



New South Wales

Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999

under the

Road and Rail Transport (Dangerous Goods) Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road and Rail Transport (Dangerous Goods) Act 1997*.

PAM ALLAN, M.P.,

Minister for the Environment

Explanatory note

The object of this Regulation is to apply as law in New South Wales, subject to minor modifications, the *Rail (Dangerous Goods) Rules* contained in a Schedule to the sixth edition of the *Australian Code for the Transport of Dangerous Goods by Road and Rail*. Those rules establish standards for the transport of dangerous goods by rail.

This Regulation is made under section 11 (the general regulation-making power) and sections 6, 12, 36 and 38 of the *Road and Rail Transport (Dangerous Goods) Act 1997*.

This Regulation comprises or relates to matters that are substantially uniform or complementary with legislation of South Australia and Victoria.

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Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999*.

2 Commencement

This Regulation commences on 6 April 1999.

3 Definitions

In this Regulation:

Australian Code for the Transport of Dangerous Goods by Road and Rail means the sixth edition of the Code of that name approved by the Ministerial Council for Road Transport and published by the Australian Government on 1 January 1998.

Commonwealth rail rules means the *Rail (Dangerous Goods) Rules* published by the Australian Government on 1 January 1998 as a Schedule to the sixth edition of the *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

the Act means the *Road and Rail Transport (Dangerous Goods) Act 1997*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Clause 5	Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999
Part 2	Application of Commonwealth rail rules relating to transport of dangerous goods

Part 2 Application of Commonwealth rail rules relating to transport of dangerous goods

5 Application of Commonwealth rail rules

The *Rail (Dangerous Goods) Rules* apply as regulations in force for the purposes of the Act, subject to the modifications set out in Schedule 1.

Note. The *Rail (Dangerous Goods) Rules* are set out as a note to this Regulation.

6 Name of applied rules

The Commonwealth rail rules, as applied by clause 5, may be referred to as the *Rail Transport (Dangerous Goods) (New South Wales) Regulations*.

7 Penalty notices for offences

For the purposes of section 38 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 2 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence payable by an individual is the amount specified in Column 2 of Schedule 2, and
- (c) the prescribed penalty for such an offence payable by a corporation is the amount specified in Column 3 of Schedule 2.

8 Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 2 is:
 - (a) the expression specified in Column 4 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

Schedule 1 Modifications to Commonwealth rail rules

(Clause 5)

[1] Rule 1.1 Citation

Omit the rule.

[2] Rule 1.2 Commencement

Omit the rule.

[3] Part 1, Division 7

Omit the heading to Division 7 of Part 1. Insert instead:

Division 7—Provisions about offences generally

1.27 Deciding whether someone reasonably ought to have known or suspected

If, in a prosecution for an offence against these Regulations, it is material to prove that someone reasonably ought to have known or suspected something, the issue is to be decided having regard to:

- (a) the person's abilities, experience, qualifications and training, and
- (b) the circumstances of the alleged offence.

1.28 Penalties

- (1) This Regulation applies to a provision prescribing a penalty for an offence.
- (2) The penalty is the maximum fine for an individual who is found guilty of the offence.

- (3) If a body corporate is found guilty of the offence, the maximum fine for the body corporate is 5 times the penalty.

- [4] **Rules 1.29 (2), 3.2, 4.1 (1), 4.1 (2), 4.2 (1), 4.2 (2), 4.4 (1), 4.4 (2), 4.4 (3), 4.5 (1), 4.5 (2), 4.5 (3), 4.6 (1), 4.6 (2), 4.7 (1), 4.7 (2), 4.8, 4.9, 4.10 (1), 4.10 (2), 4.12 (1), 4.12 (2), 4.12 (3), 4.14 (1), 4.14 (2), 4.15 (1), 4.15 (2), 4.16 (1), 4.16 (2), 4.17, 4.18 (1), 4.18 (2), 4.20 (1), 4.20 (2), 4.22 (1), 4.22 (2), 4.23 (1), 4.23 (2), 5.3 (1), 5.3 (2), 5.3 (3), 7.7 (1), 7.7 (2), 7.7 (3), 7.8 (1), 7.8 (2), 7.8 (3), 7.9 (1), 7.9 (2), 7.9 (3), 8.1, 8.2, 8.3, 8.4, 9.4, 9.5, 9.6, 9.13 (1), 9.13 (2), 9.14 (1), 9.14 (2), 9.16, 10.6 (1), 10.6 (2), 10.7 (1), 11.1, 13.6, 13.10, 14.2 (2), 14.4 (2), 14.4 (3), 14.5 (2), 14.5 (3), 20.1 (2)**

Insert after each provision:

Maximum penalty: \$3,000

- [5] **Rule 1.32 Identification cards**

Omit regulation 1.32 (d).

- [6] **Rule 1.33 Evidentiary certificates**

Omit the rule.

- [7] **Part 1, Division 9 Authorised officers**

Omit the Division.

- [8] **Part 1, Division 10 Application of other dangerous goods legislation**

Omit the Division.

- [9] **Part 1, Division 11 Application of Codes**

Omit the Division.

[10] Part 1, Division 12 Powers under these Rules

Omit the Division.

[11] Rule 2.1 Goods too dangerous to be transported

Omit rule 2.1 (2) and (3).

[12] Rules 3.3, 3.4, 3.5, 3.11 (3), 3.12 (3), 4.11, 4.19, 5.1 (1), 5.1 (2), 5.1 (3), 5.2, 6.1, 6.2, 6.3, 9.9, 9.10, 9.11, 10.1 (2), 10.2, 10.5 (1), 10.5 (2), 10.5 (3), 10.6 (3), 10.7 (2), 10.8, 11.3 (1), 11.7 (2), 11.10, 11.11, 13.2, 13.3 (3), 13.8 (1), 14.3 (2), 14.6 (2), 14.7 (2), 17.7

Insert after each provision:

Maximum penalty: \$1,500

[13] Rules 3.6, 9.17, 11.2 (1), 11.4 (2), 11.4 (4), 11.8 (2), 11.8 (3), 14.1 (2)

Insert after each provision:

Maximum penalty: \$1,000

[14] Rules 7.3 (1), 7.3 (2), 7.3 (3), 7.4 (1), 7.4 (2), 7.4 (3), 7.5 (1), 7.5 (2), 7.5 (3)

Insert after each provision:

Maximum penalty:

(a) for a package—\$500

(b) for a unit load—\$1,500

[15] Rules 10.7 (3), 10.7 (4), 10.7 (5), 11.4 (3), 13.1

Insert after each provision:

Maximum penalty: \$500

[16] Part 14, Division 3 Powers of authorised officers in emergencies

Omit the Division.

