in the overpack; or

(b) the preparation of the overpack does not comply with either —

(i) the ADG Code section 5.1.2; or

(ii) an approval given under regulation 59.

Penalty: a fine of $5 000.

104. Duty on prime contractors and rail operators

A prime contractor or rail operator must not transport dangerous goods in an overpack if the prime contractor or rail operator knows, or ought reasonably to know, that —

(a) the packages within the overpack cannot be transported safely in the overpack; or

(b) the preparation of the overpack does not comply with either —

(i) the ADG Code section 5.1.2; or

(ii) an approval given under regulation 59.

Penalty: a fine of $5 000.

105. Duty on drivers

A person must not drive a road vehicle transporting dangerous goods in an overpack if the person knows, or ought reasonably to know, that the packages within the overpack cannot be transported safely in the overpack.

Penalty: a fine of $5 000.

Part 5 — Consignment procedures

Division 1 — Marking and labelling

106. Term used: appropriately marked

(1) A receptacle (other than a cargo transport unit or an overpack) that contains dangerous goods and —

(a) has a capacity of more than 500 L; or

(b) contains more than 500 kg of dangerous goods,

is ***appropriately marked*** if it is marked and labelled in accordance with the ADG Code Chapters 5.2 and 5.3.3.

(2) A receptacle (other than an overpack) to which subregulation (1) does not apply that contains dangerous goods is ***appropriately marked*** if —

(a) it is marked and labelled in accordance with the ADG Code Chapter 5.2; and

(b) it is placarded in accordance with the ADG Code section 5.3.3.

(3) An overpack is ***appropriately marked*** if it is marked and labelled in accordance with the ADG Code section 5.1.2.

(4) A package of dangerous goods packed in limited quantities is also ***appropriately marked*** if it is marked and labelled in accordance with the ADG Code Chapter 3.4.

(5) A package of dangerous goods packed in excepted quantities is also ***appropriately marked*** if it is marked and labelled in accordance with the ADG Code Chapter 3.5.

(6) For the purposes of subregulation (5), dangerous goods are packed in excepted quantities if —

(a) the goods are assigned to code E1, E2, E3, E4 or E5 in the Dangerous Goods List column 7b; and

(b) the goods are packed in accordance with the ADG Code Chapter 3.5; and

(c) the quantity of dangerous goods does not exceed the quantity specified in the ADG Code section 3.5.1.2.

[Regulation 106 amended: Gazette 22 Jun 2010 p. 2729; 13 Jun 2014 p. 1933; 11 Jul 2017 p. 3824; 31 Aug 2018 p. 3045.]

107. Duty on consignors

(1) A person must not consign dangerous goods for transport in a package if the package is not appropriately marked.

(2) A person must not consign dangerous goods for transport in a package if a marking or label on the package about its contents is false or misleading in a material particular.

(3) A person must not consign goods for transport in a package that does not contain dangerous goods but is marked or labelled as if it contained dangerous goods.

(3A) Subregulation (3) does not apply if the marking or labelling of the package complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the package.

(3B) A reference to a label in this regulation includes a reference to a placard.

Penalty for an offence under this regulation:

(a) for large packaging or overpack — a fine of $5 000;

(b) in any other case — a fine of $1 500.

[Regulation 107 amended: Gazette 13 Jun 2014 p. 1933-4.]

108. Duty on packers

(1) A person must not pack dangerous goods for transport if the person knows, or ought reasonably to know, that any of the

packaging to be used to transport the goods is not appropriately marked.

(2) A person who packs dangerous goods for transport in a package must not mark or label the package with a marking or label about its contents that the person knows, or ought reasonably to know, is false or misleading in a material particular.

(3) A person who packs goods for transport in a package must not mark or label the package as if it contained dangerous goods if the person knows, or ought reasonably to know, that it does not contain dangerous goods.

(4) Subregulation (3) does not apply if the marking or labelling of the package complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the package.

(5) A reference to a label in this regulation includes a reference to a placard.

Penalty for an offence under this regulation:

(a) for large packaging or overpack — a fine of $5 000;

(b) in any other case — a fine of $1 500.

[Regulation 108 amended: Gazette 13 Jun 2014 p. 1934.]

109. Duty on prime contractors and rail operators

(1) A prime contractor or rail operator must not transport goods in a package if the prime contractor or rail operator knows, or ought reasonably to know, that —

(a) the goods are dangerous goods; and

(b) the package is not appropriately marked.

(2) A prime contractor or rail operator must not transport dangerous goods in a package if the prime contractor or rail operator knows, or ought reasonably to know, that a marking or label on the package about its contents is false or misleading in a material particular.

(3) A prime contractor or rail operator must not transport goods in a package that is marked or labelled as if it contained dangerous goods if the prime contractor or rail operator knows, or ought reasonably to know, that the package does not contain dangerous goods.

(4) Subregulation (3) does not apply if the marking or labelling of the package complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the package.

(5) A reference to a label in this regulation includes a reference to a placard.

Penalty for an offence under this regulation:

(a) for large packaging or overpack — a fine of $5 000;

(b) in any other case — a fine of $1 500.

[Regulation 109 amended: Gazette 13 Jun 2014 p. 1934-5.]

109A. Further duties if dangerous goods transported in portable tank or by tank vehicle

(1) A person must not consign dangerous goods for transport in a portable tank, or by a tank vehicle, if a sign, writing or other information affixed to the portable tank or tank vehicle is false or misleading in a material particular about the contents of the portable tank or tank vehicle.

Penalty for this subregulation: a fine of $5 000.

(2) A prime contractor must not transport dangerous goods in a portable tank, or by a tank vehicle, if the prime contractor knows, or ought reasonably to know, that a sign, writing or other information affixed to the portable tank or tank vehicle is false or misleading in a material particular about the contents of the portable tank or tank vehicle.

Penalty for this subregulation: a fine of $5 000.

[Regulation 109A inserted: Gazette 31 Aug 2018 p. 3046.]

Division 2 — Placarding

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.

[Regulation 110 inserted: SL 2020/193 r. 14.]

111. Terms used: placard, appropriately placarded

(1) A person ***placards*** a load that contains dangerous goods if the person affixes, stencils, prints or places a label (as defined in the ADG Code) or an emergency information panel (as defined in the ADG Code section 5.3.1.3) in relation to the load on anything that is being, or that is to be, used to transport the load.

(2) A placard load is ***appropriately placarded*** if it is placarded in accordance with the ADG Code Chapter 5.3.

[Regulation 111 amended: Gazette 13 Jun 2014 p. 1935.]

112. Duty on consignors

(1) A person must not consign a placard load for transport if the load is not appropriately placarded.

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

(2) A person must not consign a placard load for transport if the placarding of the load is false or misleading in a material particular.

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

(3) A person must not consign goods for transport in or on a cargo transport unit that does not contain dangerous goods but is placarded as if it were a placard load.

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

(4) Subregulation (3) does not apply if the placarding of the cargo transport unit complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the cargo transport unit.

(5) A person must not consign a load of dangerous goods (other than a placard load) for transport in or on a cargo transport unit if —

(a) the load is placarded; and

(b) the placarding is false or misleading in a material particular.

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

[Regulation 112 amended: Gazette 13 Jun 2014 p. 1935-6; 17 Nov 2015 p. 4696-7.]

113. Duty on loaders

(1) A person who loads dangerous goods on to a vehicle for transport must ensure that the load is appropriately placarded if the person knows, or ought reasonably to know, that the goods are a placard load.

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

(2) A person who loads a placard load on to a vehicle for transport must not placard the load with placarding that the person knows, or ought reasonably to know, is false or misleading in a material particular.

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

(3) A person who loads goods on to a vehicle for transport must not placard the load as if it were a placard load if the person knows, or ought reasonably to know, that the load does not contain dangerous goods.

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

(4) Subregulation (3) does not apply if the placarding of the load complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the load.

(5) A person who loads dangerous goods (other than a placard load) into or on to a cargo transport unit for transport in or on the unit

must not placard the load with placarding that the person knows, or ought reasonably to know, is false or misleading in a material particular.

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

[Regulation 113 amended: Gazette 22 Jun 2010 p. 2730; 13 Jun 2014 p. 1936; 17 Nov 2015 p. 4697.]

114. Duty on prime contractors and rail operators

(1) A prime contractor or rail operator must not transport dangerous goods if the prime contractor or rail operator knows, or ought reasonably to know, that —

(a) the goods are a placard load; and

(b) the load is not appropriately placarded.

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

(2) A prime contractor or rail operator must not transport a placard load if the prime contractor or rail operator knows, or ought reasonably to know, that the placarding of the load is false or misleading in a material particular.

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

(3) A prime contractor or rail operator must not use, or permit to be used, a cargo transport unit that is placarded as if it were a placard load if the prime contractor or rail operator knows, or ought reasonably to know, that the cargo transport unit does not contain dangerous goods.

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

(4) Subregulation (3) does not apply if the placarding of the cargo transport unit complies with the requirements of the ICAO Technical Instructions or the IMDG Code with respect to the contents of the cargo transport unit.

(5) A prime contractor or rail operator must not transport a load of dangerous goods (other than a placard load) in or on a cargo transport unit if —

(a) the load is placarded; and

(b) the person knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

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

[Regulation 114 amended: Gazette 13 Jun 2014 p. 1936-7; 17 Nov 2015 p. 4698.]

115. Duty on drivers

(1) A person must not drive a road vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that —

(a) the goods are a placard load; and

(b) the load is not appropriately placarded.

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

(2) A person must not drive a road vehicle transporting a placard load if the person knows, or ought reasonably to know, that the placarding of the load is false or misleading in a material particular.

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

(3) A person must not drive a road vehicle that is, or that incorporates, a cargo transport unit that is placarded as if it were a placard load if the person knows, or ought reasonably to know, that the vehicle does not contain dangerous goods.

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

(4) A person must not drive a road vehicle that is, or that incorporates, a cargo transport unit if —

(a) the unit is transporting a load of dangerous goods (other than a placard load); and

(b) the load is placarded; and

(c) the person knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

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

[Regulation 115 amended: Gazette 13 Jun 2014 p. 1937; 17 Nov 2015 p. 4698-9.]

Part 6 — Safety standards for vehicles and equipment

116. Duty on owners

The owner of a vehicle must not use the vehicle, or permit it to be used, to transport dangerous goods if the vehicle or its equipment does not comply with the ADG Code Chapters 4.4 and 6.10.

Penalty: a fine of $10 000.

[Regulation 116 amended: SL 2024/22 r. 14.]

117. Duty on consignors

A person must not consign dangerous goods for transport in or on a vehicle if the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with the ADG Code Chapters 4.4 and 6.10.

Penalty: a fine of $10 000.

[Regulation 117 amended: SL 2024/22 r. 14.]

118. Duty on loaders

A person must not load dangerous goods for transport in or onto a vehicle if the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with the ADG Code Chapters 4.4 and 6.10.

Penalty: a fine of $10 000.

[Regulation 118 amended: SL 2024/22 r. 14.]

119. Duties on prime contractors and rail operators

A prime contractor or rail operator must not use a vehicle to transport dangerous goods if the vehicle or its equipment does not comply with the ADG Code Chapters 4.4 and 6.10.

Penalty: a fine of $10 000.

[Regulation 119 amended: SL 2024/22 r. 14.]

120. Duty on drivers

A person must not drive a road vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that the road vehicle or its equipment does not comply with the ADG Code Chapters 4.4 and 6.10.

Penalty: a fine of $10 000.

[Regulation 120 amended: SL 2024/22 r. 14.]

Part 7 — Transport operations relating to certain dangerous goods and nominally empty storage vessels

[Heading inserted: Gazette 11 Jul 2017 p. 3825; amended: SL 2020/193 r. 15.]

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.

[Regulation 120A inserted: SL 2020/193 r. 16.]

121. Application of Part

(1) This Part applies to the transport of the following dangerous goods —

(a) gases of UN Class 2;

(b) self-reactive substances of UN Division 4.1;

(c) organic peroxides of UN Division 5.2;

(d) other substances for which —

(i) the proper shipping name contains the word "STABILIZED"; and

(ii) the self-accelerating decomposition temperature, as presented for transport in a packaging is 50°C or lower;

(e) toxic substances of UN Division 6.1 or that have a Subsidiary Hazard of 6.1;

(f) dangerous when wet substances of UN Division 4.3.

(2) This Part also applies to the transport of nominally empty storage vessels.

[Regulation 121 amended: Gazette 11 Jul 2017 p. 3825-6; 31 Aug 2018 p. 3047; SL 2020/193 r. 17.]

122. Duty on consignors

(1) A person must not consign dangerous goods to which this Part applies for transport if the person knows, or ought reasonably to know, that the goods are not loaded or stowed, or cannot be transported or unloaded, in accordance with the ADG Code Chapter 7.1.

Penalty for this subregulation: a fine of $5 000.

(2) A person must not consign nominally empty storage vessels for transport if the person knows, or ought reasonably to know, that the storage vessels are not loaded or stowed, or cannot be transported or unloaded, in accordance with the ADG Code Chapter 7.2.

Penalty for this subregulation: a fine of $5 000.

[Regulation 122 amended: Gazette 11 Jul 2017 p. 3826; SL 2020/193 r. 18.]

123. Duty on loaders

(1) A person must not load dangerous goods to which this Part applies on to a vehicle for transport otherwise than in accordance with the ADG Code Chapter 7.1.

Penalty for this subregulation: a fine of $5 000.

(2) A person must not load nominally empty storage vessels on to a vehicle for transport otherwise than in accordance with the ADG Code Chapter 7.2.

Penalty for this subregulation: a fine of $5 000.

[Regulation 123 amended: Gazette 22 Jun 2010 p. 2730; 11 Jul 2017 p. 3826; SL 2020/193 r. 19.]

124. Duty on prime contractors and rail operators

(1) A prime contractor or rail operator must not transport dangerous goods to which this Part applies if the prime contractor or rail

operator knows, or ought reasonably to know, that the transport does not comply with the ADG Code Chapter 7.1.

Penalty for this subregulation: a fine of $5 000.

(2) A prime contractor or rail operator must not transport nominally empty storage vessels if the prime contractor or rail operator knows, or ought reasonably to know, that the transport does not comply with the ADG Code Chapter 7.2.

Penalty for this subregulation: a fine of $5 000.

[Regulation 124 amended: Gazette 11 Jul 2017 p. 3827; SL 2020/193 r. 20.]

125. Duty on drivers

(1) A person must not drive a road vehicle transporting dangerous goods to which this Part applies if the person knows, or ought reasonably to know, that the dangerous goods are not being transported in accordance with the ADG Code Chapter 7.1.

Penalty for this subregulation: a fine of $3 000.

(2) A person must not drive a road vehicle transporting nominally empty storage vessels if the person knows, or ought reasonably to know, that the storage vessels are not being transported in accordance with the ADG Code Chapter 7.2.

Penalty for this subregulation: a fine of $3 000.

[Regulation 125 amended: Gazette 11 Jul 2017 p. 3827; SL 2020/193 r. 21.]

Part 8 — Stowage and restraint

[Heading inserted: Gazette 22 Jun 2010 p. 2730.]

126. Duty on consignors

(1) A person must not consign for transport in or on a vehicle a load that contains dangerous goods and that is a placard load if the person knows, or ought reasonably to know, that the goods or their packaging are not, or will not be, stowed, loaded and restrained in accordance with the ADG Code Chapter 8.1.

(2) A person must not consign a load that contains dangerous goods for transport in or on a cargo transport unit if the person knows, or ought reasonably to know, that the cargo transport unit is not, or will not be, restrained in accordance with the ADG Code Chapter 8.2.

Penalty: a fine of $5 000.

[Regulation 126 inserted: Gazette 22 Jun 2010 p. 2730-1; amended: Gazette 13 Jun 2014 p. 1937.]

