



New South Wales

Dangerous Goods (Road and Rail Transport) Amendment Regulation 1998

under the

Dangerous Goods Act 1975

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dangerous Goods Act 1975*.

PAM ALLAN, M.P.,

Minister for the Environment

Explanatory note

The object of this Regulation is to amend the *Dangerous Goods Regulation 1978* as a consequence of the *Dangerous Goods Act 1975* no longer applying to the transport of certain dangerous goods by road and rail and to other matters (including the packaging and labelling of goods transported by road and rail) on the commencement of the *Road and Rail Transport (Dangerous Goods) Act 1997*. The amendments:

- (a) make it clear that the *Dangerous Goods Regulation 1978* does not apply to matters covered by the new Act, and
- (b) update references to the *Australian Code for the Transport of Dangerous Goods by Road and Rail* and also update terminology in keeping with that Code, and
- (c) insert references to the *Australian Code for the Transport of Explosives by Road and Rail* in provisions dealing with explosives, and

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- (d) confine the operation of certain provisions of the Regulation (now covered by the new Act) to explosives (which will not be covered under the new Act), and
- (e) omit other provisions that are no longer required because of the operation of the new Act.

This Regulation is made under the *Dangerous Goods Act 1975*, including section 41 (the general regulation **making** power).

Dangerous Goods (Road and Rail Transport) Amendment Regulation 1998

1 Name of Regulation

This Regulation is the *Dangerous Goods (Road and Rail Transport) Amendment Regulation 1998*.

2 Commencement

This Regulation commences on 20 April 1998.

3 Amendment of Dangerous Goods Regulation 1978

The *Dangerous Goods Regulation 1978* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Definitions

Omit the definition of *Australian Code* from clause 4 (1).
Insert instead:

Australian Code means the sixth edition of the *Australian Code for the Transport of Dangerous Goods by Road and Rail* approved by the Ministerial Council for Road Transport and published by the Australian Government.

Australian Explosives Code means the first edition of the *Australian Code for the Transport of Explosives by Road and Rail*, as published by the Australian Government.

[2] Clause 4 (1), definition of “combustible liquid”

Omit the definition. Insert instead:

combustible liquid means goods (other than dangerous goods of Class 1—9, inclusive) referred to as combustible liquids in AS 1940, entitled *The Storage and Handling of Flammable and Combustible Liquids*.

[3] Clause 4 (1), definition of “consignor”

Omit “Section 1”. Insert instead “clause 1.1.3”.

[4] Clause 4 (1), definition of “prime contractor”

Omit “Section 1”. Insert instead “clause 1.1.3”.

[5] Clause 4 (4) (g)

Omit “within the meaning of Section 10 of the *Australian Code*”.
Insert instead “as referred to in Column 3 of Table 9.1 to the *Australian Explosives Code*”.

[6] Clause 4 (5)

Insert “(or the *Australian Explosives Code*” after “*Code*” wherever occurring.

[7] Clause 4A

Insert after clause 4:

4A Regulation not to apply to transport of dangerous goods covered by other scheme

This Regulation does not apply to:

- (a) the transport of dangerous goods by road or rail, or
- (b) any associated activity or matter,

to the extent to which it is regulated by the *Road and Rail Transport (Dangerous Goods) Act 1997* or any regulations made under that Act.

[8] Clause 12D Condition on licences for carriage of dangerous goods

Omit the clause.

[9] Clause 14 Examination and testing

Omit clause 14 (1) (c)–(e).

[10] Clause 15A Register of drivers of vehicles used to carry dangerous goods

Omit “a particular class or kind” from clause 15A (3).

Insert instead “Class 1 or particular dangerous goods of Class 1”.

[11] Clause 158 (4)

Omit “of the class or kind”. Insert instead “as”.

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[12] Clause 15A (4) (b)

Omit “dangerous goods of that class or kind” wherever occurring.
Insert instead “those dangerous goods”.

[13] Clause 15A (4) (c)

Omit “liquid or gaseous dangerous goods”.
Insert instead “those dangerous goods”.

[14] Clause 15A (5), (e), (a) and (10)

Omit “a particular class or kind” wherever occurring.
Insert instead “Class 1 or particular dangerous goods of Class 1”.

[15] Clause 15A (5), (6) and (7)

Omit “dangerous goods of that class or kind” wherever occurring.
Insert instead “those dangerous goods”.