[17] Part 16, Division 3 Exemptions

Omit the Division.

[18] Part 23

Insert after Part 22:

PART 23—FEES

Prescribed fees

23.1 The fee payable under regulation 4.24 (c) is \$100.

[19] Annex 1 Dictionary

Insert in alphabetical order:

Government Gazette means the New South Wales Government Gazette.

the Act means the *Road and Rail Transport (Dangerous Goods) Act 1997*.

[20] Annex 1, definitions of “authorised officer”, “Competent Authority”, “dangerous situation”, “involvement in the transport of dangerous goods by rail”, “premises”, “transport”

Omit the definitions.

[21] Annex 1, definition of “this jurisdiction”

Omit the definition. Insert instead:

this jurisdiction means New South Wales.

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Schedule 1 Modifications to Commonwealth rail rules

[22] The whole Rules

Omit "Rules" wherever occurring.
Insert instead "Regulations".

[23] The whole Rules

Omit "Rule" wherever occurring.
Insert instead "Regulation".

[24] The whole Rules

Omit "rules" wherever occurring.
Insert instead "regulations".

[25] The whole Rules (except Rules 1.5 (1) and 1.6 (1))

Omit "rule" wherever occurring.
Insert instead "regulation".

[26] The whole Rules

Omit "subrule" wherever occurring.
Insert instead "subregulation".

[27] The whole Rules

Omit "subrules" wherever occurring.
Insert instead "subregulations."

[28] The whole Rules

Omit "Subrule" wherever occurring.
Insert instead "Subregulation".

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Penalty notice offences

Schedule 2

Schedule 2 Penalty notice offences

(Clauses 7 and 8)

Column 1	Column 2	Column 3	Column 4
Provision	Penalty— individuals \$	Penalty— corporations \$	Short descriptions
Regulation 3.2	600	3,000	Mark unapproved packaging with markings
Regulation 3.12 (3)	300	1,500	Fail to produce test evidence to Competent Authority
Regulation 4.1 (1)	600	3,000	Consign bulk goods for transport contrary to ADG Code/when goods too dangerous
Regulation 4.1 (2)	600	3,000	Fail to comply with Ch 4 ADG Code in consigning bulk goods
Regulation 4.2 (1)	600	3,000	Transport bulk dangerous goods contrary to Ch 4 ADG Code/when goods too dangerous
Regulation 4.2 (2)	600	3,000	Fail to comply with Ch 4 ADG Code in transporting bulk goods
Regulation 4.7 (2)	600	3,000	Fail to attach compliance plate to bulk tank

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Schedule 2 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision	Penalty— individuals \$	Penalty— corporations \$	Short descriptions
Regulation 4.8	600	3,000	Attach compliance plate/purported plate to unapproved tank
Regulation 4.10 (1)	600	3,000	Consign bulk goods for transport in unapproved tank/ tank not maintained/tested/ inspected/tank contravening approval
Regulation 4.14 (1)	600	3,000	Consign goods in foreign tank contrary to determination
Regulation 4.16 (2)	600	3,000	Fail to mark IBC in accordance with IBC Supplement
Regulation 4.17	600	3,000	Mark unapproved IBC with IBC marking/purported marking
Regulation 4.18 (1)	600	3,000	Consign dangerous goods for transport in unapproved IBC/ IBC used improperly
Regulation 5.1 (1)	300	1,500	Consign goods in freight container contrary to Ch 5 ADG Code
Regulation 5.3 (3)	600	3,000	Transport goods when attachment system breaches ADG Code

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Penalty notice offences

Schedule 2

Column 1	Column 2	Column 3	Column 4
Provision	Penalty— individuals \$	Penalty— corporations \$	Short descriptions
Regulation 7.7 (1)	600	3,000	Consign inappropriately placarded load of dangerous goods
Regulation 8.3	600	3,000	Use wagon and equipment breaching Ch 8 ADG Code
Regulation 10.7 (2)	300	1,500	Fail to ensure hose assembly on premises complies with Code
Regulation 10.8	300	1,500	Fail to ensure hose assembly on wagon complies with Code
Regulation 11.3 (1)	300	1,500	Fail to supply dangerous goods shipping documents to driver
Regulation 11.4 (2)	200		Drive train without shipping documents
Regulation 11.4 (3)	100		Drive train without shipping documents in holder in cab
Regulation 11.7 (2)	300	1,500	Transport placard load without emergency information in cab
Regulation 11.8 (2)	200		Drive placard load without emergency information in cab
Regulation 11.8 (3)	200		Fail to produce emergency information to/ authorised officer/ emergency services/ rail representative

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Schedule 2 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision	Penalty— individuals \$	Penalty— corporations \$	Short descriptions
Regulation 13.1	100		Fail to alert train controller of failed/immobilised train
Regulation 13.6	600		Fail to ensure source of ignition not close to goods
Regulation 13.8 (1)	300	1,500	Transport dangerous goods along route/in/through area contrary to determination

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Commonwealth rail rules

Note

Note Commonwealth rail rules

The *Rail (Dangerous Goods) Rules* are set out below. They are published as published with the sixth edition of the *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

RAIL (DANGEROUS GOODS) RULES**TABLE OF PROVISIONS****PART 1—PRELIMINARY***Division 1—Introductory*

- 1.1 Citation
- 1.2 Commencement
- 1.3 Main objects of these Rules

Division 2—Interpretation

- 1.4 Definitions—the dictionary
- 1.5 References to codes, standards and rules
- 1.6 Inconsistency between Rules and codes, standards or rules
- 1.7 References to determinations, exemptions and approvals
- 1.8 References to variation of administrative determinations, exemptions and approvals

Division 3—Application of Rules

- 1.9 Dangerous situations
- 1.10 Transport of small quantities
- 1.11 Short trips after import

Division 4—(Reserved)

- 1.12 (Reserved)
- 1.13 (Reserved)
- 1.14 (Reserved)
- 1.15 (Reserved)

Division 5—Approved forms

- 1.16 Approval and use of forms
- 1.17 Requirements for approved forms

Division 6—Determinations

- 1.18 Determinations—dangerous goods
- 1.19 Administrative determinations
- 1.20 Conditions of administrative determinations
- 1.21 Register of determinations
- 1.22 Records of determinations