127. Duty on loaders

(1) A person who loads a load that contains dangerous goods and that is a placard load on to a vehicle for transport must ensure that the load is stowed, loaded and restrained in accordance with the ADG Code Chapter 8.1.

(2) A person who loads for transport in or on a vehicle dangerous goods that are in a cargo transport unit must ensure that the cargo transport unit is restrained in accordance with the ADG Code Chapter 8.2.

Penalty: a fine of $3 000.

[Regulation 127 inserted: Gazette 22 Jun 2010 p. 2731; amended: Gazette 13 Jun 2014 p. 1938.]

128. Duty on prime contractors and rail operators

(1) A prime contractor or rail operator must not transport in or on a vehicle a load that contains dangerous goods and that is a placard load if the prime contractor or rail operator knows, or ought reasonably to know, that the goods or their packaging have not been stowed or loaded, or are not restrained, in accordance with the ADG Code Chapter 8.1.

(2) A prime contractor or rail operator must not transport dangerous goods in or on a cargo transport unit if the prime contractor or rail operator knows, or ought reasonably to know, that the goods or their packaging are not restrained in accordance with the ADG Code Chapter 8.2.

Penalty: a fine of $5 000.

[Regulation 128 inserted: Gazette 22 Jun 2010 p. 2731-2; amended: Gazette 13 Jun 2014 p. 1938.]

129. Duty on drivers

(1) A person must not drive a road vehicle transporting a load that contains dangerous goods and that is a placard load if the person knows, or ought reasonably to know, that the goods or their packaging have not been stowed or loaded, or are not restrained, in accordance with the ADG Code Chapter 8.1.

(2) A person must not drive a road vehicle transporting dangerous goods in a cargo transport unit if the person knows, or ought reasonably to know, that the goods or their packaging are not restrained in accordance with the ADG Code Chapter 8.2.

Penalty: a fine of $3 000.

[Regulation 129 inserted: Gazette 22 Jun 2010 p. 2732; amended: Gazette 13 Jun 2014 p. 1938.]

Part 9 — Segregation

130. Application of Part

(1) This Part applies to —

(a) the transport of a placard load; or

(b) the transport of a load that contains dangerous goods but that is not a placard load if the load contains dangerous goods of UN Division 2.3 or UN Class 6 or 8, or dangerous goods that have a Subsidiary Hazard of 6.1 or 8, that are being, or are to be, transported with food or food packaging.

(2) This Part does not apply to the transport of dangerous goods packed in limited quantities.

[Regulation 130 amended: Gazette 22 Jun 2010 p. 2732; 13 Jun 2014 p. 1939; 31 Aug 2018 p. 3047.]

131. Exception for certain goods for driver's personal use

Despite regulations 132 to 136, food and food packaging may be transported in or on a road vehicle with dangerous goods if the food or packaging is in the road vehicle's cabin and is for the driver's personal use.

132. Duty on consignors

A person must not consign dangerous goods for transport in or on a vehicle if the person knows, or ought reasonably to know, that —

(a) the vehicle is, in the same journey, transporting incompatible goods; and

(b) the dangerous goods will not be segregated from the incompatible goods in accordance with —

(i) the ADG Code Part 9; or

(ii) any determination made under regulation 18(a); or

(iii) any approval given under regulation 138.

Penalty: a fine of $10 000.

133. Duty on loaders

A person must not load dangerous goods for transport in or on a vehicle if the person knows, or ought reasonably to know, that —

(a) the vehicle is, in the same journey, transporting incompatible goods; and

(b) the dangerous goods will not be segregated from the incompatible goods in accordance with —

(i) the ADG Code Part 9; or

(ii) any determination made under regulation 18(a); or

(iii) any approval given under regulation 138.

Penalty: a fine of $10 000.

134. Duty on prime contractors

A prime contractor must not use a road vehicle to transport dangerous goods if the prime contractor knows, or ought reasonably to know, that —

(a) the vehicle is, in the same journey, transporting incompatible goods; and

(b) the dangerous goods are not segregated from the incompatible goods in accordance with —

(i) the ADG Code Part 9; or

(ii) any determination made under regulation 18(a); or

(iii) any approval given under regulation 138.

Penalty: a fine of $10 000.

135. Duty on rail operators

A rail operator must not use a train to transport dangerous goods if the rail operator knows, or ought reasonably to know, that —

(a) the train is, in the same journey, transporting incompatible goods; and

(b) the dangerous goods are not segregated from the incompatible goods in accordance with —

(i) the ADG Code Part 9; or

(ii) any determination made under regulation 18(a); or

(iii) any approval given under regulation 138.

Penalty: a fine of $10 000.

136. Duty on drivers

A person must not drive a road vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that —

(a) the road vehicle is, in the same journey, transporting incompatible goods; and

(b) the dangerous goods are not segregated from the incompatible goods in accordance with —

(i) the ADG Code Part 9; or

(ii) any determination made under regulation 18(a); or

(iii) any approval given under regulation 138.

Penalty: a fine of $3 000.

137. Approvals — Type II segregation devices

(1) An application for approval of a design for a Type II segregation device for use in the transport of dangerous goods must include any information required under the ADG Code Chapter 6.11.

(2) The Chief Officer may, on an application made in accordance with subregulation (1) and regulation 194, approve a design for a Type II segregation device if the design complies with the ADG Code Chapter 6.11.

138. Approvals — methods of segregation

(1) The Chief Officer may, on an application made in accordance with regulation 194, approve a method of segregation not complying with the ADG Code Part 9 for transporting dangerous goods and incompatible goods by road, if the Chief Officer considers that —

(a) it is impracticable to segregate the goods by a segregation device, or method of segregation, complying with that Part; and

(b) the risk involved in using the method to transport the goods by road is not greater than the risk involved in using a device or method complying with that Part to transport the goods by road.

(2) In giving his or her approval, the Chief Officer may impose in relation to the approval any condition that is necessary for the safe transport of dangerous goods.

(3) A person to whom an approval has been given under this regulation must not contravene a condition of the approval.

Penalty: a fine of $5 000.

Part 10 — Bulk transfer of dangerous goods

Division 1 — General

139. Term used: bulk transfer

In this Part —

bulk transfer, in relation to dangerous goods, means the transfer by gravity, pump or pressure differential of the liquid, solid or gaseous dangerous goods, by the use of pipe work or hose, into or out of a tank vehicle, or into or out of a portable tank, demountable tank, bulk container, pressure drum, tube, MEGC or IBC that is on a vehicle.

Division 2 — Equipment and transfer

140. Duty on transferors — hose assemblies

(1) A person must not use a hose assembly for the bulk transfer of dangerous goods if the person knows, or ought reasonably to know, that the hose assembly is damaged or defective to the extent that it is not safe to use to transfer the goods.

Penalty: a fine of $10 000.

(2) A person must not use a hose assembly for the bulk transfer of dangerous goods if the person knows, or ought reasonably to know, that the hose assembly —

(a) has not been constructed, assembled or maintained in accordance with the ADG Code Chapter 10.1; or

(b) has not been inspected or tested at the intervals, or in the way, required under that Chapter; or

(c) has not satisfied a test required under that Chapter.

Penalty: a fine of $5 000.

[Regulation 140 amended: Gazette 22 Jun 2010 p. 2733.]

141. Duty on transferors — general

(1) A person who transfers dangerous goods by bulk transfer must ensure that the goods are transferred in accordance with the ADG Code Chapter 10.2.

(2) A person must not transfer dangerous goods by bulk transfer if the person knows, or ought reasonably to know, that —

(a) the receiving receptacle or the transfer equipment is incompatible with the dangerous goods; or

(b) the receiving receptacle contains incompatible goods.

(3) If, during a bulk transfer of dangerous goods, the goods leak, spill or accidentally escape, the person transferring the goods —

(a) must immediately stop transferring the goods; and

(b) must not resume transferring the goods until the conditions that caused the leak, spill or escape have been rectified.

Penalty: a fine of $5 000.

142. Duty on occupiers

(1) The occupier of premises where a bulk transfer of dangerous goods occurs must ensure that any hose assembly on the premises that is used, or intended to be used, for the transfer (other than a hose assembly brought onto the premises on a vehicle involved in the transfer) —

(a) has been constructed, assembled and maintained in accordance with the ADG Code Chapter 10.1; and

(b) has been inspected and tested at the intervals, and in the way, required under that Chapter; and

(c) satisfies each test required under that Chapter.

Penalty: a fine of $5 000.

(2) The occupier of premises where a bulk transfer of dangerous goods occurs must ensure that the goods are transferred in accordance with the ADG Code Chapter 10.2.

Penalty: a fine of $10 000.

(3) The occupier must keep, in accordance with the ADG Code section 10.1.3.4, accurate records of all maintenance work, and each inspection and test, carried out on the hose assembly.

Penalty: a fine of $1 500.

143. Duty on prime contractors

(1) A prime contractor engaged in a bulk transfer of dangerous goods must ensure that any hose assembly that is used, or intended to be used, for the transfer of the goods (other than a hose assembly for which the prime contractor is not responsible) —

(a) has been constructed, assembled and maintained in accordance with the ADG Code Chapter 10.1; and

(b) has been inspected and tested at the intervals, and in the way, required under that Chapter; and

(c) satisfies each test required under that Chapter.

Penalty: a fine of $5 000.

(2) A prime contractor engaged in a bulk transfer of dangerous goods must ensure that the goods are transferred in accordance with the ADG Code Chapter 10.2.

Penalty: a fine of $10 000.

(3) The prime contractor must keep, in accordance with the ADG Code section 10.1.3.4, accurate records of all maintenance work, and each inspection and test, carried out on the hose assembly.

Penalty: a fine of $1 500.

144. Duty on rail operators

A rail operator engaged in a bulk transfer of dangerous goods must ensure that any hose assembly that is used, or intended to be used, for the transfer of the goods (other than a hose assembly for which the rail operator is not responsible) —

(a) has been constructed, assembled and maintained in accordance with the ADG Code Chapter 10.1; and

(b) has been inspected and tested at the intervals, and in the way, required under that Chapter; and

(c) satisfies each test required under that Chapter.

Penalty: a fine of $5 000.

Division 3 — Filling ratio and ullage for tank vehicles

145. Application of Division

This Division applies to and in relation to bulk transfer into a tank vehicle.

146. Duty on transferors

(1) A person who transfers dangerous goods by bulk transfer must ensure that —

(a) for dangerous goods of UN Class 2 that are not in the form of a refrigerated liquid, the quantity of the goods in the tank to which the goods are transferred does not exceed the maximum permitted filling ratio set out in the ADG Code section 10.3.2;

(b) in any other case, the ullage in the tank complies with the ADG Code section 10.3.1.

(1A) If —

(a) a person is engaged in the bulk transfer of goods that are not dangerous goods to a tank (***tank A***); and

(b) tank A is on, or part of, a vehicle; and

(c) the person knows, or reasonably ought to know, that the vehicle —

(i) is carrying dangerous goods in another tank or in another compartment of tank A; or

(ii) is likely to carry dangerous goods in another tank, or in another compartment of tank A, before tank A is emptied of the non-dangerous goods —

the person must ensure that the ullage in tank A in respect of the non-dangerous goods complies with the ADG Code section 10.3.1 as if the goods were dangerous goods.

Penalty for an offence under this regulation: a fine of $5 000.

[Regulation 146 inserted: Gazette 13 Jun 2014 p. 1939-40.]

147. Duty on prime contractors and rail operators

(1) A prime contractor or rail operator must not transport dangerous goods in a tank if —

(a) for dangerous goods of UN Class 2 that are not in the form of a refrigerated liquid, the quantity of the goods in the tank exceeds the maximum permitted filling ratio set out in the ADG Code section 10.3.2;

(b) in any other case, the ullage in the tank does not comply with the ADG Code section 10.3.1.

(1A) If —

(a) a prime contractor or rail operator uses a vehicle to transport a tank (***tank A***) containing goods that are not dangerous goods; and

(b) at the same time uses the vehicle to also transport dangerous goods in another tank or in another compartment of tank A —

the prime contractor or rail operator must ensure that the ullage in tank A in respect of the non-dangerous goods complies with the ADG Code section 10.3.1 as if the goods were dangerous goods.

Penalty for an offence under this regulation: a fine of $5 000.

[Regulation 147 inserted: Gazette 13 Jun 2014 p. 1940.]

148. Duty on drivers

(1) A person must not drive a road tank vehicle transporting dangerous goods if the person knows, or ought reasonably to know, that —

(a) for dangerous goods of UN Class 2 that are not in the form of a refrigerated liquid, the quantity of the goods in the tank exceeds the maximum permitted filling ratio set out in the ADG Code section 10.3.2;

(b) in any other case, the ullage in the tank does not comply with the ADG Code section 10.3.1.

(2) If —

(a) a road vehicle contains in a tank (***tank A***) goods that are not dangerous goods; and

(b) at the same time the vehicle contains dangerous goods in another tank or in another compartment of tank A —

a person must not drive the vehicle if the person knows, or reasonably ought to know, that the ullage in tank A in respect of the non-dangerous goods would not comply with the ADG Code section 10.3.1 if the goods in it were dangerous goods.

Penalty for an offence under this regulation: a fine of $5 000.

[Regulation 148 inserted: Gazette 13 Jun 2014 p. 1941.]

Part 11 — Documentation

Division 1 — Transport documentation

149. False or misleading information

A person must not include information in transport documentation for dangerous goods that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Penalty: a fine of $10 000.

150. Duty on consignors — transport by road

(1) A person must not consign dangerous goods for transport in or on a road vehicle if the prime contractor or the driver of the road vehicle does not have transport documentation for the goods.

(2) A person must not consign dangerous goods for transport by road if —

(a) the person knows, or ought reasonably to know, that the goods will be divided into, and transported in, separate loads; and

(b) the prime contractor, or the driver of each road vehicle transporting the goods, does not have separate transport documentation for each load.

Penalty: a fine of $3 000.

[Regulation 150 amended: Gazette 31 Aug 2018 p. 3047.]

151. Duty on consignors — transport by rail

(1) A person must not consign dangerous goods for transport in or on a unit of rolling stock if the rail operator does not have transport documentation for the goods.

Penalty: a fine of $3 000.

(2) For the purposes of subregulation (1), a rail operator is to be taken to have the transport documentation if the contents of the

transport documentation have been communicated to the rail operator by means of electronic data processing or electronic data interchange.

[Regulation 151 amended: Gazette 31 Aug 2018 p. 3047.]

152. Duty on prime contractors

A prime contractor must ensure that a person does not drive a road vehicle used by the prime contractor to transport dangerous goods if —

(a) the person has not been given transport documentation for the goods; and

(b) the documentation is not readily able to be located in the vehicle in accordance with the ADG Code Chapter 11.1.

Penalty: a fine of $5 000.

[Regulation 152 inserted: Gazette 13 Jun 2014 p. 1942; amended: Gazette 11 Jul 2017 p. 3827; 31 Aug 2018 p. 3047.]

153. Duty on rail operators

A rail operator must not transport dangerous goods by rail unless the driver of the train transporting the goods has been given transport documentation for the goods.

Penalty: a fine of $5 000.

[Regulation 153 amended: Gazette 31 Aug 2018 p. 3047.]

154. Duty on drivers

(1) The driver of a road vehicle transporting dangerous goods —

(a) must carry transport documentation for the goods; and

(b) must ensure that the documentation is located in the vehicle in accordance with the ADG Code Chapter 11.1.

(2) The driver of a road vehicle transporting dangerous goods must produce the transport documentation for the goods for inspection by a DGO, a police officer or an emergency service

officer, if the officer asks the driver to produce the documentation for inspection.

Penalty: a fine of $3 000.

[Regulation 154 amended: Gazette 13 Jun 2014 p. 1942.]