[16] Clause 15A (7)

Omit “that class or kind of dangerous goods or a class or kind of dangerous goods forming part of that class or kind”.
Insert instead “all or any of those dangerous goods”.

[17] Clause 15A (9)

Omit “class or” wherever occurring.

[18] Clause 15B Driver registration card

Omit “a particular class or kind” from clause 15B (1).
Insert instead “Class 1 or particular dangerous goods of Class 1”.

[19] Clause 16 Prescription of dangerous goods

Omit clause 16 (a), (a1) and (b). Insert instead:

- (a) dangerous goods of Class 1,
- (b) the substances and articles that are dangerous goods within the meaning of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations*,
- (b1) combustible liquids,

[20] Clause 17 Classification of dangerous goods

Omit “Section 10 of the *Australian Code*” from clause 17 (1) (a) (i).
Insert instead “Table 9.1 to the *Australian Explosives Code*”.

[21] Clause 17 (1) (a) (ii)

Omit the subparagraph. Insert instead:

- (ii) if the class is Class 3.3 or Class 3.4—a reference to combustible liquids of Class 1 or Class 2, respectively, as set out in section 1 of AS 1940, and

[22] Clause 17 (1) (a) (iii)

Omit “Section 9 of”. Insert instead “Appendix 2 to”.

[23] Clause 17 (1) (b)

Omit “Section 10 of the *Australian Code*”.
Insert instead “Table 9.1 to the *Australian Explosives Code*”.

[24] Clause 17 (1) (c) and (c 1)

Omit the paragraphs. Insert instead:

- (c) a reference to a Packing Group, designated by a numeral, of dangerous goods is a reference to the group of dangerous goods assigned to that group under regulation 2.5 of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations*,

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(c1) a reference to dangerous goods of a subsidiary risk, designated by a numeral, is a reference to the dangerous goods assigned that number under regulation 2.4 of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations*,

[25] Clause 17 (2)

Omit the subclause.

[26] Clause 17 (3) (b) (v)

Omit “nitrate”. Insert instead “nitrite”.

[27] Clause 17 (3) (d)

Omit “Section 9.6 of the *Australian Code*”.
Insert instead “Appendix 5 to the *Australian Code* or determined under Regulation 1.18(g) of the *Road Transport Reform (Dangerous Goods) (New South Wales) Regulations*”.

[28] Clause 17, Table 1A

Omit “Packaging” wherever occurring.
Insert instead “Packing”.

[29] Clause 18 Instructions in handling of dangerous goods

Insert “of Class 1” after “dangerous goods” in clause 18 (c).

[30] Clause 90 Notices and labels to be exhibited at depots

Omit “section 3.6.2, section 3.6.7 and section 3.6.8 of the *Australian Code*” from clause 90 (4).
Insert instead “Table 3.1 to the *Australian Explosives Code*”.

[31] Clause 168 Goods not required to be kept in or on licensed premises

Omit “Packaging” wherever occurring in clause 168 (1).
Insert instead “Packing”.

[32] Clause 169 Goods required to be kept in or on licensed premises

Omit “Packaging” wherever occurring in clause 169 (1).
Insert instead “Packing”.

[33] Clause 170 Goods not required to be kept in or on licensed premises

Omit “Packaging” wherever occurring in clause 170 (1).
Insert instead “Packing”.

[34] Clause 171 Goods required to be kept in or on licensed premises

Omit “Packaging” wherever occurring in clause 171 (1).
Insert instead “Packing”.

[35] Clause 175 Certain goods not to be carried except in or on licensed vehicles or vessels

Omit clause 175 (a).

[36] Clause 196 Compliance with Australian Code

Omit the clause.

[37] Clause 177 Stowage of dangerous goods of Class 7

Omit the clause.

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[38] Clause 179 Emergency Procedure Guides

Omit “Section 8.2.7.5 of the *Australian Code*”.

Insert instead “paragraph 8.3.7 of the *Australian Explosives Code*”.

[39] Clause 200 Fire precautions (general)

Omit clause 200 (2) and (3). Insert instead:

- (2) A person must not smoke in or on a vehicle in or on which dangerous goods of Class **1** are being carried and on which signs are required by this Division to be exhibited or within 3 metres of any such vehicle.

[40] Clause 223 Carriage of poisonous gases

Omit clause 223 (2).