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|---|---|
| 1.23 | References to Panel |
| 1.24 | Effect of Panel decisions about draft determinations |
| 1.25 | Effect of Panel decisions about revoking or varying determinations |
| 1.26 | Inconsistent determinations |
| <i>Division 7—(Reserved)</i> | |
| 1.27 | (Reserved) |
| 1.28 | (Reserved) |
| <i>Division 8—Other matters</i> | |
| 1.29 | Duty to find out whether goods are dangerous goods |
| 1.30 | (Reserved) |
| 1.31 | Competent Authority and authorised officers to act as soon as practicable |
| 1.32 | Identification cards |
| 1.33 | Evidentiary certificates |
| <i>Division 9—Authorised officers</i> | |
| 1.34 | Authorised Officers |
| 1.35 | Authorised Rail Representative |
| <i>Division 10—Application of other dangerous goods legislation</i> | |
| 1.36 | Explosive, infectious and radioactive substances |
| <i>Division 11—Application of Codes</i> | |
| 1.37 | Reference to the ADG Code |
| 1.38 | Notification of adoption or incorporation of a Code, Standard or Rule |
| <i>Division 12—Powers under these Rules</i> | |
| 1.39 | Powers under these Rules |
| PART 2—KEY CONCEPTS | |
| <i>Division 1—Kinds of goods</i> | |
| 2.1 | Goods too dangerous to be transported |
| 2.2 | Dangerous goods |
| 2.3 | Classes of dangerous goods |
| 2.4 | Subsidiary Risk |
| 2.5 | Packing Groups |
| 2.6 | Incompatible goods etc |
| <i>Division 2—Packages, packaging and loads</i> | |
| 2.7 | Packages and packaging |
| 2.8 | Capacity |
| 2.9 | What is a load of goods |
| 2.10 | Aggregate quantity |
| 2.11 | Packaged dangerous goods |
| 2.12 | Dangerous goods in bulk |
| 2.13 | Placard loads |
| 2.14 | Unit loads |
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Division 3—Kinds of containers

- 2.15 Freight containers
- 2.16 IBCs
- 2.17 Bulk containers

Division 4—Persons with special duties

- 2.18 Owners
- 2.19 Consignors
- 2.20 Packers
- 2.21 Loaders
- 2.22 Rail operators

PART 3—PACKAGING*Division 1—Packaging duties*

- 3.1 Suitability of packaging
- 3.2 Marking packaging
- 3.3 Consignor's duties
- 3.4 Packer's duties
- 3.5 Loader's duties
- 3.6 Rail operator's duty
- 3.7 (Reserved)

Division 2—Approval of packaging design types

- 3.8 Approvals—packaging design types
- 3.9 Recognised testing facilities
- 3.10 Test certificates

Division 3—Competent Authority's performance testing powers

- 3.11 Requiring production of packaging for testing
- 3.12 Requiring evidence for performance tests

PART 4—DANGEROUS GOODS IN BULK*Division 1—Restrictions on transport of dangerous goods in bulk*

- 4.1 Consignor's duties
- 4.2 Rail operator's duties
- 4.3 (Reserved)

Division 2—Bulk containers

- 4.4 Consignor's duties
- 4.5 Rail operator's duties
- 4.6 Driver's duty and loader's duty

Division 3—Tanks

- 4.7 Manufacturer's duties
- 4.8 Compliance plates
- 4.9 Owner's duties for certain wagons
- 4.10 Consignor's duties
- 4.11 Loader's duties

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| 4.12 | Rail operator's duties |
| 4.13 | (Reserved) |
| <i>Division 4—Foreign approved tanks</i> | |
| 4.14 | Consignor's duties |
| 4.15 | Rail operator's duties |
| <i>Division 5—IBCs</i> | |
| 4.16 | Manufacturer's duties |
| 4.17 | IBC markings |
| 4.18 | Consignor's duties |
| 4.19 | Loader's duties |
| 4.20 | Rail operator's duties |
| 4.21 | (Reserved) |
| <i>Division 6—Foreign approved IBCs</i> | |
| 4.22 | Consignor's duties |
| 4.23 | Rail operator's duties |
| <i>Division 7—Approval of Tank and IBC designs</i> | |
| 4.24 | Applications for approval |
| 4.25 | Approvals—tank designs |
| 4.26 | Approvals—IBC designs |
| <i>Division 8—Determinations</i> | |
| 4.27 | Determinations—foreign approved tanks and IBCs |
| PART 5—FREIGHT CONTAINERS | |
| 5.1 | Consignor's duties |
| 5.2 | Loader's duty |
| 5.3 | Rail operator's duties |
| 5.4 | (Reserved) |
| PART 6—UNIT LOADS | |
| 6.1 | Consignor's duties |
| 6.2 | Loader's duties |
| 6.3 | Rail operator's duties |
| 6.4 | (Reserved) |
| 6.5 | Approvals—unit loads |
| PART 7—MARKING AND PLACARDING | |
| <i>Division 1—Marking packages and unit loads</i> | |
| 7.1 | Application of Division |
| 7.2 | Meaning of "appropriately marked" |
| 7.3 | Consignor's duties |
| 7.4 | Packer's duties |
| 7.5 | Rail operator's duties |
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Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999

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Division 2—Placarding

- 7.6 Meaning of “appropriately placarded” etc
- 7.7 Consignor’s duties
- 7.8 Loader’s duties
- 7.9 Rail operator’s duties
- 7.10 (Reserved)

PART 8—RAIL WAGONS*Division 1—Safety standards*

- 8.1 Owner’s duty
- 8.2 Consignor’s duty
- 8.3 Rail operator’s duty
- 8.4 Loader’s duty

PART 9—SEGREGATION, STOWAGE AND SEPARATION*Division 1—Application of Part*

- 9.1 Application

Division 2—Segregation of incompatible goods

- 9.2 Loads on rail wagons
- 9.3 (Reserved)
- 9.4 Consignor’s duties
- 9.5 Loader’s duties
- 9.6 Rail operator’s duties
- 9.7 (Reserved)
- 9.8 Approvals—segregation

Division 3—Stowage

- 9.9 Consignor’s duty
- 9.10 Loader’s duty
- 9.11 Rail operator’s duty
- 9.12 (Reserved)

Division 4—Separation and marshalling

- 9.13 Rail operator’s duties
- 9.14 Loader’s duties
- 9.15 Approvals—separation and marshalling