155. Duty on train drivers

(1) A person must not drive a train that the person knows, or ought reasonably to know, is transporting dangerous goods, if the person does not have transport documentation for the goods.

Penalty: a fine of $3 000.

(2) The driver of a train transporting dangerous goods must produce the transport documentation for the goods for inspection by a DGO, a police officer or an emergency service officer, if the officer asks the driver to produce the documentation for inspection.

Penalty: a fine of $3 000.

(3) Subregulations (1) and (2) do not apply if the train driver transporting dangerous goods is in a depot or yard, or is engaged in shunting operations, and the transport documentation for the goods is readily available elsewhere in the immediate vicinity of the depot, yard or operations.

[Regulation 155 amended: Gazette 22 Jun 2010 p. 2733; 31 Aug 2018 p. 3047.]

156A. Prime contractor's duties: retention of documents

(1) This regulation applies if these regulations or the ADG Code require a prime contractor to create or use a document in relation to the transport of dangerous goods.

(2) The prime contractor must retain the document, or a copy of the document, for at least 3 months after the transport of the dangerous goods by the prime contractor finishes.

Penalty: a fine of $5 000.

(3) It is not a failure to comply with subregulation (2) if —

(a) a document, or a copy of a document, is retained in a form other than paper; and

(b) a readily legible paper copy of the document or copy can be readily created at any time during the 3 months at the request of a DGO.

[Regulation 156A inserted: Gazette 13 Jun 2014 p. 1943.]

Division 2 — Emergency information

156. Term used: required emergency information

In this Division —

required emergency information means —

(a) emergency information that complies with the ADG Code Chapter 11.2; or

(b) emergency information that is approved under regulation 162.

157. Duty on consignors

A person must not consign a placard load for transport in or on a vehicle if the person knows, or ought reasonably to know, that the required emergency information is not on the vehicle.

Penalty: a fine of $3 000.

158. Duty on prime contractors

A prime contractor must not use a road vehicle to transport a placard load if —

(a) the road vehicle is not equipped with an emergency information holder that complies with the ADG Code Chapter 11.2; or

(b) the required emergency information is not in the holder.

Penalty: a fine of $5 000.

159. Duty on rail operators

(1) A rail operator must not transport a placard load in a cargo transport unit on a train if the required emergency information is not in the train driver's cab.

Penalty: a fine of $5 000.

(2) Subregulation (1) does not apply when a train transporting a placard load is involved in shunting operations and the required emergency information is readily available elsewhere in the immediate vicinity of those operations.

[Regulation 159 amended: Gazette 13 Jun 2014 p. 1943.]

160. Duty on drivers

(1) A person must not drive a road vehicle transporting a placard load if —

(a) the road vehicle is not equipped with an emergency information holder that complies with the ADG Code Chapter 11.2; or

(b) the required emergency information provided by the consignor of the goods, or by the prime contractor for the transport of the goods, is not in the holder.

Penalty: a fine of $3 000.

(2) The driver of a road vehicle transporting a placard load must ensure that the road vehicle's emergency information holder contains only —

(a) the required emergency information; and

(b) the transport documentation for the goods.

Penalty: a fine of $1 500.

(3) The driver of a road vehicle transporting a placard load must produce the required emergency information for inspection by a

DGO, a police officer or an emergency service officer, if the officer asks the driver to produce the information for inspection.

Penalty: a fine of $3 000.

161. Duty on train drivers

(1) A person must not drive a train that is transporting a placard load if the required emergency information is not in the train driver's cab.

Penalty: a fine of $3 000.

(2) The driver of a train transporting a placard load must produce the required emergency information for inspection by a DGO, a police officer or an emergency service officer, if the officer asks the driver to produce the information for inspection.

Penalty: a fine of $3 000.

(3) Subregulations (1) and (2) do not apply if the train driver transporting dangerous goods is in a depot or yard, or is engaged in shunting operations, and the required emergency information for the goods is readily available elsewhere in the immediate vicinity of the depot, yard or operations.

[Regulation 161 amended: Gazette 22 Jun 2010 p. 2734.]

162. Approvals — emergency information

The Chief Officer may, on an application made in accordance with regulation 194, or on the Chief Officer's own initiative, approve emergency information that does not comply with the ADG Code Chapter 11.2, if the Chief Officer considers that use of the information would be as accurate, and at least as convenient and efficient, as information that complies with that Chapter.

Division 3 — Dangerous goods packed in limited quantities

[Heading inserted: SL 2020/193 r. 22.]

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.

[Regulation 162A inserted: SL 2020/193 r. 22.]

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.

[Regulation 162B inserted: SL 2020/193 r. 22.]

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.

[Regulation 162C inserted: SL 2020/193 r. 22.]

Part 12 — Safety equipment

163. Duty on owners

The owner of a road vehicle must not use the road vehicle, or allow the road vehicle to be used, to transport a placard load if the road vehicle is not equipped with —

(a) fire extinguishers and portable warning devices that comply with the ADG Code Part 12; and

(b) any other equipment required under that Part; and

(c) if the placard load contains ammonium nitrate explosion risk goods — additional fire fighting equipment that —

(i) is operational at all times, including when the engine of the road vehicle is turned off; and

(ii) is suitable for the control and extinguishment of the types of fire scenarios likely to be encountered in relation to ammonium nitrate explosion risk goods.

Penalty: a fine of $10 000.

[Regulation 163 amended: SL 2024/285 r. 7.]

164. Duty on prime contractors

(1) A prime contractor must not use a road vehicle to transport a placard load if the road vehicle is not equipped with —

(a) fire extinguishers and portable warning devices that comply with the ADG Code Part 12; and

(b) any other equipment required under that Part; and

(c) if the placard load contains ammonium nitrate explosion risk goods — additional fire fighting equipment that —

(i) is operational at all times, including when the engine of the road vehicle is turned off; and

(ii) is suitable for the control and extinguishment of the types of fire scenarios likely to be

encountered in relation to ammonium nitrate explosion risk goods.

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

(2) A prime contractor must not use a road vehicle to transport a placard load if the prime contractor knows, or ought reasonably to know —

(a) that fire fighting equipment with which the vehicle is equipped under subregulation (1) has not been inspected or tested in accordance with —

(i) the ADG Code Part 12; and

(ii) AS 1851 *Routine service of fire protection systems and equipment*;

or

(b) that a portable warning device with which the vehicle is equipped under subregulation (1) has not been inspected or tested in accordance with the ADG Code Part 12; or

(c) that any fire fighting equipment, portable warning device, or other equipment, with which the vehicle is equipped under subregulation (1) is not in good repair or proper working order.

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

[Regulation 164 amended: Gazette 22 Jun 2010 p. 2734-5; SL 2024/285 r. 8.]

165. Duty on drivers

(1) A person must not drive a road vehicle transporting a placard load if the road vehicle is not equipped with —

(a) fire extinguishers and portable warning devices that comply with the ADG Code Part 12; and

(b) any other equipment required under that Part; and

(c) if the placard load contains ammonium nitrate explosion risk goods — additional fire fighting equipment that —

(i) is operational at all times, including when the engine of the road vehicle is turned off; and

(ii) is suitable for the control and extinguishment of the types of fire scenarios likely to be encountered in relation to ammonium nitrate explosion risk goods.

Penalty for this subregulation: a fine of $3 000.

(2) A person must not drive a road vehicle transporting a placard load if the person knows, or ought reasonably to know —

(a) that fire fighting equipment with which the vehicle is equipped under subregulation (1) has not been inspected or tested in accordance with —

(i) the ADG Code Part 12; and

(ii) AS 1851 *Routine service of fire protection systems and equipment*;

or

(b) that a portable warning device with which the vehicle is equipped under subregulation (1) has not been inspected or tested in accordance with the ADG Code Part 12; or

(c) that any fire fighting equipment, portable warning device, or other equipment, with which the vehicle is equipped under subregulation (1) is not in good repair or proper working order; or

(d) that any fire fighting equipment, portable warning device, or other equipment, with which the vehicle is equipped under subregulation (1) is not stowed in accordance with the ADG Code Part 12.

Penalty for this subregulation: a fine of $3 000.

[Regulation 165 amended: Gazette 22 Jun 2010 p. 2735; SL 2024/285 r. 9.]

Part 13 — Procedures during transport

Division 1 — Immobilised and stopped vehicles

166. Duty on drivers

(1) This regulation applies if a road vehicle transporting a placard load —

(a) is broken down or otherwise immobilised, or has stopped, on a road; and

(b) is a traffic hazard.

(2) The driver must alert other road users of the hazard in accordance with —

(a) the ADG Code Part 13; or

(b) subregulations (3) and (4).

Penalty for this subregulation: a fine of $1 500.

(3) For the purposes of subregulation (2)(b), the driver may alert other road users of the hazard by immediately placing and leaving on the road, in accordance with subregulation (4), 3 portable warning signs that comply with AS 3790 *Portable Warning Triangles for Motor Vehicles* published by Standards Australia and that are in good order.

(4) The portable warning signs must be placed as follows —

(a) one sign must be placed in advance of the vehicle, one to the rear of the vehicle and one beside the vehicle on the side nearer to the centre of the road;

(b) wherever practicable, the signs must be placed so that at least one sign is visible to an approaching driver at a distance of not less than 200 m;

(c) if the speed limit on the road is lower than 80 km/h, the signs placed in advance and to the rear of the vehicle must be placed at a distance of between 50 m and 150 m from the vehicle and the third sign must be placed at the

side of the vehicle in such a position as to give reasonable warning to drivers approaching from either direction;

(d) if the speed limit on the road is 80 km/h or higher, the signs placed in advance and to the rear of the vehicle must be placed at a distance of between 200 m and 250 m from the vehicle and the third sign must be placed at the side of the vehicle in such a position as to give reasonable warning to drivers approaching from either direction.

[Regulation 166 amended: Gazette 17 Nov 2015 p. 4699-700; SL 2024/285 r. 10.]

167. Duty on prime contractors

(1) If a prime contractor knows, or ought reasonably to know, that a road vehicle transporting a placard load has broken down or is otherwise immobilised on a road, the prime contractor must, as soon as practicable, ensure that the road vehicle —

(a) is repaired so that it can be driven safely off the road; or

(b) is towed to a place where it can be repaired.

(2) The prime contractor must —

(a) remove the dangerous goods from the road vehicle before the road vehicle is repaired or towed; and

(b) transport the dangerous goods from the place of the breakdown or immobilisation,

if the risk involved in complying with paragraphs (a) and (b) is not greater than the risk involved in not complying with the paragraphs.

(3) If the road vehicle is towed while still carrying dangerous goods that would require the driver of the vehicle to hold a dangerous

goods driver licence, the prime contractor must ensure that the driver of the tow truck towing the vehicle —

(a) holds a dangerous goods driver licence that would authorise him or her to drive a vehicle with those dangerous goods; or

(b) is accompanied in the cabin of the tow truck by a person who holds a dangerous goods driver licence that would authorise him or her to drive a vehicle with those dangerous goods.

Penalty for an offence under this regulation: a fine of $5 000.

[Regulation 167 amended: Gazette 13 Jun 2014 p. 1943-4.]

168. Duty on rail operators

If a train transporting a placard load fails or is otherwise immobilised, the rail operator must, as soon as practicable, take all appropriate steps to ensure that a dangerous situation does not arise.

Penalty: a fine of $5 000.

Division 2 — General precautions: duties on drivers

[Heading inserted: SL 2020/193 r. 23.]

169. Driving

The driver of a road vehicle transporting a placard load must not allow anyone else to ride in the road vehicle except in accordance with the ADG Code Part 13.

Penalty: a fine of $1 500.

170. Parking

The driver of a road vehicle transporting a placard load must not 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.

170A. Temperature monitoring — ammonium nitrate explosion risk goods

(1) In this regulation —

at the relevant times means —

(a) reasonably prior to each time —

(i) the ammonium nitrate explosion risk goods are loaded onto the road vehicle; or

(ii) the ammonium nitrate explosion risk goods are unloaded from the road vehicle;

or

(b) each time the road vehicle parks;

responsible person, in relation to a record or a copy of a record, means —

(a) the driver who made the record or copy; and

(b) the owner of the road vehicle to which the record or copy relates; and

(c) the prime contractor who used the road vehicle to which the record or copy relates to transport the ammonium nitrate explosion risk goods.

(2) The driver of a road vehicle transporting a placard load that contains ammonium nitrate explosion risk goods must at the relevant times —

(a) monitor the temperature of all readily accessible wheel hubs or all readily accessible tyres of the road vehicle; and

(b) record the temperatures.

Penalty for this subregulation: a fine of $5 000.

(3) A record, or a copy of a record, made under subregulation (2)(b) must be retained by the responsible person for at least 3 months after the transport of the ammonium nitrate explosion risk goods finishes.

Penalty for this subregulation: a fine of $5 000.

(4) It is not a failure to comply with subregulation (3) if —

(a) the record or copy is retained in a form other than paper; and

(b) a readily legible paper copy of the record or copy can be readily created at any time during the 3 months at the request of a DGO.

(5) A person does not commit an offence under subregulation (3) if the record or copy is retained by another person.

[Regulation 170A inserted: SL 2024/285 r. 11.]

171. Control of ignition sources

(1) This regulation applies to a road vehicle transporting a load of dangerous goods if —

(a) the load contains —

(i) dangerous goods in a receptacle with a capacity of more than 500 L; or

(ii) more than 500 kg of dangerous goods in a receptacle;

and

(b) the load contains dangerous goods of UN Division 2.1 or UN Class 3, 4 or 5 or that have a Subsidiary Hazard of 2.1, 3, 4 or 5.1.

(2) The driver of the road vehicle must not —

(a) have matches or a cigarette lighter in his or her possession in the road vehicle; or

(b) smoke in the road vehicle.

Penalty: a fine of $10 000.

(3) The driver must do everything practicable to ensure that anyone else in the road vehicle does not —

(a) have matches or a cigarette lighter in his or her possession; or

(b) smoke.

Penalty: a fine of $10 000.

[Regulation 171 amended: Gazette 22 Jun 2010 p. 2736; 31 Aug 2018 p. 3047.]

172. Unloading

The driver of a road vehicle transporting a placard load must not permit the dangerous goods to be unloaded from the road vehicle except in accordance with the ADG Code Part 13.

Penalty: a fine of $10 000.

173. Detaching trailer

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

Penalty: a fine of $10 000.

174. Road tank vehicle equipped with burner

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

Penalty: a fine of $10 000.

Division 3 — General precautions: duties on prime contractors

[Heading inserted: SL 2020/193 r. 24.]

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.

[Regulation 174A inserted: SL 2020/193 r. 24.]

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.

[Regulation 174B inserted: SL 2020/193 r. 24.]

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.

[Regulation 174C inserted: SL 2020/193 r. 24.]

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.

[Regulation 174D inserted: SL 2020/193 r. 24.]

Part 14 — Emergencies

Division 1 — Emergencies generally

175. Duty on drivers

(1) This regulation applies if a road vehicle transporting dangerous goods is involved in an incident resulting in a dangerous situation.

(2) The driver of the road vehicle must —

(a) notify the prime contractor, and the police or the FES Department, of the incident as soon as practicable; and

(b) provide any reasonable assistance required by a DGO, a police officer or an emergency service officer to deal with the situation.

Penalty: a fine of $3 000.

[Regulation 175 amended: Gazette 19 Feb 2013 p. 989.]

176. Duty on train drivers and rail operators

(1) This regulation applies if a train transporting dangerous goods is involved in an incident resulting in a dangerous situation.

(2) The driver of the train must —

(a) notify the rail operator or rail authority of the incident as soon as practicable; and

(b) provide any reasonable assistance required by a DGO, a police officer or an emergency service officer to deal with the situation.

Penalty: a fine of $3 000.

(3) On becoming aware of the incident, the rail operator must —

(a) notify the rail authority, and the police or the FES Department, of the incident as soon as practicable; and

(b) provide any reasonable assistance required by a DGO, a police officer or an emergency service officer to deal with the situation.