[41] Clause 228 Carriage of carbon disulphide

Omit the clause.

[42] Clause 229 Restrictions on taking of tanks and drums into buildings

Omit “Class 3.1” from clause 229 (a).

Insert instead “Class 3 Packing Group I or Packing Group II”.

[43] Clause 229 (b) (i)

Omit “Class 3.1”.

Insert instead “Class 3 Packing Group I or Packing Group II, or both”.

[44] Clause 230 Engine-driven pumping equipment

Omit “Class 3.1” from clause 230 (1).

Insert instead “Class 3 Packing Group I or Packing Group II”.

[45] Clause 230 (2) (a)

Omit “Class 3.2”. Insert instead “Class 3 Packing Group III”.

[46] Clause 231 Power take-off pumps

Omit “Class 3.1, not being carbon disulphide, or dangerous goods of Class 3.2,”.

Insert instead “Class 3”.

[47] Clause 232 Pumping from vehicles to above-ground tanks

Omit “Class 3.1”.

Insert instead “Class 3 Packing Group I or Packing Group II”.

[48] Part 6, Division 5

Omit the Division.

[49] Clause 237 Conveyance of ammonium nitrate

Omit clause 237 (2).

[50] Part 7, heading

Omit “Labelling’*. Insert instead “Marking and placarding”.

[51] Clause 239 Packagings and containers to be marked and placarded as prescribed

Omit “labelled” from clause 239 (2) (c). Insert instead “marked’*.”

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[52] Clause 239 (2) (d)

Omit “marked”. Insert instead “placarded”.

[53] Clause 239 (2) (e)

Omit “label”. Insert instead “mark”.

[54] Clause 240

Omit the clause. Insert instead:

240 Marking of Class 1 goods

Every package (whether outer, sole or inner) containing dangerous goods of Class 1 must be marked in accordance with Section 3 of the *Australian Explosives Code*.

[55] Clause 242 Markings

Omit “Schedule 1” from clause 242 (3) (a).
Insert instead “Table 9.1 to the *Australian Explosives Code*”,

[56] Clause 242 (4A)

Omit the subclause.

[57] Clause 242, table 25

Omit the matter in Columns 1 and 2 relating to dangerous goods of Classes 2, 3.1, 5.2 and 8.

[58] Clause 244 Markings on freight containers

Insert “of Class 1” after “dangerous goods”.

[59] Clause 244

Omit “section 3.3 of the *Australian Code*”.

Insert instead “Section 3 of the *Australian Explosives Code*”.

[60] Clause 246 Requirements to be cumulative

Omit “labelling or marking”.

Insert instead “marking or placarding”.

[61] Clause 246

Omit “labelling and marking”.

Insert instead “marking and placarding”.

[62] Clause 246

Omit “labelled or marked” wherever occurring.

Insert instead “marked or placarded”.

[63] Clause 247

Omit the clause. Insert instead:

247 Certain markings and writings prohibited

Except as required or permitted by this Regulation or by or under any Act, a packaging or freight container containing any dangerous goods or combustible liquids must not have on it any marking or writing:

- (a) indicating, or that could reasonably be taken as indicating, the classification of goods under this Regulation, or
- (b) that contradicts any marking required by this Regulation to be on the packaging.

[64] Clause 249 Packaging requirements

Omit the clause. Insert instead:

- (1) A packaging for dangerous goods of Class 1 must conform to the specifications set out in Section 5 of the *Australian Explosives Code*.
- (2) Subclause (1) applies to and in respect of an outer or immediate packaging for dangerous goods of Class 1 as if it were a packaging for dangerous goods of Packing Group II.
- (3) A packaging for combustible liquids is to be soundly constructed so as to prevent any escape of the liquids by leakage or otherwise.

[65] Clause 253 Special packaging requirements

Omit “Section 10 of the *Australian Code*” from clause 253 (4).
Insert instead “Section 5 of the *Australian Explosives Code*”.

[66] Clause 254 Approvals

Omit “Packaging” from clause 254 (1) (a).
Insert instead “Packing”,

[67] Clause 255 Marking of packaging

Omit “section 5.5 of the *Australian Code*”.
Insert instead “paragraph 5.2 of the *Australian Explosives Code*”.

[68] Clause 289 Certain goods treated as dangerous goods of Class 3.4

Omit the clause.

[69] Schedule 1 Classification of dangerous goods

Omit the Schedule.