Division 5—Carriage of Dangerous Goods in Passenger Trains

- 9.16 Rail operator’s duties
- 9.17 Passenger’s duties

PART 10—TRANSFER OF DANGEROUS GOODS IN BULK*Division 1—Filling ratio and ullage*

- 10.1 Transferor’s duties
- 10.2 Rail operator’s duties
- 10.3 (Reserved)

Division 2—Transfer

- 10.4 Application
- 10.5 Transferor's duties—general
- 10.6 Transferor's duties—hose assemblies
- 10.7 Occupier's and owner's duties
- 10.8 Rail operator's duties
- 10.9 Approvals—transfers of dangerous goods

PART 11—DOCUMENTS

Division 1—Shipping documentation

- 11.1 False or misleading information
- 11.2 Consignor's duties
- 11.3 Rail operator's duty
- 11.4 Driver's duties

Division 2—Emergency information

- 11.5 Meaning of "required emergency information"
- 11.6 (Reserved)
- 11.7 Rail operator's duty
- 11.8 Driver's duties
- 11.9 Approvals—emergency information

Division 3—Prior notice for specific dangerous goods

- 11.10 Consignor's duties
- 11.11 Rail operator's duty

[PART 12—PERSONAL PROTECTIVE AND SAFETY EQUIPMENT]
(Reserved)

PART 13—PROCEDURES DURING TRANSPORT

Division 1—Immobilised trains

- 13.1 Driver's duty
- 13.2 Rail operator's duty
- 13.3 Powers of authorised officers

Division 2—General precautions during transport

- 13.4 (Reserved)
- 13.5 (Reserved)
- 13.6 Control of ignition sources

Division 3—Routes, areas, rail wagons, trains and times

- 13.7 Determinations—routes, areas, rail wagons, trains and times
- 13.8 Rail operator's duty
- 13.9 (Reserved)

Division 4—Unloading at unattended places

- 13.10 Rail operator's duties

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PART 14—EMERGENCIES*Division 1—Emergencies generally*

- 14.1 Rail operator's duties—general
- 14.2 Rail operator's duties—contaminated food and food packaging
- 14.3 Rail operators to inform Competent Authority

Division 2—Emergencies involving placard loads

- 14.4 Telephone advisory service—bulk transport
- 14.5 Emergency Plans
- 14.6 Consignor's duties—information and resources
- 14.7 Rail operator's duties—information and resources

Division 3—Powers of authorised officers in emergencies

- 14.8 Powers of authorised officers

PART 15—MUTUAL RECOGNITION*Division 1—Registers of determinations, exemptions and approvals*

- 15.1 Registers 51
- 15.1 Registers may be kept by computer
- 15.3 Inspection of registers

Division 2—Competent Authorities Panel

- 15.4 Membership and function of Panel
- 15.5 Panel meetings
- 15.6 Decisions of Panel

Division 3—Recommendations by Competent Authorities and corresponding Competent Authorities

- 15.7 Recommendations by Competent Authority
- 15.8 Recommendations by corresponding Competent Authorities

Division 4—Mutual recognition of determinations exemptions and approvals

- 15.9 Corresponding determinations
- 15.10 Corresponding exemptions
- 15.11 Corresponding approvals
- 15.12 (Reserved)

PART 16—EXEMPTIONS*Division 1—General*

- 16.1 Applications for exemptions
- 16.2 Register of exemptions
- 16.3 Records of exemptions

Division 2—Reference of matters to Panel

- 16.4 References to Panel
- 16.5 Effect of Panel decisions about applications etc
- 16.6 Effect of Panel decisions about cancelling or varying exemptions

Division 3—Exemptions

- 16.7 Exemptions
- 16.8 Variation and cancellation of exemptions and conditions

PART 17—ADMINISTRATIVE DETERMINATIONS AND APPROVALS

Division 1—General

- 17.1 Applications
- 17.2 Form of administrative determinations and approvals
- 17.3 When administrative determinations and approvals not to be made etc
- 17.4 Reasons for refusal of applications
- 17.5 Period and conditions
- 17.6 Replacement administrative determinations and approvals
- 17.7 Failure to comply with conditions
- 17.8 Grounds for cancelling administrative determinations and approvals
- 17.9 Grounds for varying administrative determinations and approvals

Division 2—Register of approvals

- 17.10 Register
- 17.11 Records of approvals

Division 3—Reference of approval matters to Panel

- 17.12 References to Panel
- 17.13 Effect of Panel decisions about applications.
- 17.14 Effect of Panel decisions about cancelling or varying approvals

[PART 18—LICENCES]
(Reserved)

PART 19—CANCELLATION AND VARIATION

- 19.1 (Reserved)
- 19.2 Cancellation and variation in dangerous situations
- 19.3 Cancellation giving effect to court orders
- 19.4 Variation of administrative determinations and approvals on application
- 19.5 Cancellation and variation in other circumstances
- 19.6 When cancellation and variation take effect
- 19.7 (Reserved)

PART 20—INSTRUCTION AND TRAINING

- 20.1 Instruction and training
- 20.2 (Reserved)

[PART 21—INFRINGEMENT NOTICES]
(Reserved)

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PART 22—RECONSIDERATION AND REVIEW OF DECISIONS

- 22.1 Application of Part
- 22.2 Who may apply for reconsideration of decisions
- 22.3 Applications for reconsideration
- 22.4 Competent Authority to reconsider decisions
- 22.5 Review of certain decisions

[PART 23—FEES]
(Reserved)

PART 24—TRANSITIONAL PROVISIONS

- 24.1 Lawful conduct under previous law
- 24.2 Continuing effect of certain determinations
- 24.3 Continuing effect of corresponding determinations
- 24.4 Continuing effect of certain exemptions
- 24.5 Continuing effect of corresponding exemptions
- 24.6 Continuing effect of certain approvals
- 24.7 Continuing effect of corresponding approvals
- 24.8 (Reserved)
- 24.9 (Reserved)

ANNEX 1—DICTIONARY

Dictionary

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Road and Rail Transport (Dangerous Goods) (Rail) Regulation 1999

Note Commonwealth rail rules

- Expressions defined in the *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

consumer commodity load	outer packaging
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- Other definitions in the dictionary