Penalty: a fine of $3 000.

(4) On becoming aware of the incident, the rail authority must —

(a) notify the police or the FES Department of the incident as soon as practicable; and

(b) provide any reasonable assistance required by a DGO, a police officer or an emergency service officer to deal with the situation.

Penalty: a fine of $3 000.

[Regulation 176 amended: Gazette 19 Feb 2013 p. 989.]

177. Duty on prime contractors and rail operators — food or food packaging

(1) This regulation applies if —

(a) an incident involving a vehicle transporting dangerous goods results in the leakage, spillage or accidental escape of the dangerous goods, or in a fire or explosion; and

(b) there is food or food packaging in the vicinity of the incident that is within the control of a prime contractor or rail operator.

(2) In the case of a prime contractor, the prime contractor must ensure that the food or food packaging is not transported from the site of the incident unless the Chief Officer has given permission to the prime contractor to transport the food or food packaging from the site.

Penalty: a fine of $10 000.

(3) In the case of a rail operator, the rail operator must ensure that the food or food packaging is not removed from rail premises

unless the Chief Officer has given permission to the rail operator to remove the food or food packaging.
Penalty: a fine of $10 000.

(4) Permission given under subregulation (2) or (3) —

(a) must be in writing; and

(b) must state the name of the person to whom it is given; and

(c) must identify the relevant incident; and

(d) must identify the food or food packaging to which it relates; and

(e) must take into consideration any requirements of the appropriate food and health authorities; and

(f) may contain any other information that the Chief Officer considers necessary.

178. Prime contractors, rail operators and drivers to inform Chief Officer

(1) This regulation applies if a vehicle transporting dangerous goods is involved in an incident resulting in a dangerous situation.

(2) As soon as practicable after the incident, the driver must notify the prime contractor or rail operator and the Chief Officer about the incident, and provide the following details —

(a) where the incident happened;

(b) the date and time of the incident;

(c) the nature of the incident;

(d) the dangerous goods being transported when the incident happened;

(e) any other details that the Chief Officer may require.

Penalty: a fine of $5 000.

(3) As soon as practicable after becoming aware of the incident, the prime contractor or rail operator must provide to the Chief Officer the details mentioned in subregulation (2).

Penalty: a fine of $5 000.

(4) Not later than 21 days after the day on which the incident happens, the prime contractor or rail operator must give the Chief Officer a written report about the incident stating the following —

(a) where the incident happened;

(b) the date and time of the incident;

(c) the nature of the incident;

(d) the dangerous goods being transported when the incident happened;

(e) what the driver believes to be the likely cause of the incident;

(f) what the prime contractor or rail operator believes to be the likely cause of the incident;

(g) the measures taken to control any leak, spill or accidental escape of the dangerous goods, and any fire or explosion, resulting from the incident;

(h) the measures taken after the incident in relation to the dangerous goods involved in the incident.

Penalty: a fine of $5 000.

[Regulation 178 amended: Gazette 22 Jun 2010 p. 2736.]

Division 2 — Emergencies involving placard loads

179. Telephone advisory service

(1) In this regulation —

telephone advisory service, in relation to the transport of dangerous goods, means a service providing access by a continuously monitored telephone not located on the carrying

vehicle to a person competent to give advice about the following —

(a) the construction and properties of the receptacles in which the dangerous goods are being transported;

(b) the use of equipment on vehicles in or on which the dangerous goods are being transported;

(c) the properties of the dangerous goods;

(d) methods of safely handling the dangerous goods;

(e) methods of safely containing and controlling the dangerous goods in a dangerous situation.

(2) A prime contractor or rail operator must not transport a load of dangerous goods that contains —

(a) dangerous goods in a receptacle with a capacity of more than 500 L; or

(b) more than 500 kg of dangerous goods in a receptacle,

if a telephone advisory service is not available during the journey.

Penalty: a fine of $10 000.

[(3) deleted]

(4) A telephone advisory service may be provided by the prime contractor, rail operator or consignor, or someone else for the prime contractor, rail operator or consignor.

[Regulation 179 amended: Gazette 22 Jun 2010 p. 2737.]

180. Emergency plans

(1) Before a prime contractor or rail operator transports a placard load, the prime contractor or rail operator must prepare and have an emergency plan for the transport of the goods.

(2) An emergency plan for the transport of a placard load must —

(a) be in writing; and

(b) be a plan that deals with any dangerous situation arising from the transport of the goods; and

(c) be prepared having regard to any guidelines approved by the Ministerial Council.

(3) An emergency plan is prescribed to be a safety management document for the purposes of the definition of ***safety management document*** in the Act section 3(1).

[Regulation 180 amended: Gazette 13 Jun 2014 p. 1944; 11 Jul 2017 p. 3828; SL 2024/22 r. 8.]

181. Duty on consignors — information

(1) This regulation applies if a vehicle transporting a placard load is involved in an incident resulting in a dangerous situation.

(2) As soon as practicable after being asked by a DGO, a police officer or an emergency service officer, the consignor of the goods must give the officer the information that the officer requires about —

(a) the properties of the dangerous goods being transported; and

(b) safe methods of handling the goods; and

(c) safe methods of containing and controlling the goods in a dangerous situation.

Penalty: a fine of $5 000.

(3) If the prime contractor and the consignor, or the rail operator and the consignor, of the goods are asked to give the same information, the consignor is taken to have complied with subregulation (2) to the extent that the prime contractor or rail operator has given the information.

182. Duty on prime contractors and rail operators — information

(1) This regulation applies if a vehicle transporting a placard load is involved in an incident resulting in a dangerous situation.

(2) As soon as practicable after being asked by a DGO, a police officer or an emergency service officer, the prime contractor or rail operator must give the officer the information that the officer requires about the vehicle's construction, properties and equipment.

Penalty: a fine of $5 000.

(3) If the prime contractor and the consignor, or the rail operator and the consignor, of the goods are asked to give the same information, the prime contractor or rail operator is taken to have complied with subregulation (2) to the extent that the consignor has given the information.

Division 3 — Dealing with emergencies involving placard loads

183. Terms used

In this Division —

approved responder, in relation to a class of dangerous goods, means a person who is approved by the Chief Officer under regulation 184 in relation to the class of dangerous goods;

emergency response contract, with a person, means a contract under which the person agrees —

(a) to provide the resources to eliminate or reduce to an acceptable level the risk associated with a dangerous situation involving dangerous goods being transported; and

(b) to do so as soon as practicable after being asked to do so by the other party to the contract.

[Regulation 183 amended: Gazette 11 Jul 2017 p. 3828.]

184. Approvals — responders to emergencies

(1) The Chief Officer may approve a person to deal with any dangerous situation that might result while dangerous goods of a specified class are being transported if the Chief Officer is satisfied that the person —

(a) is competent; and

(b) has the equipment and other resources that would be needed,

to eliminate or reduce to an acceptable level the risk associated with the dangerous situation.

(2) Any such approval must be in writing and must specify the class of the dangerous goods to which it relates.

[Regulation 184 amended: Gazette 11 Jul 2017 p. 3828.]

185. Duties as to ensure adequate resources available to deal with emergencies

(1) A person who is a prime contractor or rail operator, as the case requires, must not transport a placard load unless the person complies with subregulation (2).

Penalty: a fine of $10 000.

(2) To comply with this subregulation, a person must —

(a) be an approved responder in relation to all the dangerous goods that comprise the load; or

(b) be an approved responder in relation to the dangerous goods that comprise part of the load and have an emergency response contract with another person who is an approved responder in relation to the dangerous goods that comprise the remainder of the load; or

(c) have an emergency response contract with another person who is an approved responder in relation to the dangerous goods that comprise the load.

[(3) deleted]

[Regulation 185 amended: Gazette 11 Jul 2017 p. 3828.]

186. Duties to provide resources to deal with emergency

(1) In this regulation —

deal with a dangerous situation, means —

(a) to provide the equipment and other resources needed to eliminate or reduce to an acceptable level the risk associated with the dangerous situation; and

(b) to eliminate or reduce to an acceptable level the risk associated with the dangerous situation.

(2) This regulation applies if a vehicle transporting a placard load is involved in an incident resulting in a dangerous situation.

(3) The prime contractor, or the rail operator, as the case requires, must —

(a) if the prime contractor or rail operator is an approved responder in relation to all the dangerous goods that are giving rise to the dangerous situation — deal with the dangerous situation as soon as practicable after it arises;

(b) if the prime contractor or rail operator is an approved responder in relation to some of the dangerous goods that are giving rise to the dangerous situation —

(i) deal with the dangerous situation, in so far as it arises from those dangerous goods, as soon as practicable after it arises; and

(ii) ensure that an approved responder in relation to the remaining dangerous goods that are giving rise to the dangerous situation deals with the dangerous situation, insofar as it arises from those dangerous goods, as soon as practicable after it arises;

(c) if the prime contractor or rail operator is not an approved responder in relation to any of the dangerous goods that are giving rise to the dangerous situation —

(i) ensure that an approved responder in relation to the dangerous goods that are giving rise to the dangerous situation deals with the dangerous situation as soon as practicable after it arises; and

(ii) provide to the approved responder any assistance that is reasonably required for the approved responder to deal with the dangerous situation.

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

[(4) deleted]

[Regulation 186 amended: Gazette 11 Jul 2017 p. 3829.]

Part 15 — Exemption

Division 1 — General

Note for this Division:

As to applications for, register and records of, exemptions under the Act Part 4, see the *Dangerous Goods Safety (General) Regulations 2007*.

187. Register of corresponding exemptions

(1) The Chief Officer must keep a register of corresponding exemptions.

(2) The register may have separate divisions for different kinds of corresponding exemptions.

(3) The Chief Officer must record in the register each corresponding exemption.

(4) The Chief Officer must note in the register any decision of CAP reversing a decision that a corresponding exemption should have effect in all participating jurisdictions or participating jurisdictions including this State.

188. Records of corresponding exemptions

The record of a corresponding exemption in the register must include —

(a) the terms of the exemption; or

(b) the following information —

(i) if the exemption was notified in the *Government Gazette* of the other participating jurisdiction — details of where in the *Gazette* the exemption was notified or published;

(ii) the name of the person to whom, or the name, or a description, of the class of persons to which, the exemption applies;

(iii) the provision of these regulations to which the exemption relates;

(iv) the date when the exemption was granted;

(v) the period for which the exemption has effect;

(vi) the dangerous goods, equipment, packaging, vehicle or other thing to which the exemption relates.

Division 2 — References of matters to CAP

189. Term used: exemption

In this Division —

exemption does not include an exemption granted by the Minister.

190. References to CAP

(1) The Chief Officer must refer an application for an exemption, or an exemption that the Chief Officer has granted, to CAP if the Chief Officer considers that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this State.

(2) The Chief Officer must refer to CAP an exemption having effect in this State and one or more other participating jurisdictions, if —

(a) the Chief Officer considers that the exemption should be cancelled or varied; or

(b) a corresponding authority recommends to the Chief Officer in writing that the exemption should be cancelled or varied.

[Regulation 190 amended: Gazette 13 Jun 2014 p. 1944.]

191. Effect of CAP decisions about exemptions

(1) This regulation applies if —

(a) an application for an exemption, or an exemption, is referred to CAP under regulation 190(1); and

(b) CAP decides —

(i) that the exemption should be granted, what the terms of the exemption should be, and that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this State; or

(ii) that the exemption should not have effect in this State.

(2) The Chief Officer must have regard to CAP's decision.

[Regulation 191 amended: Gazette 13 Jun 2014 p. 1945.]

192. Effect of CAP decisions about cancelling or varying exemptions

(1) This regulation applies if —

(a) an exemption is referred to CAP under regulation 190(2); and

(b) CAP decides that the exemption —

(i) should, or should not, be cancelled; or

(ii) should be varied (whether or not CAP's decision is the same as the variation proposed by the Chief Officer), and should have effect as varied in all participating jurisdictions or participating jurisdictions including this State; or

(iii) should not be varied.

(2) The Chief Officer must have regard to CAP's decision.

Part 16 — Approvals

Division 1 — General

193. Term used: approval

In this Division —

approval includes an authorisation by the Chief Officer under regulation 60.

194. Applications

(1) An application for an approval, or for variation of an approval, must —

(a) be made to the Chief Officer in writing; and

(b) be accompanied by the fee specified in regulation 272 Table item 1.

(2) An application for variation of an approval must have the approval with it.

(3) The Chief Officer may, by written notice, require an applicant to give to the Chief Officer any additional information necessary for a proper consideration of the application.

(4) An applicant who does not obey such a request within 21 days after the date on which it is made, or any longer period permitted by the Chief Officer, is to be taken to have withdrawn the application and is entitled to a refund of the fee.

[Regulation 194 amended: Gazette 22 Jun 2010 p. 2737; SL 2023/36 r. 8.]

195. Form of approvals

An approval must be in writing.

196. When approvals not to be made

The Chief Officer must not give an approval to a person who is prohibited by a court order from involvement in the transport of dangerous goods.

197. Reasons for refusal of applications

(1) This regulation applies if the Chief Officer refuses an application to give or vary an approval.

(2) The Chief Officer must inform the applicant in writing of the refusal and of the reasons for the refusal.

198. Periods and conditions

(1) An approval has effect for the period specified in the approval.

(2) A condition to which an approval is subject must be specified in the approval.

199. Replacement approvals

The Chief Officer must issue to a person to whom an approval is given a replacement approval if —

(a) the approval is varied; or

(b) the Chief Officer is satisfied that the approval has been defaced, destroyed, lost or stolen.

200. Grounds for cancelling approvals

(1) In this regulation —

relevant change means a change about something that the Chief Officer may or must consider in deciding whether to give the approval.

(2) The Chief Officer may cancel an approval if the application for the approval —

(a) did not comply with these regulations; or

(b) was false or misleading in a material respect.

(3) The Chief Officer may cancel an approval if —

(a) a relevant change has happened since the approval was given; and

(b) if the change had happened earlier the approval would not have been given.

(4) The Chief Officer may cancel an approval if the person to whom the approval is given is unsuitable to continue to be a person to whom the approval is given, because the person has contravened —

(a) a provision of the Act or these regulations; or

(b) a provision of the law in force in another participating jurisdiction corresponding to a provision referred to in paragraph (a).

201. Grounds for varying approvals

(1) In this regulation —

relevant change means a change about something that the Chief Officer may or must consider in deciding whether to give the approval.

(2) The Chief Officer may vary an approval if the application for the approval —

(a) did not comply with these regulations; or

(b) was false or misleading in a material respect.

(3) The Chief Officer may vary an approval if —

(a) a relevant change has happened since the approval was given; and

(b) if the change had happened earlier the approval would have been given in the way in which it is proposed to be varied.

(4) The Chief Officer may vary an approval if the person to whom the approval is given is unsuitable to continue to be a person to whom the approval is given without variation because the person has contravened —

(a) a provision of the Act or these regulations; or

(b) a provision of the law in force in another participating jurisdiction corresponding to a provision referred to in paragraph (a).

Division 2 — Register of approvals

202. Register of approvals

(1) The Chief Officer must keep a register of approvals.

(2) The register may have separate divisions for different kinds of approvals.

(3) The Chief Officer must record in the register —

(a) each approval; and

(b) each corresponding approval.

(4) The Chief Officer must note in the register —

(a) any cancellation or variation of an approval; and

(b) any decision of CAP reversing a decision that a corresponding approval should have effect in all participating jurisdictions or participating jurisdictions including this State.

203. Records of approvals

The record of an approval in the register must include —

(a) the terms of the approval; or

(b) the following information —

(i) the name of the person to whom the approval was given;

(ii) the date when the approval was given;

(iii) the period for which the approval has effect;

(iv) the provisions of these regulations, and of the ADG Code, to which the approval relates;

(v) the dangerous goods, equipment, packaging, vehicle or other thing to which the approval relates.

Division 3 — Reference of approval matters to CAP

204. References to CAP

(1) The Chief Officer must refer an application for an approval, or an approval that the Chief Officer has given, to CAP if the Chief Officer considers that the approval should have effect in all participating jurisdictions or participating jurisdictions including this State.

(2) The Chief Officer must refer to CAP an approval having effect in this jurisdiction and one or more other participating jurisdictions, if —

(a) the Chief Officer considers that the approval should be cancelled or varied; or

(b) a corresponding authority recommends to the Chief Officer in writing that the approval should be cancelled or varied.

[Regulation 204 amended: Gazette 13 Jun 2014 p. 1945.]

205. Effect of CAP decisions about approvals

(1) This regulation applies if —

(a) an application for an approval, or an approval, is referred to CAP under regulation 204(1); and

(b) CAP decides —

(i) that the approval should be given, what the terms of the approval should be, and that the approval should have effect in all participating

jurisdictions or participating jurisdictions including this State; or

(ii) that the approval should not have effect in this State.

(2) The Chief Officer must have regard to CAP's decision.

[Regulation 205 amended: Gazette 13 Jun 2014 p. 1945.]

206. Effect of CAP decisions about cancelling or varying approvals

(1) This regulation applies if —

(a) an approval is referred to CAP under regulation 204(2); and

(b) CAP decides that the approval —

(i) should, or should not, be cancelled; or

(ii) should be varied (whether or not CAP's decision is the same as the variation proposed by the Chief Officer), and should have effect as varied in all participating jurisdictions or participating jurisdictions including this State; or

(iii) should not be varied.

(2) The Chief Officer must have regard to the CAP's decision.

Division 4 — Cancellation and variation

207. Term used: approval

In this Division —

approval includes an authorisation by the Chief Officer under regulation 60.

208. Cancellation and variation in dangerous situations

The Chief Officer must cancel or vary an approval if the Chief Officer reasonably believes that —

(a) a ground exists to cancel or vary the approval; and

(b) it is necessary to do so to reduce, eliminate or avert any risk to people, property or the environment from dangerous goods in a dangerous situation.

209. Cancellation giving effect to court orders

(1) The Chief Officer must cancel an approval if the person to whom the approval is given is prohibited by a court order from involvement in the transport of dangerous goods.

(2) If an approval applies to more than one person, subregulation (1) only requires the Chief Officer to ensure that the approval no longer applies to the person who is the subject of the prohibition.

210. Variation of approvals on application

(1) This regulation applies if —

(a) an application is made to vary an approval; and

(b) the application is made in accordance with regulation 194 by the person to whom the approval is given.

(2) The Chief Officer may vary the approval in accordance with the application.

211. Cancellation and variation in other circumstances

(1) This regulation applies if —

(a) the Chief Officer considers that a ground exists to cancel or vary an approval (the ***proposed action***); and

(b) none of regulations 208, 209 and 210 applies to the proposed action.

(2) The Chief Officer must give to the person to whom the approval is given a written notice that —

(a) states what the proposed action is; and

(b) if the proposed action is to vary the approval — sets out the proposed variation; and

(c) sets out the ground for the proposed action; and

(d) outlines the facts and other circumstances forming the basis for the ground; and

(e) invites the person to state in writing, within a specified period of at least 28 days after the day on which the notice is given to the person, why the proposed action should not be taken.

(3) If, after considering any written statement made within the specified period, the Chief Officer reasonably believes that a ground exists to take the proposed action, the Chief Officer may —

(a) cancel or vary the approval; or

(b) if the proposed action is to vary the approval in a specified way — vary the approval in that way.

212. When cancellation and variation take effect

The cancellation or variation of an approval by the Chief Officer takes effect on —

(a) the day on which the person to whom the approval is given is given written notice by the Chief Officer of the cancellation or variation and of the reasons for the cancellation or variation; or

(b) a later day specified in the notice.

Part 17A — Determinations

[Heading inserted: Gazette 13 Jun 2014 p. 1945.]

213A. Reference of determinations to CAP

(1) The Chief Officer must refer an application for a determination, or a determination that the Chief Officer has made, to CAP if the Chief Officer considers that the determination should have effect in all participating jurisdictions or participating jurisdictions including this State.

(2) The Chief Officer must refer to CAP a determination having effect in this jurisdiction and one or more other participating jurisdictions, if —

(a) the Chief Officer considers that the determination should be revoked or varied; or

(b) a corresponding authority recommends to the Chief Officer in writing that the determination should be revoked or varied.

[Regulation 213A inserted: Gazette 13 Jun 2014 p. 1945-6.]

213B. Effect of CAP decisions about determinations

(1) This regulation applies if —

(a) an application for a determination, or a determination, is referred to CAP under regulation 213A(1); and

(b) CAP decides —

(i) that the determination should be made, what the terms of the determination should be, and that the determination should have effect in all participating jurisdictions or participating jurisdictions including this State; or

(ii) that the determination should not have effect in this State.

(2) The Chief Officer must have regard to CAP's decision.

[Regulation 213B inserted: Gazette 13 Jun 2014 p. 1946.]

213C. Effect of CAP decisions about revoking or varying determinations

(1) This regulation applies if —

(a) a determination is referred to CAP under regulation 213A(2); and

(b) CAP decides that the determination —

(i) should, or should not, be revoked; or

(ii) should be varied (whether or not CAP's decision is the same as the variation proposed by the Chief Officer), and should have effect as varied in all participating jurisdictions or participating jurisdictions including this State; or

(iii) should not be varied.

(2) The Chief Officer must have regard to CAP's decision.

[Regulation 213C inserted: Gazette 13 Jun 2014 p. 1947.]

Part 17 — Licences

Division 1 — Preliminary

213. Terms used

In this Part —

Austroads means Austroads Limited ACN 136 812 390;

licensing authority means —

(a) the Chief Officer; or

(b) a person authorised by the Chief Officer to grant and renew licences under this Part.

[Regulation 213 amended: SL 2024/22 r. 9.]

214. Part additional to other laws

This Part is in addition to any other law in force in this State about —

(a) the licensing of drivers; or

(b) the employment or engaging of drivers; or

(c) the registration of vehicles; or

(d) the transport of goods by road.

Division 2 — Principal duties under this Part

215. Vehicles to be licensed (Act s. 14)

(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) Except as provided in subregulation (5), a relevant road tank vehicle used to transport dangerous goods on a road must be licensed under this Part to transport the goods.

[(3), (4) deleted]

(5) A relevant road tank vehicle used to transport dangerous goods need not be licensed under this Part if a determination made under regulation 19 permits the vehicle that is not licensed under this Part to be used to transport the particular dangerous goods.

[Regulation 215 amended: Gazette 22 Jun 2010 p. 2737-8; 3 Aug 2012 p. 3757; 13 Jun 2014 p. 1947; 8 Jan 2015 p. 132; 11 Jul 2017 p. 3830; SL 2024/22 r. 10.]

216A. Some vehicles may be licensed even though not required to be licensed under this Part

(1) Even if a vehicle used to transport dangerous goods on a road is not required to be licensed under this Part, a licensing authority may grant or renew a dangerous goods vehicle licence for the vehicle if satisfied —

(a) the vehicle transports dangerous goods in another State or a Territory; and

(b) the vehicle is required to be licensed under the law of that place to transport the goods in that place; and

(c) a licence under the law of that place to transport the goods in that place would not be granted because the vehicle operates principally in this State.

(2) A licensing authority must not grant or renew a dangerous goods vehicle licence for a vehicle referred to in subregulation (1) unless satisfied a licence under the law of the other State or the Territory to transport the goods in that place would be granted if the vehicle were operating principally in that place.

[Regulation 216A inserted: Gazette 3 Aug 2012 p. 3758.]

216. Drivers to be licensed (Act s. 15)

(1) Except as provided in subregulation (2), a person who drives a road vehicle transporting —

(a) dangerous goods in a receptacle with a capacity of more than 500 L; or

(b) more than 500 kg of dangerous goods in a receptacle,

must be licensed under this Part to drive the vehicle.

(2) A person who drives a road vehicle transporting dangerous goods need not be licensed under this Part if —

(a) the goods are transported in an IBC; and

(b) the IBC is not filled or emptied on the vehicle; and

(c) the total capacity of IBCs containing dangerous goods on the vehicle is not more than 3 000 L.

[Regulation 216 amended: Gazette 22 Jun 2010 p. 2738.]

217. Duty on consignors

A person must not consign dangerous goods for transport in or on a road vehicle if —

(a) the vehicle is required to be licensed under this Part to transport the goods; and

(b) the person knows, or ought reasonably to know, that the vehicle is not so licensed.

Penalty: a fine of $10 000.

Division 3 — Dangerous goods driver licences

218. Applications for licences

(1) A person resident in this State who is not the holder of a dangerous goods driver licence or a corresponding dangerous goods driver licence may apply to a licensing authority for a

dangerous goods driver licence if the person holds a driver licence (other than a provisional licence).

(2) The application must be accompanied by the following —

(a) the driver licence evidence required by regulation 219;

(b) the competency evidence required by regulation 220;

(c) the medical fitness evidence required by regulation 221;

(d) 1 recent photograph of the applicant's face and shoulders;

(e) the fee determined under regulation 272 Table item 2(a).

[Regulation 218 amended: Gazette 17 Nov 2015 p. 4700; 11 Jul 2017 p. 3830; SL 2023/36 r. 9.]

219. Required driver licence evidence

(1) The following documents are required as driver licence evidence for an application for a dangerous goods driver licence or for renewal of a dangerous goods driver licence —

(a) an extract of entries about the applicant in the driving licences register kept by the driver licensing authority in each State and Territory where the applicant has held a licence to drive, certified by the authority not more than 6 months before the day on which the application is made; and

(b) either —

(i) the document mentioned in subregulation (2); or

(ii) the authorisation mentioned in subregulation (3).

(2) For subregulation (1)(b)(i), the document is a copy of the records of any conviction of the applicant for a driving offence, certified by the appropriate authority of the State or Territory where the applicant was convicted.

(3) For subregulation (1)(b)(ii), the authorisation is the authorisation by the applicant for the licensing authority to have access to —

(a) entries about the applicant in the driving licences register kept by the driver licensing authority of any State or Territory; and

(b) records of any conviction of the applicant for a driving offence in any State or Territory.

[Regulation 219 amended: Gazette 17 Nov 2015 p. 4700.]

220. Required competency evidence

The document required as competency evidence for an application for a dangerous goods driver licence or for renewal of a dangerous goods driver licence is —

(a) a certificate issued by a person who conducted an approved test or approved training course, stating that the applicant passed the test or completed the course not more than 6 months before the day on which the application is made; or

(b) other written evidence that the applicant passed an approved test or completed an approved training course not more than 6 months before the day on which the application is made.

221. Required medical fitness evidence

The document required as medical fitness evidence for an application for a dangerous goods driver licence or for renewal of a dangerous goods driver licence is a certificate that —

(a) is about the applicant's medical fitness to drive a road vehicle; and

(b) is issued by a registered medical practitioner who examined the applicant not more than 6 months before the day on which the application is made; and

(c) states that the medical practitioner examined and passed the applicant in accordance with the set of medical standards described as the commercial standards in *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.

[Regulation 221 amended: Gazette 3 Aug 2012 p. 3758; 11 Jul 2017 p. 3830; SL 2024/22 r. 11.]

222. Grant of dangerous goods driver licences

(1) Subject to subregulation (2), a licensing authority must grant a dangerous goods driver licence if an application for the licence is made to the authority in accordance with regulation 218.

(2) The licensing authority must not grant the licence if —

(a) in the 5 years before the day on which the application is made —

(i) the applicant has been found guilty by a court in Australia of an offence that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or

(ii) the applicant's driver licence has been cancelled or suspended on a ground that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods;

or

(b) the applicant is prohibited by a court order from involvement in the transport of dangerous goods by road.

(3) If the licensing authority refuses to grant a dangerous goods driver licence, it must inform the applicant in writing of the refusal and of the reasons for the refusal.

223. Applications for renewal of licences

(1) A person who holds a dangerous goods driver licence may apply to the licensing authority for renewal of the licence.

(2) The application must be accompanied by the following —

(a) the driver licence evidence required by regulation 219;

(b) the competency evidence required by regulation 220;

(c) the medical fitness evidence required by regulation 221;

(d) 2 photographs of the applicant of a size suitable for passports that were taken in the 6 months before the day on which the application is made;

(e) the fee determined under regulation 272 Table item 2(a).

[Regulation 223 amended: SL 2023/36 r. 10.]

(3) The application must be made within 3 months before the licence expires.

224. Renewal of licences

(1) Subject to subregulation (2), a licensing authority must renew a dangerous goods driver licence if an application for renewal of the licence is made to the licensing authority in accordance with regulation 223.

(2) The licensing authority must not renew the licence if —

(a) while the licence had effect —

(i) the applicant was found guilty by a court in Australia of an offence that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or

(ii) the applicant's driver licence was cancelled or suspended on a ground that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods;

or

(b) the applicant is prohibited by a court order from involvement in the transport of dangerous goods by road.

(3) If the licensing authority refuses to renew a dangerous goods driver licence, the authority must inform the applicant in writing of the refusal and of the reasons for the refusal.

225. Licence periods

(1) A dangerous goods driver licence takes effect on the day on which the licence is granted or a later day specified in the licence.

(2) A dangerous goods driver licence is granted for the period specified in the licence, being a period of not longer than 5 years.

(3) If an application for a renewal of the licence is not decided on or before the date on which the licence expires under subregulation (2) or (5) (the ***expiry date***), the licence has effect after the expiry date until the licensing authority renews, or refuses to renew, the licence, unless in the meantime the licence is cancelled or the application is withdrawn.

(4) A renewal of a licence takes effect on the day after the expiry date.

(5) A dangerous goods driver licence is renewed for the period specified in the renewed licence, being a period of not longer than 5 years.

[Regulation 225 amended: Gazette 3 Aug 2012 p. 3758.]

226. Licence conditions

(1) A licensing authority may grant or renew a dangerous goods driver licence subject to any of the conditions mentioned in subregulations (3) and (4).

(2) A condition to which the licence is subject must be stated in the licence.

(3) The licence may include conditions about —

(a) the dangerous goods that may or may not be transported in or on a road vehicle driven by the licensee; and

(b) the containers that may or may not be used to transport dangerous goods in or on a road vehicle driven by the licensee; and

(c) the road vehicles that may be driven by the licensee in transporting dangerous goods; and

(d) the areas where the licensee may or may not drive a road vehicle transporting dangerous goods or particular dangerous goods; and

(e) the supervision of the licensee when driving a road vehicle transporting dangerous goods.

(4) The licence may include any other condition necessary for the safe transport of dangerous goods by road.

227. Additional condition

(1) It is a condition of a dangerous goods driver licence that a licensing authority may, by written notice given to the licensee, require the licensee to produce to the authority a certificate that —

(a) is about the licensee's medical fitness to drive a road vehicle; and

(b) is issued by a registered medical practitioner who examined the licensee not more than 6 months before the day on which the certificate is given to the authority; and

(c) states that the medical practitioner examined and passed the applicant in accordance with the set of medical standards described as the commercial standards in *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.

(2) The written notice must specify a period of at least 2 months after the day on which the notice is received by the licensee within which the licensee must produce the certificate.

(3) A licensing authority must not give written notice under this regulation if the dangerous goods driver licence is due to expire in less than 4 months.

[Regulation 227 amended: Gazette 3 Aug 2012 p. 3759; 11 Jul 2017 p. 3831; SL 2024/22 r. 12.]