ADG Code	IBC Marking
administrative determination	IBC Supplement
ADR approved	ICAO Rules
aggregate quantity	IMDG Code
appropriately marked	IMO approved
appropriately placarded	incompatible
another participating jurisdiction	involvement in the transport of dangerous goods by rail
Approval	journey
approved IBC	loader
approved packaging	loads
approved tank	NATA
attachment system	owner
authorised officer	package
bulk container	packaged dangerous goods
capacity	packaging
Class	packer
Code	Packing Group
Competent Authority	packs
Consignor	Panel
Consigns	Panel member
Corresponding	participating jurisdiction
corresponding administrative determination	performance test
corresponding approval	personal injury
corresponding Competent Authority	placard load
corresponding determination	premises
corresponding exemption	rail operator
dangerous goods	rail wagon
dangerous goods in bulk	recognised testing facility
dangerous situation	register
determination	required emergency information
emergency service	RID approved
exemption	risk
filling ratio	shunting
fire-risk substance	Subsidiary Risk
food	tank
food container	test certificate
food packaging	this jurisdiction

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Note

foreign approved IBC	track owner
foreign approved packaging	train
foreign approved tank	transport
freight container	UN dangerous goods tests and criteria.
hose assembly	unit load
IATA Regulations	UN Recommendations
IBC	UN Recommendations, Manual of Tests and Criteria

STRUCTURE AND FORMAT OF THE RAIL (DANGEROUS GOODS) RULES

In these Rail (Dangerous Goods) Rules the following structure and format has been adopted

Part	=	General topic area which the Rules cover
Division	=	Specific Topic area which the Rules cover
X.1	=	Rule 1 of Part X
X.1 (1)	=	SubRule 1 of Rule X.1
X.1 (1) (a)	=	Paragraph (a) of SubRule X.1 (1)
X.1 (1) (a) (i)	=	SubParagraph (i) of Paragraph X 1 (1) (a)

PART 1—PRELIMINARY

Division 1—Introductory

Citation

- 1.1 These Rules may be cited as the Rail (Dangerous Goods) Rules and form a schedule to the 6th edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail.

Commencement

- 1.2 These Rules form an integral part of the 6th edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail and take effect with the adoption, in this jurisdiction, of that Code.

Main objects of these Rules

- 1.3 The main objects of these Rules are:
- (a) to specify the obligations of people involved in the transport of dangerous goods by rail; and
 - (b) to reduce as far as is practicable the risks of personal injury, property damage and environmental harm arising from the transport of dangerous goods by 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 rail; and
 - (d) to promote consistency between the standards, requirements and procedures applying to the transport of dangerous goods by rail and by other modes of transport.

Division 2—Interpretation

Definitions—the dictionary

- 1.4 (1) The dictionary in Annex 1 defines particular words and expressions.
- (2) A relevant definition found elsewhere in these Rules is indicated by a signpost definition in the dictionary.
- [NOTE: A signpost definition of a word or expression is included only if the definition is used outside the rule defining the word or expression]
- (3) A definition outside these Rules that applies particularly to these Rules is also indicated by a signpost definition in the dictionary.
- (4) A definition in or applying to these Rules applies to words and expressions used in these Rules unless the contrary intention appears.
- (5) A definition in or applying to these Rules applies to the entire Rules unless the contrary intention appears.

References to codes, standards and rules

- 1.5 (1) In this Rule:
- “instrument” means a code, a standard or rule (whether made in or outside Australia) relating to dangerous goods or to transport by rail, and includes a provision of an instrument.
- (2) In these Rules, a reference to an instrument includes a reference to another instrument as applied or adopted by, or incorporated in, the first instrument.
- (3) In these Rules, unless the contrary intention appears, a reference to an instrument is a reference to the instrument as amended from time to time. Inconsistency between Rules and codes, standards and rules
- 1.6 (1) In this Rule:
- “instrument” means a code, a standard or rule (whether made in or outside Australia) relating to dangerous goods or transport by rail.
- (2) If an instrument is applied or adopted by, or is incorporated in, these Rules and the instrument is inconsistent with these Rules, the Rules prevail to the extent of the inconsistency.

References to determinations, exemptions and approvals

- 1.7 In these Rules, a reference to:
- (a) a determination, exemption or approval; or
- (b) a corresponding determination, exemption or approval;
- includes a reference to the determination, exemption or approval as varied.

References to variation of administrative determinations, exemptions and approvals

- 1.8 In these Rules, a reference to the variation of:
- (a) an administrative determination, exemption or approval; or
- (b) a corresponding administrative determination, exemption or approval;
- includes a reference to a variation by addition, omission or substitution.

Division 3—Application of Rules

[NOTE: The *Defence Act 1903 (Commonwealth)* deals with the immunity of defence personnel from certain State and Territory laws.]

Dangerous situations

- 1.9 These Rules do not apply to the transport of dangerous goods by, or at the direction of, an authorised officer, or an officer of an emergency service, to the extent necessary to avert, eliminate or minimise a dangerous situation.

Transport of small quantities

- 1.10 (1) In this Rule:
- “designated dangerous goods” means dangerous goods of Class 1 (except of Class 1.4S and track signals carried for safe working purposes), Class 6.2 or Class 7.
- (2) These Rules do not apply to the transport by a person of a load of dangerous goods by rail if:
- (a) the goods are packaged dangerous goods; and
 - (b) the goods are not, and do not include, designated dangerous goods; and
 - (c) the aggregate quantity of the dangerous goods in the load is less than 25% of a placard load; and
 - (d) the goods are not being transported by the person for hire or reward in the course of a business of transporting goods by rail; and
 - (e) the goods are not being transported by the person on a passenger train.

Short trips after import

- 1.11 Rules 3.1 to 3.4, and Divisions 5, 6 and 7 of Part 4, do not apply to the transport of dangerous goods by rail if:
- (a) the goods have been imported into Australia; and
 - (b) the goods are being transported in a closed freight container; and
 - (c) the goods are not leaking from the container; and
 - (d) the goods are being transported directly to a destination that is not more than 50 kilometres by rail from the place of import; and
 - (e) the container is placarded in accordance with the IATA Regulations, ICAO Rules or IMDG Code.

Division 4—(Reserved)

- 1.12 (Reserved)
- 1.13 (Reserved)
- 1.14 (Reserved)
- 1.15 (Reserved)

Division 5—Approval of forms

Approval and use of forms

- 1.16 (1) The Competent Authority may approve a form for a provision or purpose of these Rules.
- (2) The form must be used for the provision or purpose.