228. Grounds for cancelling, suspending or varying licences

(1) A licensing authority may cancel, suspend or vary a dangerous goods driver licence if the application for the licence or for renewal of the licence —

(a) did not comply with these regulations; or

(b) was false or misleading in a material respect.

(2) A licensing authority may cancel, suspend or vary a dangerous goods driver licence if the licensee is unsuitable to continue to be the driver of a road vehicle transporting dangerous goods because —

(a) the licensee has contravened —

(i) a provision of the Act or these regulations; or

(ii) a provision of the law in force in another participating jurisdiction corresponding to a provision referred to in subparagraph (i);

or

(b) the licensee has been found guilty by a court in Australia of an offence; or

(c) the licensee's driver licence is cancelled or suspended; or

(d) the licensee is suffering from a medical condition or has a physical or mental disability.

Division 4 — Dangerous goods vehicle licences

229. Terms used

In this Division —

converter dolly has the meaning given in the *Road Traffic (Vehicles) Regulations 2014* regulation 3;

vehicle does not include —

(a) a prime mover; or

(b) a converter dolly.

[Regulation 229 amended: Gazette 11 Jul 2017 p. 3831.]

230. Applications for licences

(1) A person may apply to a licensing authority for a dangerous goods vehicle licence for a road vehicle —

(a) used, or intended to be used, in transporting dangerous goods; and

(b) for which the person does not hold a dangerous goods vehicle licence; and

(c) in respect of which the person has been granted a vehicle licence under the *Road Traffic (Vehicles) Act 2012* Part 2.

(2) The application must include the following information —

(a) the registration number, make and type of the road vehicle;

(b) the type of dangerous goods intended to be transported in or on the road vehicle;

(c) if the applicant holds a dangerous goods vehicle licence for another vehicle — the number of the other dangerous goods vehicle licence.

(3) The application must be accompanied by a copy of the vehicle licence granted under the *Road Traffic (Vehicles) Act 2012* Part 2 for the road vehicle.

(4) The application must be accompanied by the fee determined under regulation 272 Table item 2(b).

(5) An application may be made for licences for 2 or more road vehicles in the same form.

[Regulation 230 amended: Gazette 8 Jan 2015 p. 132; SL 2023/36 r. 11.]

231. Additional information and inspections

(1) A licensing authority may, by written notice, require an applicant for a dangerous goods vehicle licence, or for renewal of a dangerous goods vehicle licence, for a road vehicle —

(a) to give to the authority, or to someone nominated by the authority, any additional information necessary for a proper consideration of the application; and

(b) to make the road vehicle available for inspection by the authority, or by someone nominated by the authority, at a specified place and time.

(2) A person who inspects a road vehicle for the licensing authority must give a report of the inspection to the authority as soon as practicable after the inspection.

(3) The licensing authority must give a copy of any report of an inspection to the applicant if the applicant asks for it.

232. Grant of dangerous goods vehicle licences

(1) Subject to subregulation (3), a licensing authority must grant a dangerous goods vehicle licence for a road vehicle if —

(a) an application for the licence is made to the authority in accordance with regulation 230; and

(b) the applicant has complied with any requirement made under regulation 231 in relation to the application; and

(c) the road vehicle is suitable to transport each type of dangerous goods intended to be transported in or on the road vehicle.

(2) Without limiting subregulation (1)(c), if a road vehicle is intended for use in the transport of dangerous goods in the form of a liquid or gas using a tank that forms part of the vehicle or is attached to the vehicle, the vehicle is suitable only if —

(a) the tank is an approved tank; and

(b) the vehicle complies with the requirements of the ADG Code Chapters 4.4 and 6.10 applying to road vehicles for use in transporting dangerous goods in the form of a liquid or gas.

(3) The licensing authority must not grant a licence if the applicant is prohibited by a court order from involvement in the transport of dangerous goods by road.

(4) The licensing authority may issue a single dangerous goods vehicle licence for more than one road vehicle.

(5) If the licensing authority refuses to grant a dangerous goods vehicle licence, the authority must inform the applicant in writing of the refusal and of the reasons for the refusal.

[Regulation 232 amended: SL 2024/22 r. 14.]

233. Applications for renewal of licences

(1) A person who holds a dangerous goods vehicle licence for a road vehicle may apply to the licensing authority for renewal of the licence.

(2) The application must include the information required under subregulation 230(2) for an application for a dangerous goods vehicle licence for the road vehicle.

(3) The application must be accompanied by the fee determined under regulation 272 Table item 2(b).

(4) The application must be made within 3 months before the licence expires.

[Regulation 233 amended: SL 2023/36 r. 12.]

234. Renewal of licences

(1) Subject to subregulation (3), a licensing authority must renew a dangerous goods vehicle licence for a road vehicle if —

(a) an application for renewal of the licence is made to the authority in accordance with regulation 233; and

(b) the applicant has complied with any requirement made under regulation 231 in relation to the application; and

(c) the road vehicle is suitable to transport each type of dangerous goods intended to be transported in or on the road vehicle.

(2) Without limiting subregulation (1)(c), if a road vehicle is intended for use in the transport of dangerous goods in the form of a liquid or gas using a tank that forms part of the vehicle or is attached to the vehicle, the vehicle is suitable only if —

(a) the tank is an approved tank; and

(b) the vehicle complies with the requirements of the ADG Code Chapters 4.4 and 6.10 applying to road vehicles for use in transporting dangerous goods in the form of a liquid or gas.

(3) The licensing authority must not renew the licence if the applicant is prohibited by a court order from involvement in the transport of dangerous goods by road.

(4) The licensing authority may issue a single dangerous goods vehicle licence for more than one road vehicle.

(5) If the licensing authority refuses to renew a dangerous goods vehicle licence, the authority must inform the applicant in writing of the refusal and of the reasons for the refusal.

[Regulation 234 amended: SL 2024/22 r. 14.]

235. Licence periods

(1) A dangerous goods vehicle licence takes effect on the day on which the licence is granted or a later day specified in the licence.

(2) A dangerous goods vehicle licence is granted for the period specified in the licence, being a period of not longer than 5 years.

(3) If an application for a renewal of the licence is not decided on or before the date on which the licence expires under subregulation (2) or (5) (the ***expiry date***), the licence has effect after the expiry date until the licensing authority renews, or refuses to renew, the licence, unless in the meantime the licence is cancelled or the application is withdrawn.

(4) A renewal of a licence takes effect on the day after the expiry date.

(5) A dangerous goods vehicle licence is renewed for the period specified in the renewed licence, being a period of not longer than 5 years.

[Regulation 235 amended: Gazette 3 Aug 2012 p. 3759.]

236. Licence conditions

(1) A licensing authority may grant or renew a dangerous goods vehicle licence subject to any of the conditions mentioned in subregulations (3) and (4).

(2) A condition to which the licence is subject must be stated in the licence.

(3) The licence may include conditions about —

(a) the dangerous goods that may or may not be transported in or on the road vehicle; and

(b) the areas where the road vehicle may or may not be used to transport dangerous goods or particular dangerous goods; and

(c) the inspections of the road vehicle (if any) that are required.

(4) The licence may include any other condition necessary for the safe transport of dangerous goods by road.

237. Disposal and transfer of licensed vehicles

(1) In this regulation —

business transfer, in respect of a vehicle, means a transfer of the title to the vehicle as part of a transfer in ownership of the business in which the vehicle is used and is to continue to be used;

licensed vehicle means a vehicle for which a dangerous goods vehicle licence is in force.

(2) Within 21 days after transferring possession or otherwise disposing of a licensed vehicle (otherwise than by way of a business transfer) (the ***disposed vehicle***), the person who holds the licence for the vehicle must give, to the licensing authority, notice of the disposal.

Penalty: a fine of $1 500.

(3) If the licence for the disposed vehicle also relates to another vehicle, the person who holds the licence for the vehicle must attach the licence to the notice of the disposal.

Penalty: a fine of $1 500.

(4) If the licence for the vehicle does not relate to another vehicle, the person who holds the licence for the vehicle must —

(a) attach the licence to the notice of the disposal; or

(b) destroy it and, if required by the licensing authority, provide sufficient evidence to show that this has been done.

Penalty: a fine of $1 500.

(5) On receipt of a licence for a disposed vehicle, the licensing authority must —

(a) if the licence also relates to another vehicle —

(i) amend the licence by omitting reference to the disposed vehicle; and

(ii) return the licence to the person who gave the licence to the authority;

or

(b) if paragraph (a) does not apply — cancel the licence.

(6) Within 21 days after the transfer by business transfer of a licensed vehicle, the person to whom the vehicle has been transferred must make an application to the licensing authority, accompanied by the licence, for the transfer of the licence to that person.

Penalty: a fine of $1 500.

(7) On receipt of the application and licence, the licensing authority must amend the licence to record the change in ownership and return the licence.

238. Grounds for cancelling, suspending or varying licences

(1) A licensing authority may cancel, suspend or vary a dangerous goods vehicle licence if the application for the licence or for renewal of the licence —

(a) did not comply with these regulations; or

(b) was false or misleading in a material respect.

(2) A licensing authority may also cancel, suspend or vary a dangerous goods vehicle licence for a road vehicle if the road vehicle does not comply with the Act or these regulations.

Division 5 — Requirements relating to dangerous goods driver licences

239. When licences to be carried

The driver of a road vehicle that is transporting dangerous goods who is required to be licensed under this Part to drive the vehicle must carry his or her dangerous goods driver licence while driving the vehicle.

Penalty: a fine of $1 500.

[Regulation 239 inserted: Gazette 2 Dec 2013 p. 5497-8.]

240. Licences to be produced for inspection

The driver of a road vehicle that is transporting dangerous goods who is required to be licensed under this Part to drive the vehicle must produce his or her dangerous goods driver licence for inspection by a DGO or a police officer, if the officer asks the driver to produce the licence for inspection.

Penalty: a fine of $1 500.

Division 6 — Licences generally

241. Terms used

In this Division —

licence means a dangerous goods driver licence or dangerous goods vehicle licence;

licensee means the holder of a licence.

242. Replacement licences

(1) A licensing authority may issue a replacement licence to a licensee if —

(a) the licence is renewed; or

(b) the licence is varied; or

(c) a suspension of the licence has ended.

(2) The licensing authority must issue a replacement licence to a licensee if the authority is satisfied that the licence has been defaced, destroyed, lost or stolen.

243. Failure to comply with licence conditions

A licensee must not contravene a condition of his or her licence.

Penalty: a fine of $10 000.

244. Surrender of licences

(1) A licensee may surrender his or her licence by giving notice of surrender to the licensing authority.

(2) A licence ceases to have effect on its surrender.

(3) A person must not produce for inspection a licence that has been surrendered.

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

[Regulation 244 amended: Gazette 11 Jul 2017 p. 3831.]

245. Registers of licences

(1) A licensing authority must keep a register of dangerous goods driver licences.

(2) A licensing authority must keep a register of dangerous goods vehicle licences.

(3) A register may have separate divisions for different kinds of licences.

(4) A licensing authority must —

(a) record each licence granted by the authority in the appropriate register; and

(b) note in the register any cancellation, surrender, suspension or variation of a licence.

246. Records of licences

The record of a licence in the register must include the following information —

(a) the name of the licensee;

(b) the date when the licence was granted or renewed;

(c) either —

(i) the period for which the licence was granted or renewed; or

(ii) the expiry date of the licence;

(d) for a dangerous goods driver licence — the licensee's date of birth;

(e) for a dangerous goods vehicle licence — the registration number, make and type of each road vehicle to which the licence relates;

(f) the UN Classes or UN Divisions of dangerous goods for which the licence is valid;

(g) any condition to which the licence is subject.

247. Change of information given in licence applications

(1) This regulation applies if a licensee becomes aware that information given by the licensee to a licensing authority in, or in relation to, an application for a licence or for renewal of a licence is, or has become, incorrect in a material respect.

(2) Within 14 days after becoming aware of the matter, the licensee must inform the licensing authority about the matter and give the correct information to the authority.

Penalty: a fine of $1 500.

248. Production of licences to licensing authority

(1) A licensing authority may, by written notice, require a person to whom a licence has been granted to produce the licence to the authority.

(2) The person must produce the licence to the licensing authority within 14 days after the day on which the notice is given to the person.

Penalty: a fine of $1 500.

249. Return of licences

(1) This regulation applies if a licence is produced to a licensing authority or given to the authority by a DGO or a police officer.

(2) If the licence has not been cancelled, is not suspended and has not been varied, the licensing authority must return the licence to the licensee.

(3) If the licence has been suspended, the suspension has ended and a replacement licence is not issued, the licensing authority must return the licence to the licensee.

(4) If the licence has been varied, the variation is recorded on the licence and a replacement licence is not issued, the licensing authority must return the licence to the licensee.

(5) However, if the licence period has ended, the licensing authority is not required to return the licence to the licensee.

Division 7 — Cancellation, suspension and variation

250. Terms used

In this Division —

licence means a dangerous goods driver licence or dangerous goods vehicle licence;

licensee means the holder of a licence.

251. Cancellation, suspension and variation in dangerous situations

A licensing authority must cancel, suspend or vary a licence granted by it if the authority reasonably believes that —

(a) a ground exists to cancel, suspend or vary the licence; and

(b) it is necessary to do so to reduce, eliminate or avert any risk to people, property or the environment from dangerous goods in a dangerous situation.

252. Cancellation and suspension giving effect to court orders

A licensing authority must cancel or suspend a licence granted by it if the licensee is prohibited by a court order from involvement in the transport of dangerous goods by road.

253. Variation of licences on application

(1) This regulation applies if —

(a) an application is made to vary a licence; and

(b) the application is made by the licensee and has the licence with it.

(2) A licensing authority may vary the licence in accordance with the application.

254. Cancellation, suspension and variation in other circumstances

(1) This regulation applies if —

(a) a licensing authority considers that a ground exists to cancel, suspend or vary a licence granted by it (the ***proposed action***); and

(b) none of regulations 251, 252 and 253 applies to the proposed action.

(2) The licensing authority must give to the licensee a written notice that —

(a) states what the proposed action is; and

(b) if the proposed action is to suspend the licence — states the proposed suspension period (either as a period of time or by reference to a future event); and

(c) if the proposed action is to vary the licence — sets out the proposed variation; and

(d) sets out the ground for the proposed action; and

(e) outlines the facts and other circumstances forming the basis for the ground; and

(f) invites the licensee to state in writing, within a specified period of at least 28 days after the day on which the notice is given to the licensee, why the proposed action should not be taken.

(3) If, after considering any written statement made within the specified period, the licensing authority reasonably believes that a ground exists to take the proposed action, the authority may —

(a) cancel or vary the licence; or

(b) suspend the licence for not longer than the suspension period stated in the notice; or

(c) if the proposed action is to vary the licence in a specified way — vary the licence in that way.

(4) The licensing authority may withdraw a suspension before the suspension is due to expire if it reasonably believes that it is appropriate to do so.

[Regulation 254 amended: Gazette 11 Jul 2017 p. 3831-2.]

255. When cancellation, suspension and variation take effect

The cancellation, suspension or variation of a licence by a licensing authority takes effect on —

(a) the day on which the licensee is given written notice by the licensing authority of the cancellation, suspension or variation and of the reasons for the cancellation, suspension or variation; or

(b) a later day specified in the notice.

256. When licences taken to be suspended

(1) A person's dangerous goods driver licence is taken to be suspended if the person's driver licence has no effect.

(2) A person's dangerous goods vehicle licence for a road vehicle is taken to be suspended if the road vehicle is not registered.

Part 18 — Insurance

257. Duty on owners

(1) The owner of a road vehicle must not use the vehicle, or permit it to be used, to transport a placard load unless —

(a) the use of the vehicle is covered by a policy of insurance, or other form of indemnity, for a sum that is at least $5 000 000, in respect of —

(i) personal injury, death, property damage and other damage (except consequential economic loss) arising out of fire, explosion, leakage or spillage of dangerous goods in, on or from the vehicle or any packaging transported in or on the vehicle; and

(ii) costs incurred by or on behalf of a Commonwealth, State or Territory government authority in a clean-up resulting from such fire, explosion, leakage or spillage;

or

(b) the owner has an approval given under regulation 260 in relation to the use of the vehicle and is complying with all relevant conditions to which the approval is subject.

Penalty: a fine of $10 000.

(2) Each load bearing vehicle, whether or not a motor vehicle and whether or not it is being used in combination with another vehicle, is a vehicle for the purposes of subregulation (1).

Note for this regulation:

Under regulation 4, vehicle is defined as including a combination. It is not the purpose of subregulation (2) to require insurance in respect of each individual component of a combination being used in a combination. In the case of a combination, subregulation (1) only requires that there be insurance for the combination as a whole.

[Regulation 257 amended: Gazette 22 Jun 2010 p. 2738; 13 Jun 2014 p. 1948.]

258. Duty on prime contractors

(1) A prime contractor must not use a road vehicle to transport a placard load unless —

(a) the use of the vehicle is covered by a policy of insurance, or other form of indemnity, for a sum that is at least $5 000 000, in respect of —

(i) personal injury, death, property damage and other damage (except consequential economic loss) arising out of fire, explosion, leakage or spillage of dangerous goods in, on or from the vehicle or any packaging transported in or on the vehicle; and

(ii) costs incurred by or on behalf of a Commonwealth, State or Territory government authority in a clean-up resulting from such fire, explosion, leakage or spillage;

or

(b) the prime contractor has an approval given under regulation 260 in relation to the use of the vehicle and is complying with all relevant conditions to which the approval is subject.

Penalty: a fine of $10 000.

(2) Each load bearing vehicle, whether or not a motor vehicle and whether or not it is being used in combination with another vehicle, is a vehicle for the purposes of subregulation (1).

Note for this regulation:

Under regulation 4, vehicle is defined as including a combination. It is not the purpose of subregulation (2) to require insurance in respect of each individual component of a combination being used in a combination. In the case of a combination, subregulation (1) only requires that there be insurance for the combination as a whole.

[Regulation 258 amended: Gazette 22 Jun 2010 p. 2739; 13 Jun 2014 p. 1948.]

259. Requiring evidence of insurance etc.

(1) The Chief Officer may, by written notice, require the owner of a road vehicle used to transport a placard load, or a prime contractor responsible for the condition of the road vehicle, to produce —

(a) written evidence that the vehicle is covered by a policy of insurance or other form of indemnity in accordance with regulation 257(1)(a) or 258(1)(a); or

(b) an approval given under regulation 260 in relation to the road vehicle.

(2) The owner or prime contractor must produce the evidence or approval to the Chief Officer within 14 days after the day on which the notice is given to the owner or prime contractor.

Penalty: a fine of $3 000.

260. Approvals — insurance

(1) The owner of a road vehicle used to transport a placard load, or a prime contractor responsible for the condition of the road vehicle, may make an application in accordance with regulation 194 to use the vehicle even if the vehicle is not covered by a policy of insurance or other form of indemnity in accordance with regulation 257(1)(a) or 258(1)(a).

(2) If the Chief Officer is satisfied that the owner or prime contractor is adequately capable of self-insurance for the purposes of regulation 257(1)(a) or 258(1)(a), the Chief Officer may give written approval for the use of the road vehicle.

(3) An approval given under subregulation (2) may be given by the Chief Officer —

(a) for a single use or for a period of not longer than 3 years; and

(b) subject to any other condition for the purposes of regulation 257(1)(a) or 258(1)(a).

Part 19 — Mutual recognition

Division 1 — Recommendations by Chief Officer and corresponding authorities

261. Recommendations by Chief Officer

(1) This regulation applies if the Chief Officer considers that a ground exists for a corresponding authority to do any of the following (the ***proposed action***) —

(a) revoke or vary a corresponding determination;

(b) cancel or vary a corresponding exemption or corresponding approval;

(c) cancel, suspend or vary a corresponding dangerous goods driver licence or corresponding dangerous goods vehicle licence.

(2) The Chief Officer may recommend, in writing, that the corresponding authority take the proposed action.

(3) The Chief Officer must provide written reasons to the corresponding authority for the recommendation.

(4) If the recommendation is about a determination, exemption or approval that has effect in one or more other participating jurisdictions, the Chief Officer must also refer the recommendation to CAP.

262. Recommendations by corresponding authorities

(1) In this regulation —

exemption does not include an exemption granted by the Minister.

(2) This regulation applies if a corresponding authority recommends to the Chief Officer in writing that the Chief Officer do any of the following —

(a) revoke or vary a determination;

(b) cancel or vary an exemption or approval;

(c) cancel, suspend or vary a dangerous goods driver licence or dangerous goods vehicle licence.

(3) If the recommendation is about a determination, exemption or approval that has effect in one or more other participating jurisdictions, the Chief Officer need not take any action on the recommendation until CAP has considered the recommendation.

(4) In any other case, the Chief Officer must have regard to the recommendation.

Division 2 — Mutual recognition of determinations, exemptions, approvals and licences

263. Corresponding determinations

(1) This regulation applies to a determination made by a corresponding authority if —

(a) the determination is made under a provision of the law of the other jurisdiction corresponding to a provision (the ***relevant provision***) of any of the following regulations —

(i) regulation 17 (Determinations — dangerous goods);

(ii) regulation 18 (Determinations — packagings);

(iii) regulation 19 (Determinations — vehicles, routes, areas, times etc.);

and

(b) the determination has effect in the other jurisdiction; and

(c) CAP has decided that the determination should have effect in all participating jurisdictions or participating

jurisdictions including this State, and CAP has not reversed the decision.

(2) The determination has effect in this State as if it were a determination made by the Chief Officer under the relevant provision.

264. Corresponding exemptions

(1) This regulation applies to an exemption granted by a corresponding authority if —

(a) the exemption is granted from compliance with a provision of the law of the other jurisdiction corresponding to a provision (the ***relevant provision***) of these regulations; and

(b) the exemption has effect in the other jurisdiction; and

(c) CAP has decided that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this State, and CAP has not reversed the decision.

(2) The exemption has effect in this State as if it were an exemption granted by the Chief Officer from compliance with the relevant provision.

(3) Despite subregulation (2), an exemption that has effect under that subregulation ceases to have effect 10 years after the day on which CAP decided that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this State.

265. Corresponding approvals

(1) This regulation applies to an approval given in another participating jurisdiction if —

(a) the approval is given under a provision of the law of the other jurisdiction corresponding to a provision (the

relevant provision) of any one of the following regulations —

(i) regulation 15 (Approvals — tests and training courses for drivers);

(ii) regulation 56 (Approvals — packaging designs);

(iii) regulation 59 (Approvals — overpacks);

(iv) regulation 137 (Approvals — Type II segregation devices);

(v) regulation 138 (Approvals — methods of segregation);

(vi) regulation 162 (Approvals — emergency information);

(vii) regulation 260 (Approvals — insurance);

and

(b) the approval has effect in the other jurisdiction; and

(c) CAP has decided that the approval should have effect in all participating jurisdictions or participating jurisdictions including this State, and CAP has not reversed the decision.

(2) The approval has effect in this State as if it were an approval given by the Chief Officer under the relevant provision.

266. Corresponding licences

(1) This regulation applies to a licence granted for road transport in another participating jurisdiction if —

(a) the licence is granted under a provision of the law of the other jurisdiction corresponding to a provision (the ***relevant provision***) of either of the following regulations —

(i) regulation 222 (Grant of dangerous goods driver licences);

(ii) regulation 232 (Grant of dangerous goods vehicle licences);

and

(b) the licence has effect in the other jurisdiction.

(2) Except for circumstances that do not exist in this State, the licence has effect in this State as if it were a licence granted by the Chief Officer under the relevant provision.

267A. Reference of determination, exemption or approval to CAP for the purposes of mutual recognition

The Chief Officer may refer to CAP any determination, exemption or approval that has been made by a corresponding authority that the Chief Officer considers to be a determination, exemption or approval that should be given effect in all participating jurisdictions, or participating jurisdictions including this State, for the purposes of regulation 263, 264 or 265.

[Regulation 267A inserted: Gazette 17 Nov 2015 p. 4700-1.]

Part 20 — Reconsideration and review of decisions

267. Application of Part

(1) This Part applies to the following decisions made by the Chief Officer —

(a) a decision, under the Act Part 4, to refuse to grant an exemption from compliance with a provision of these regulations, to cancel such an exemption, to impose a new condition or to vary or cancel a condition of such an exemption;

(b) a decision under regulation 15 to approve or not approve a test or training course for drivers of road vehicles transporting dangerous goods;

(c) a decision under regulation 56 to approve or not approve a design for a packaging;

(d) a decision under regulation 59 to approve or not approve a method of preparing an overpack;

(e) a decision under regulation 60(1) to authorise or not authorise a body or any other person to give approvals under regulations 56 and 59;

(f) a decision under regulation 60(5) to withdraw an authorisation given under regulation 60;

(g) a decision under regulation 137 to approve or not approve a design for a segregation device;

(h) a decision under regulation 138 to approve or not approve a method of segregation;

(i) a decision under regulation 162 to approve or not approve emergency information;

(j) a decision under regulation 184 to approve or not approve a person to be an approved responder to emergency;

(k) a decision under regulation 208, 210 or 211 to cancel, vary or refuse to vary an approval;

(l) a decision under regulation 222 or 232 to grant or refuse to grant a licence;

(m) a decision under regulation 224 or 234 to renew or refuse to renew a licence;

(n) a decision under regulation 242 to issue or refuse to issue a replacement licence;

(o) a decision under regulation 251, 253 or 254 to cancel, suspend, vary or refuse to vary a licence;

(p) a decision under regulation 260 to approve or not approve the use of a vehicle that is not covered by a policy of insurance or other form of indemnity.

(2) This Part applies to the following decisions made by an authorised body —

(a) a decision under regulation 56 to approve or not approve a design for a packaging;

(b) a decision under regulation 59 to approve or not approve a method of preparing an overpack.

(3) This Part applies to the following decisions made by a licensing authority other than the Chief Officer —

(a) a decision under regulation 222 or 232 to grant or refuse to grant a licence;

(b) a decision under regulation 224 or 234 to renew or refuse to renew a licence;

(c) a decision under regulation 242 to issue or refuse to issue a replacement licence;

(d) a decision under regulation 251, 253 or 254 to cancel, suspend, vary or refuse to vary a licence.

268. Who may apply for reconsideration of decisions

A person aggrieved by a decision may apply to the Chief Officer for reconsideration of the decision.

269. Applications for reconsideration

(1) An application must be made within —

(a) 28 days after the day on which the person was informed of the decision by the Chief Officer; or

(b) a longer period allowed by the Chief Officer, either before or after the end of the 28 days.

(2) The application must be in writing and set out the grounds on which reconsideration of the decision is sought.

270. Chief Officer to reconsider decisions

(1) Within 28 days after receiving the application, the Chief Officer must reconsider the decision, and confirm, revoke or vary the decision.

(2) The Chief Officer must inform the applicant in writing of the result of the reconsideration and of the reasons for the result.

Part 21 — Infringement notices

271. Infringement notice offences and modified penalties

(1) The offences created by the provisions of these regulations specified in Schedule 1 column 2 are prescribed for the purposes of the Act section 56(2).

(2) For the purposes of the Act section 56(4), the modified penalty prescribed for the offence created by the provision of these regulations specified in column 2 of an item in Schedule 1 is —

(a) for an individual — the amount specified in column 3 of that item;

(b) for a body corporate — the amount specified in column 4 of that item.

Part 22 — Fees

272. Fees prescribed

The fees payable under these regulations are prescribed in the Table.

Table

Item	Column 1 Application	Column 2 Fee $
1.	Application for approval or variation of approval (r. 194(1)(b))	365.00
2.	Application for, or for renewal of — (a) a dangerous goods driver licence, for each year or part of a year of the term of the licence (r. 218(2)(e) and 223(2)(e)) (b) a dangerous goods vehicle licence, for each year or part of a year of the term of the licence (r. 230(4) and 233(3))	 29.00 187.00

[Regulation 272 inserted: SL 2025/90 r. 8; amended: SL 2026/94 r. 6.]

*[**272AA.** Deleted: SL 2021/85 r. 11.]*

Part 22A — Miscellaneous

[Heading inserted: SL 2020/193 r. 25.]

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.

[Regulation 272A inserted: SL 2020/193 r. 25.]

Part 23 — Transitional

Division 1 — Provisions for *Dangerous Goods (Transport) Act 1998*

[Heading inserted: Gazette 3 Aug 2012 p. 3759.]

273. Terms used

In this Division —

commencement day means the day on which the Act Part 3 comes into operation [1];

repealed Act means the *Dangerous Goods (Transport) Act 1998* repealed by the Act;

repealed regulations means the *Dangerous Goods (Transport) (Road and Rail) Regulations 1999* repealed by the Act.

[Regulation 273 amended: Gazette 3 Aug 2012 p. 3759.]

274. Lawful conduct under repealed regulations

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

(a) the transport takes place before 1 January 2010; and

(b) the person transports the goods in accordance with the repealed Act and the repealed regulations.

(2) Where an exemption or approval that is continued in effect under this Part does not have an expiry date, it expires immediately before the fifth anniversary of the commencement day.

[Regulation 274 amended: Gazette 23 Jan 2009 p. 157.]

275. Continuing effect of certain determinations

(1) This regulation applies to a determination that —

(a) was made under the repealed regulations; and

(b) was in force in this State immediately before the commencement day; and

(c) is a determination in respect of something that may be determined under a provision (the ***relevant provision***) of any of the following regulations —

(i) regulation 17 (Determinations — dangerous goods);

(ii) regulation 18 (Determinations — packaging);

(iii) regulation 19 (Determinations — vehicles, routes, areas, times etc.).

(2) The determination has effect for these regulations as if it were a determination made by the Chief Officer under the relevant provision.

(3) Without limiting subregulation (2), the Chief Officer may record the determination in the register of determinations kept under regulation 23.

276. Continuing effect of certain corresponding determinations

(1) This regulation applies to a determination (however described) that —

(a) was made under a law regulating the transport of dangerous goods by road or rail made by another State or a Territory that has passed or has indicated that it intends to pass a corresponding law; and

(b) was in force in the other State or the Territory immediately before the commencement day; and

(c) is a determination about something that may be determined under a provision of the corresponding law of the other State or the Territory (the ***corresponding***

provision) that corresponds to a provision of a regulation mentioned in regulation 275(1)(c).

(2) Except for circumstances that do not exist in this State, the determination has effect for these regulations as if it were a determination made by a corresponding authority under the corresponding provision.

277. Continuing effect of certain exemptions

(1) This regulation applies to an exemption that —

(a) was granted under the repealed Act; and

(b) was in force in this State immediately before the commencement day; and

(c) is an exemption from compliance with a provision of the repealed regulations corresponding to a provision (the ***relevant provision***) of these regulations.

(2) Subject to regulation 274(2), the exemption has effect for these regulations as if it were an exemption granted by the Chief Officer from compliance with the relevant provision.

(3) Without limiting subregulation (2), the Chief Officer may record the exemption in the register of exemptions kept under the Act section 23(8).

278. Continuing effect of certain corresponding exemptions

(1) This regulation applies to an exemption (however described) that —

(a) was granted under a law regulating the transport of dangerous goods by road or rail made by another State or a Territory that has passed or has indicated that it intends to pass a corresponding law; and

(b) was in force in the other State or the Territory immediately before the commencement day; and

(c) is an exemption from compliance with a provision of the law of the other State or the Territory that corresponds to a provision of the corresponding law (the ***corresponding provision***).