Requirements for approved forms

- 1.17 (1) Each approved form must have a heading that indicates the name of these Rules and briefly indicates the purpose of the form.
- (2) Each kind of approved form must be numbered using a system that gives forms of that kind a unique number.
- (3) Each version of a kind of approved form must be numbered consecutively using a system that gives the version a unique number.

*Division 6—Determinations***Determinations—dangerous goods**

- 1.18 The Competent Authority may determine that:
- (a) goods are dangerous goods; or
 - (b) goods are not dangerous goods; or
 - (c) goods are dangerous goods of a particular Class; or
 - (d) goods are dangerous goods with a particular Subsidiary Risk; or
 - (e) goods are dangerous goods of a particular Packing Group; or
 - (f) goods are incompatible with particular dangerous goods; or
 - (g) goods are too dangerous to be transported; or
 - (h) goods are too dangerous to be transported in bulk; or
 - (i) goods are too dangerous to be transported on the same rail wagon as other goods.

Administrative determinations.

- 1.19 A determination is an **administrative determination** if the determination:
- (a) is made on the application of a person; and
 - (b) applies only to the person.

[NOTES:

- 1. Part 17 contains provisions dealing with administrative determinations, including applications for administrative determinations and their cancellation and variation.
- 2. For additional provisions about cancelling and varying administrative determinations, see Part 19.]

Conditions of administrative determinations

- 1.20 An administrative determination may be subject to any condition necessary for the safe transport of dangerous goods by rail. Register of determinations
- 1.21 (1) The Competent Authority must keep a register of determinations.
- (2) The register may have separate divisions for different kinds of determinations.

- (3) The Competent Authority must record in the register:
 - (a) each determination made under these Rules that is not an administrative determination; and
 - (b) each determination made by a corresponding Competent Authority that would be a corresponding determination if it were recorded in the register.
- (4) The Competent Authority must note in the register:
 - (a) the revocation of a determination made under these Rules; and
 - (b) a decision of the Panel reversing a decision that a corresponding determination should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.

Records of determinations

- 1.22 The record of a determination in the register must include:
 - (a) the provisions of the determination; or
 - (b) the following information:
 - (i) the title of the Government Gazette of the participating jurisdiction where the determination was notified or published and the date of notification or publication;
 - (ii) the provisions of these Rules, and of the ADG Code, to which the determination relates;
 - (iii) the dangerous goods, equipment, packaging, rail wagon or other thing to which the determination relates.

References to Panel

- 1.23 (1) This rule does not apply to an administrative determination.
- (2) The Competent Authority must refer a draft determination to the Panel if the Authority considers that the determination should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.
- (3) The Competent Authority must refer to the Panel a determination having effect in this jurisdiction, and one or more other participating jurisdictions, if:
 - (a) the Authority considers that the determination should be revoked or varied; or
 - (b) a corresponding Competent Authority recommends to the Authority in writing that the determination should be revoked or varied.

Effect of Panel decisions about draft determinations

- 1.24 (1) This rule applies if:
 - (a) a draft determination is referred to the Panel under subrule 1.23 (2); and
 - (b) the Panel decides that:
 - (i) the draft determination should be made, what the provisions of the determination should be, and that the determination should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction; or
 - (ii) the determination should not have effect in this participating jurisdiction.
- (2) The Competent Authority must have regard to the Panel's decision.

Effect of Panel decisions about revoking or varying determinations

- 1.25 (1) This rule applies if:
- (a) a determination is referred to the Panel under subrule 1.23 (3); and
 - (b) the Panel decides that the determination:
 - (i) should, or should not, be revoked; or
 - (ii) should be varied (whether or not the Panel's decision is the same as the variation proposed by the Authority) and should have effect as varied in all participating jurisdictions or participating jurisdictions including this jurisdiction; or
 - (iii) should not be varied.
- (2) The Competent Authority must have regard to the Panel's decision.

Inconsistent determinations

- 1.26 (1) This rule applies if:
- (a) the Panel decides that a determination (the “national determination”) should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction; and
 - (b) the national determination is inconsistent with a determination (the “local determination”) that only has effect in this jurisdiction.
- (2) The national determination prevails over the local determination to the extent of the inconsistency.

Division 7—(Reserved)

1.27 (Reserved)

1.28 (Reserved)

*Division 8—Other matters***Duties to find out whether goods are dangerous goods**

- 1.29 (1) This rule applies if:
- (a) a person manufactures goods in Australia or imports goods into Australia; and
 - (b) the goods are not dangerous goods under paragraph 2.2 (1) (a), (b), (c) or (d); and
 - (c) the goods are not goods to which a determination under paragraph 1.18 (b) applies; but
 - (d) the person suspects, or reasonably ought to suspect, that the goods satisfy the UN dangerous goods tests and criteria for determining whether goods are dangerous goods.
- (2) The person must not consign or transport the goods by rail unless the person finds out whether the goods satisfy the tests and criteria
- 1.30 (Reserved)

Competent Authority and authorised officers to act as soon as practicable

1.31 If:

- (a) the Competent Authority or an authorised officer is required to do something under these Rules; and
 - (b) no time limit is fixed within which the thing must be done;
- the Authority or officer must do it as soon as practicable.

Identification cards

1.32 The identification card of an authorised officer (see rule 1.34) must contain:

- (a) a recent photograph of the officer; and
- (b) the name of the officer; and
- (c) the date of issue of the card; and
- (d) the date of expiry for the card; and
- (e) the name of the Competent Authority.

Evidentiary certificates

1.33 (1) If this Rule is inconsistent with another law in force in this jurisdiction, the other law prevails.

(2) In this rule:

“instrument” means:

- (a) an administrative determination, exemption or approval; or
- (b) a corresponding administrative determination, exemption or approval; or
- (c) a notice under these Rules, except an infringement or reminder notice.

(3) A certificate purporting to be signed by the Competent Authority, or for the Authority by an authorised officer, and stating any of the following matters is evidence of the matter:

- (a) a specified document is, or is a copy of, a specified document;
- (b) on a specified day, or during a specified period, a specified person was or was not the person for or to whom a specified instrument applied or was made, granted or given;
- (c) a specified instrument was or was not made, granted or given for a specified period;
- (d) a specified instrument was or was not, on a specified day during a specified period, subject to a specified condition;
- (e) on a specified day, a specified person was given a specified notice under these Rules;
- (f) a specified document is a copy of a part of a specified register.

*Division 9—Authorised officers***Authorised Officers**

- 1.34 (1) A Competent Authority may appoint people, or a class of people, to be authorised officers
- (2) An authorised officer must be appointed in writing by the Competent Authority.
- (3) In appointing authorised officers, a Competent Authority may specify that the appointment is subject to conditions or restrictions relating to:
- (a) the powers that are exercisable by those officers; or
 - (b) when, where and in what circumstances those officers may exercise powers.
- (4) A Competent Authority may issue identification cards containing prescribed details to authorised officers.

Authorised Rail Representative

- 1.35 (1) A Competent Authority may appoint an authorised rail representative to carry out the duties of an authorised officer.
- (2) An authorised rail representative must be authorised in writing by the Competent Authority.
- (3) In appointing an authorised rail representative, a Competent Authority may specify that the person is appointed subject to conditions or restrictions relating to:
- (a) the powers that are exercisable by the person; or
 - (b) when, where and in what circumstances the person may exercise powers.

*Division 10—Application of other dangerous goods legislation***Explosive, infectious and radioactive substances**

- 1.36 (1) If a provision of these Rules dealing with dangerous goods of Class 1 (explosives) is inconsistent with the Australian Explosives Code or another law in force in this jurisdiction in relation to those goods, the other law prevails.
- (2) The provisions of these Rules dealing with dangerous goods of Class 6.2 (infectious substances) are in addition to any other law in force in this jurisdiction dealing with the transport of the goods.
- (3) If a provision of these Rules dealing with dangerous goods of Class 7 (radioactive substances) is inconsistent with the Code of Practice for the Safe Transport of Radioactive Substances or another law in force in this jurisdiction in relation to the goods, the other law prevails

Division 11—Application of Codes

Reference to the ADG Code

- 1.37 (1) In these rules a reference to the 'ADG Code' does not include a reference to this Schedule.

Notification of adoption or incorporation of a Code, Standard or Rule

- 1.38 (1) If these Rules apply, adopt or incorporate provisions of a code, standard or rule, the Competent Authority must, as soon as practicable after the ADG Code comes into effect, publish in the Government Gazette a notice giving details of places where the code, standard or rule may be obtained or inspected.
- (2) If:
- (a) these Rules apply, adopt or incorporate provisions of a code, standard or rule as in force from time to time; and
 - (b) the code, standard or rule is amended or replaced;
- the Competent Authority must, as soon as practicable after amendment or replacement, publish in the Government Gazette a notice stating that the code, standard or rule has been amended or replaced and giving details of places where the amended or replaced code, standard or rule may be obtained or inspected.
- (3) A reference in this rule to a code, standard or rule includes a reference to one that is made outside Australia.

Division 12—Powers under these Rules

Powers under these Rules

- 1.39 Provisions in these Rules which purport to confer powers on Competent Authorities or Authorised Officers or Rail Representatives, only have effect to the extent permitted under State and Territory Legislation.

PART 2—KEY CONCEPTS

Division 1—Kinds of goods

Goods too dangerous to be transported

- 2.1 (1) Goods are too dangerous to be transported if they are:
- (a) mentioned in Appendix 5 to the ADG Code; or
 - (b) determined under paragraph 1.18 (g) to be too dangerous to be transported.
- (2) Goods identified under subrule (1), as being too dangerous to be transported, must not be consigned for transport by rail.
- (3) A rail operator must not transport goods if the operator knows, or reasonably ought to know, that the goods are too dangerous to be transported, as identified under subrule (1).

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Note

Dangerous goods

- 2.2 (1) Goods are *dangerous goods* if they:
- (a) are named in a specific entry in column 2 in Appendix 2 to the ADG Code, but not in a generic entry or in an entry in which the letters "N.O.S" are shown as part of the proper shipping name for the goods; or
 - (b) satisfy the criteria in column 2 or 9 in the Appendix; or
 - (c) satisfy the criteria in a Special Provision of the ADG Code that is applied by column 7 in the Appendix; or
 - (d) are determined under paragraph 1.18 (a) to be dangerous goods; or
 - (e) satisfy the UN dangerous goods tests and criteria for determining whether goods are dangerous goods.
- (2) However, goods are not dangerous goods if they are determined under paragraph 1.18 (b) not to be dangerous goods.

Classes of dangerous goods

- 2.3 (1) In these Rules, a reference to:
- (a) a *Class* of dangerous goods is a reference to the Class to which the goods are assigned under subrule (2); and
 - (b) a *Class* by number, or number and letter, is a reference to the number, or number and letter, of the Class to which the goods are assigned.
- (2) Dangerous goods are assigned to a Class if the goods:
- (a) are assigned to the Class in column 3 in Appendix 2 to the ADG Code; or
 - (b) are assigned to the Class in a Special Provision of the ADG Code applying to the goods; or
 - (c) satisfy the criteria in column 9 in Appendix 2 to the ADG Code for assignment to the Class; or
 - (d) are determined under paragraph 1.18 (c) to be dangerous goods of the Class; or
 - (e) satisfy the UN dangerous goods tests and criteria for assignment to the Class.

Subsidiary Risk

- 2.4 (1) In these Rules, a reference to:
- (a) dangerous goods with a *Subsidiary Risk* is a reference to the dangerous goods assigned the Subsidiary Risk under subrule (2); and
 - (b) a *Subsidiary Risk* by number is a reference to the number of the Subsidiary Risk with which the dangerous goods are assigned.
- (2) Dangerous goods are assigned a Subsidiary Risk if the goods:
- (a) are assigned the Subsidiary Risk in column 4 in Appendix 2 to the ADG Code; or
 - (b) are assigned the Subsidiary Risk in a Special Provision of the ADG Code applying to the goods; or

-
- (c) satisfy the criteria in column 9 in Appendix 2 to the ADG Code for assignment of the Subsidiary Risk; or
 - (d) are determined under paragraph 1.18 (d) to be dangerous goods assigned the Subsidiary Risk; or
 - (e) satisfy the UN dangerous goods tests and criteria for assignment to the Subsidiary Risk.

Packing Groups

- 2.5 (1) In these Rules, a reference to:
- (a) a *Packing Group* of dangerous goods is a reference to the Packing Group to which the goods are assigned under subrule (2); and
 - (b) a *Packing Group* by number is a reference to the number of the Packing Group to which the goods are assigned.
- (2) Dangerous goods (except dangerous goods of Class 1, 2 or 7) are assigned to a Packing Group if the goods:
- (a) are assigned to the Packing Group in column 5 in Appendix 2 to the ADG Code; or
 - (b) are assigned to the Packing Group in a Special Provision of the Code applying to the goods; or
 - (c) satisfy the criteria in column 9 in Appendix 2 to the ADG Code for assignment to the Packing Group; or
 - (d) are determined under paragraph 1.18 (e) to be assigned to the Packing Group; or
 - (e) satisfy the UN dangerous goods tests and criteria for assignment to the Packing Group.