(2) Except for circumstances that do not exist in this State, the exemption has effect for these regulations as if it were an exemption granted by a corresponding authority from compliance with the corresponding provision.

279. Continuing effect of certain approvals

(1) This regulation applies to an approval that —

(a) was given under the repealed regulations; and

(b) was in force in this State immediately before the commencement day; and

(c) is an approval of something that may be approved under a provision (the ***relevant provision*)** of any of the following regulations —

(i) regulation 15 (Approvals — tests and training courses for drivers);

(ii) regulation 56 (Approvals — packaging designs);

(iii) regulation 59 (Approvals — overpacks);

(iv) regulation 137 (Approvals — Type II segregation devices);

(v) regulation 138 (Approvals — methods of segregation);

(vi) regulation 162 (Approvals — emergency information).

(2) Subject to regulation 274(2), the approval has effect for these regulations as if it were an approval given by the Chief Officer under the relevant provision.

(3) Without limiting subregulation (2), the Chief Officer may record the approval in the register of approvals kept under regulation 202.

280. Continuing effect of certain corresponding approvals

(1) This regulation applies to an approval (however described) that —

(a) was given under a law regulating the transport of dangerous goods by road or rail made by another State or a Territory that has passed or has indicated that it intends to pass a corresponding law; and

(b) was in force in the other State or the Territory immediately before the commencement day; and

(c) is an approval of something that may be approved under a provision of the corresponding law of the other State or the Territory (the ***corresponding provision***) that corresponds to a provision of a regulation mentioned in regulation 279(1)(c).

(2) Except for circumstances that do not exist in this State, the approval has effect for these regulations as if it were an approval given by a corresponding authority under the corresponding provision.

281. Continuing effect of certain licences

(1) This regulation applies to a licence that —

(a) was granted under the repealed regulations; and

(b) was in force in this State immediately before the commencement day; and

(c) is a licence that may be granted under either of the following provisions (the ***relevant provision***) —

(i) regulation 222 (Grant of dangerous goods driver licence);

(ii) regulation 232 (Grant of dangerous goods vehicle licence).

(2) The licence has effect for these regulations as if it were a licence granted by the Chief Officer under the relevant provision.

(3) Without limiting subregulation (2), the Chief Officer may record the licence in the relevant register of licences kept under regulation 245.

(4) A licence that has effect under subregulation (2) expires when it would have expired under the repealed regulations.

282. Continuing effect of certain corresponding licences

(1) This regulation applies to a licence (however described) that —

(a) was granted under a law regulating the transport of dangerous goods by road made by another State or a Territory that has passed or has indicated that it intends to pass a corresponding law; and

(b) was in force in the other State or the Territory immediately before the commencement day; and

(c) is a licence that may be granted under a provision of the corresponding law of the other jurisdiction (the ***corresponding provision***) that corresponds to a provision mentioned in regulation 281(1)(c).

(2) Except for circumstances that do not exist in this State, the licence has effect for these regulations as if it were a licence granted by a corresponding authority under the corresponding provision.

Division 2 — Other provisions

[Heading inserted: Gazette 3 Aug 2012 p. 3759.]

283. Assessing fitness to drive

(1) If a certificate that complies with regulation 221(c) as in force immediately before the date on which the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012* regulation 7 commences is issued within one year after that date, it is taken to be a certificate that complies with regulation 221(c) as in force after that date.

(2) If a certificate that complies with regulation 227(1)(c) as in force immediately before the date on which the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012* regulation 9 commences is issued within one year after that date, it is taken to be a certificate that complies with regulation 227(1)(c) as in force after that date.

[Regulation 283 inserted: Gazette 3 Aug 2012 p. 3759-60.]

Division 3 — Provision for *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2014*

[Heading inserted: Gazette 13 Jun 2014 p. 1949.]

284. Transitional provision for offence involving compliance with ADG Code

A person does not commit an offence against the Act or 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 before 1 July 2015; and

(c) the person transports the goods in accordance with the ADG Code as it was defined in regulation 4 immediately before the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2014* regulation 4 came into operation.

[Regulation 284 inserted: Gazette 13 Jun 2014 p. 1949.]

Division 4 — Provision for *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2015*

[Heading inserted: Gazette 17 Nov 2015 p. 4701.]

285. Transitional provision 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 that begins on 1 January 2016 and ends on 31 December 2016; and

(c) the person transports the goods in accordance with the ADG Code as it was defined in regulation 4 immediately before the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2015* regulation 4 came into operation.

[Regulation 285 inserted: Gazette 17 Nov 2015 p. 4701.]

Division 5 — Provisions for *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2017*

[Heading inserted: Gazette 11 Jul 2017 p. 3832.]

286. Term used: commencement day

In this Division —

commencement day means the day on which the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2017* regulation 3 comes into operation.

[Regulation 286 inserted: Gazette 11 Jul 2017 p. 3832.]

287. Assessing fitness to drive

(1) In this regulation —

previous regulation 221(c) means regulation 221(c) as in force immediately before commencement day.

(2) A certificate that complies with previous regulation 221(c) and issued within 1 year after commencement day is taken to be a certificate that complies with regulation 221(c).

[Regulation 287 inserted: Gazette 11 Jul 2017 p. 3832.]

288. Transitional provision 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 that begins on commencement day and ends on 1 March 2018; and

(c) the person transports the goods in accordance with the ADG Code as it was defined in regulation 4 immediately before commencement day.

[Regulation 288 inserted: Gazette 11 Jul 2017 p. 3832.]

Division 6 — Provisions for *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018*

[Heading inserted: Gazette 31 Aug 2018 p. 3046.]

289. Term used: commencement day

In this Division —

commencement day means the day on which the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018* regulation 3 comes into operation.

[Regulation 289 inserted: Gazette 31 Aug 2018 p. 3046.]

290. Transitional provision 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 that begins on the commencement day and ends on 30 June 2019; and

(c) the person transports the goods in accordance with the ADG Code as it was defined in regulation 4 immediately before the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018* regulation 3 came into operation.

[Regulation 290 inserted: Gazette 31 Aug 2018 p. 3046-7.]

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

[Heading inserted: SL 2020/193 r. 26.]

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.

[Regulation 291 inserted: SL 2020/193 r. 26.]

Schedule 1 — Infringement notice offences and modified penalties

[r. 271]

Table

Item	Provision	Modified penalty for an individual ($)	Modified penalty for a body corporate ($)
1.	Regulation 13B(3)	100	500
1A.	Regulation 13B(4)	100	500
1B.	Regulation 20(2)	600	3 000
2.	Regulation 22	300	1 500
3.	Regulation 54	600	3 000
4.	Regulation 61	600	3 000
5.	Regulation 69(1)	600	3 000
5A.	Regulation 69(2)	600	3 000
6.	Regulation 69(3)	600	3 000
7.	Regulation 70	600	3 000
8.	Regulation 71(1)	600	3 000
9.	Regulation 71(2)	600	3 000
10.	Regulation 74(1)	600	3 000
[11-19	*deleted]*		
20.	Regulation 101	300	1 500
21.	Regulation 107	(a) for a large packaging or overpack — 300 (b) in any other case — 100	(a) for a large packaging or overpack — 1 500 (b) in any other case — 500
21A.	Regulation 109A(1)	300	1 500

Item	Provision	Modified penalty for an individual ($)	Modified penalty for a body corporate ($)
22.	Regulation 112(1)	600	3 000
23A.	Regulation 112(2)	600	3 000
23B.	Regulation 112(3)	600	3 000
23C.	Regulation 112(5)	600	3 000
23.	Regulation 116	600	3 000
24.	Regulation 119	600	3 000
25.	Regulation 123(1)	300	—
25A.	Regulation 123(2)	300	—
26.	Regulation 127(1)	300	—
27.	Regulation 127(2)	300	—
27.	Regulation 138(3)	300	1 500
[28	*deleted]*		
29.	Regulation 141(1)	300	—
30.	Regulation 141(3)	300	—
31.	Regulation 142(2)	600	3 000
32.	Regulation 142(3)	100	500
33.	Regulation 143(2)	600	3 000
34.	Regulation 143(3)	100	500
35.	Regulation 146(1)	300	—
36.	Regulation 147	300	1 500
37.	Regulation 150(1)	200	1 000
38.	Regulation 151(1)	200	1 000
39.	Regulation 152	300	1 500
40.	Regulation 153	300	1 500
41.	Regulation 154	200	—

Item	Provision	Modified penalty for an individual ($)	Modified penalty for a body corporate ($)
42.	Regulation 155(2)	200	—
43A	Regulation 156A(2)	300	1 500
43.	Regulation 158	300	1 500
44.	Regulation 159(1)	300	1 500
45.	Regulation 160(1)	200	—
46.	Regulation 160(2)	100	—
47.	Regulation 160(3)	200	—
48.	Regulation 161(1)	200	—
49.	Regulation 161(2)	200	—
49A.	Regulation 162A	200	1 000
49B.	Regulation 162B	300	1 500
50.	Regulation 163	600	3 000
51.	Regulation 164(1)	600	3 000
52.	Regulation 165(1)	200	—
53.	Regulation 166(2)	100	—
54.	Regulation 169	100	—
55.	Regulation 170	200	—
55A.	Regulation 170A(2)	300	—
55B.	Regulation 170A(3)	300	1 500
56.	Regulation 171(2)	600	—
57.	Regulation 172	600	—
58.	Regulation 173	600	—
59.	Regulation 174	600	—
59A.	Regulation 174A	200	1 000
59B.	Regulation 174B	600	3 000

Item	Provision	Modified penalty for an individual ($)	Modified penalty for a body corporate ($)
59C.	Regulation 174C	600	3 000
59D.	Regulation 174D	600	3 000
60.	Regulation 177(2)	600	3 000
61.	Regulation 177(3)	600	3 000
62.	Regulation 178(4)	300	1 500
63.	Regulation 179(2)	300	1 500
[64	*deleted]*		
65.	Regulation 185(1)	600	3 000
66.	Regulation 237(2)	100	500
67.	Regulation 237(3)	100	500
68.	Regulation 237(6)	100	500
69.	Regulation 239	100	—
70.	Regulation 240	100	—
71.	Regulation 243	600	3 000
71A.	Regulation 244(3)	600	3 000
72.	Regulation 247(2)	100	500
73.	Regulation 248(2)	100	500
74.	Regulation 257(1)	600	3 000
75.	Regulation 258(1)	600	3 000
76.	Regulation 259(2)	200	1 000

[Schedule 1 amended: Gazette 22 Jun 2010 p. 2740; 13 Jun 2014 p. 1949-50; 17 Nov 2015 p. 4701; 11 Jul 2017 p. 3833; 31 Aug 2018 p. 3047; SL 2020/193 r. 27; SL 2024/22 r. 13; SL 2024/285 r. 12.]

Notes

This is a compilation of the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007	31 Dec 2007 p. 6893-7056	r. 1 and 2: 31 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2008 (see r. 2(b) and *Gazette* 29 Feb 2008 p. 669)
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2008	30 Jun 2008 p. 3129-30	r. 1 and 2: 30 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jun 2008 (see r. 2(b) and *Gazette* 10 Jun 2008 p. 2471)
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2008	23 Jan 2009 p. 157	r. 1 and 2: 23 Jan 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Jan 2009 (see r. 2(b))
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2009	16 Jun 2009 p. 2193-4	r. 1 and 2: 16 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2010	22 Jun 2010 p. 2715-40	r. 1 and 2: 22 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Jun 2010 (see r. 2(b))
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2010 [2]	20 Aug 2010 p. 4070-1	r. 1 and 2: 20 Aug 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Sep 2010 (see r. 2(b))

Reprint 1: The *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* as at 1 Oct 2010 (includes amendments listed above)

Citation	Published	Commencement
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012	3 Aug 2012 p. 3757-60	r. 1 and 2: 3 Aug 2012 (see r. 2(a)); Regulations other than r. 1, 2, 8 and 10: 4 Aug 2012 (see r. 2(c)); r. 8 and 10: 3 Dec 2012 (see r. 2(b))
DGS (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2012	19 Feb 2013 p. 988-9	r. 1 and 2: 19 Feb 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 20 Feb 2013 (see r. 2(b))
Dangerous Goods Safety (Road and Rail Transport of Non explosives) Amendment Regulations 2013	2 Dec 2013 p. 5497-8	r. 1 and 2: 2 Dec 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Dec 2013 (see r. 2(b))
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2014	13 Jun 2014 p. 1929-50	r. 1 and 2: 13 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2014	8 Jan 2015 p. 131-2	r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and Gazette 17 Apr 2015 p. 1371)
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2015	26 Jun 2015 p. 2264-5	r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
Reprint 2: The *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* as at 7 Aug 2015 (includes amendments listed above)		
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2015	17 Nov 2015 p. 4695-701	r. 1 and 2: 17 Nov 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2016 (see r. 2(b))
Dangerous Goods Safety Regulations Amendment Regulations 2016 Pt. 5	5 Feb 2016 p. 343-68	6 Feb 2016 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Levies) Regulations 2016 Pt. 4	24 Jun 2016 p. 2325-34	1 Jul 2016 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 4	23 Jun 2017 p. 3279-309	1 Jul 2017 (see r. 2(b))

Citation	Published	Commencement
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2017	11 Jul 2017 p. 3820-33	r. 1 and 2: 11 Jul 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Jul 2017 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 4	25 Jun 2018 p. 2297-324	1 Jul 2018 (see r. 2(b))
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018	31 Aug 2018 p. 3043-7	r. 1 and 2: 31 Aug 2018 (see r. 2(a)); Regulations other than r. 1 , 2 and 10: 1 Sep 2018 (see r. 2(c)); r. 10: 1 Jul 2019 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 4	18 Jun 2019 p. 2040-56	1 Jul 2019 (see r. 2(b))
Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations 2020 Pt. 3	SL 2020/103 29 Jun 2020	Repealed by SL 2020/104 r. 3 prior to commencement
Mines and Petroleum Regulations Amendment (COVID-19 Response) Repeal Regulations 2020	SL 2020/104 29 Jun 2020	29 Jun 2020 (see r. 2)
Dangerous Goods Safety Regulations Amendment Regulations 2020 Pt. 4	SL 2020/193 9 Oct 2020	Pt. 4 (other than r. 10(2)): 10 Oct 2020 (see r. 2(c)); r. 10(2): 1 Jan 2021 (see r. 2(b))
Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020 Pt. 3	SL 2020/197 27 Oct 2020	28 Oct 2020 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 4	SL 2021/85 21 Jun 2021	1 Jul 2021 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Work Health and Safety) Regulations 2022 Pt. 2	SL 2022/24 11 Mar 2022	31 Mar 2022 (see r. 2(b) and SL 2022/18 cl. 2)
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 4	SL 2022/58 20 May 2022	1 Jul 2022 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2023 Pt. 4	SL 2023/36 5 May 2023	1 Jul 2023 (see r. 2(b))

Citation	Published	Commencement
Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2024	SL 2024/22 21 Feb 2024	r. 1 and 2: 21 Feb 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Feb 2024 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2024 Pt. 3	SL 2024/97 12 Jun 2024	1 Jul 2024 (see r. 2(b))
Dangerous Goods Safety Regulations Amendment Regulations 2024 Pt. 2	SL 2024/285 18 Dec 2024	18 Apr 2025 (see r. 2(b))
Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2025 Pt. 4	SL 2025/90 11 Jun 2025	1 Jul 2025 (see r. 2(b))
Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2026 Pt. 3	SL 2026/94 10 Jun 2026	1 Jul 2026 (see r. 2(b))

Other notes

1 *The Dangerous Goods Safety Act 2004* Pt. 3 commenced 1 Mar 2008.

2 The *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2010* published in *Gazette* 25 Jun 2010 p. 2873-4 were repealed, before the amendments came into operation, by the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Repeal Regulations 2010* (see *Gazette* 30 Jun 2010 p. 3157).

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
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