Incompatible goods etc

- 2.6 (1) Dangerous or other goods are *incompatible* with dangerous goods if:
- (a) under the ADG Code, the goods are incompatible with the dangerous goods; or
 - (b) the goods are determined under paragraph 1.18 (f) 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 because of the interaction.
- (2) However, goods are not to be regarded as *incompatible* with dangerous goods in a proceeding in which incompatibility is an issue if:
- (a) the goods are incompatible with the dangerous goods only because of paragraph (1) (a) or (b); and
 - (b) it is established in the proceeding that, when the goods are mixed, or otherwise brought into contact with the dangerous goods, the goods are not likely to interact with the dangerous goods and increase risk because of the interaction.

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Note

- (3) A container is *incompatible* with dangerous goods if the container is constructed of material that, when the goods are brought into contact with the container, is likely to interact with the goods and increase risk because of the interaction.

Example of increased risk because of interaction:

Substantial structural weakening of the container

- (4) Transfer equipment for use in the transport of dangerous goods is *incompatible* with the goods if the equipment is constructed of material that, when the goods are brought into contact with the equipment, is likely to interact with the goods and increase risk because of the interaction.

Example of increased risk because of interaction:

Failure of the transfer equipment resulting in leakage of dangerous goods

Division 2—Packages, packaging and loads

Packages and packaging

- 2.7 (1) A *package* of dangerous goods or other goods is the complete product of the packing of the goods for transport by rail, and consists of the goods and their packaging.
- (2) A *packaging* of the goods is the container in which the goods are received or held for transport by rail, and includes anything that enables the container to receive or hold the goods or to be closed.

Capacity

- 2.8 The *capacity* of a container is the total internal volume of the container at a temperature of 15° Celsius expressed in litres or cubic metres.

What is a load of goods

- 2.9 (1) Goods are taken to be a single load if the goods are:
- (a) in a separate freight container or bulk container on a rail wagon; or
 - (b) in a tank on a rail wagon.
- (2) In any other case—all the goods on a rail wagon are taken to be a single load.

Aggregate quantity

- 2.10 The aggregate quantity of dangerous goods in a load is the total of:
- (a) the number of kilograms of solid dangerous goods and aerosols in the load; and
 - (b) the number of litres or kilograms, whichever is used in the shipping documentation for the load to describe the goods, of liquid dangerous goods in the load (except dangerous goods of Class 2); and
 - (c) the total capacity in litres of containers in the load containing dangerous goods of Class 2 (except aerosols).

Packaged dangerous goods

2.11 Dangerous goods are *packaged dangerous goods* if:

- (a) they are dangerous goods of Class 2 in a container with a capacity of not more than 500 litres; or
- (b) they are dangerous goods of another Class in:
 - (i) a container with a capacity of not more than 450 litres; and
 - (ii) a container with a net mass of not more than 400 kilograms.

Dangerous goods in bulk

2.12 *Dangerous goods in bulk* are dangerous goods that are not packaged dangerous goods.

Placard loads

- 2.13 (1) A load of dangerous goods is a *placard load* if the load contains dangerous goods in bulk.
- (2) A load of dangerous goods is also a *placard load* if the load does not contain dangerous goods in bulk, or is not a consumer commodity load, but:
- (a) the load contains dangerous goods of Class 6.2; or
 - (b) for another load containing dangerous goods of Class 2.1 (except aerosols) or Class 2.3 or dangerous goods of Packing Group I—the aggregate quantity of dangerous goods in the load is at least 250; or
 - (c) for any other load—the aggregate quantity of dangerous goods in the load is at least 1,000.

Unit loads

- 2.14 Dangerous goods are in a unit load if the goods are packaged dangerous goods and are:
- (a) wrapped in plastics, and strapped or otherwise secured to a pallet or other base and to each other, for transport; or
 - (b) placed together in a protective outer container (except a freight container) for transport; or
 - (c) secured together in a sling for transport.

Division 3—Kinds of Containers

Freight containers

- 2.15 A *freight container* is a re-useable container of the kind mentioned in Australian/New Zealand Standard AS/NZS 3711 that is designed for repeated use for the transport of goods by one or more modes of transport.

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Note

IBCs

- 2.16 An *IBC* (or intermediate bulk container) is a rigid or flexible portable packaging for the transport of dangerous goods that:
- (a) has a capacity of not more than:
 - (i) for solids of Packing Group I packed in a composite, fibreboard, flexible, wooden or rigid plastics container—1,500 litres; and
 - (ii) for solids of Packing Group I packed in a metal container—3,000 litres; and
 - (iii) for solids or liquids of Packing Groups II and III—3,000 litres;
 - (b) is designed for mechanical handling; and
 - (c) is resistant to the stresses produced in usual handling and transport.

Bulk containers

- 2.17 (1) A *bulk* container is an IBC or another container (which could include a freight container) used to transport dangerous goods in bulk.
- (2) However, a tank that is part of a rail wagon, is not a *bulk container*.

*Division 4—Persons with special duties***Owners**

- 2.18 A person is an *owner* of a rail wagon if the person:
- (a) is the sole owner, or a joint owner or a part owner of the wagon; or
 - (b) has possession or use of the wagon under a credit, hire purchase, lease or other agreement.

Consignors

- 2.19 (1) A person *consigns* dangerous or other goods for transport by rail, and is the *consignor* of the goods if:
- (a) subrule (2) applies to the person; or
 - (b) subrule (2) does not apply to the person or anyone else, but subrule (3) applies to the person; or
 - (c) subrule (2) and (3) do not apply to the person or anyone else, but subrule (4) applies to the person.
- (2) This subrule applies to a person who, with the person's authority, is named or otherwise identified as the consignor of the goods in shipping documentation for the transport of dangerous goods by rail.
- (3) This subrule applies to a person who:
- (a) engages a rail operator, either directly or through an agent or other intermediary, to transport the goods by rail; or
 - (b) has possession of, or control over, the goods immediately before the goods are transported by rail; or

- (c) loads a rail wagon with the goods, for transport by rail, at a place:
 - (i) where dangerous goods in bulk are stored; and
 - (ii) that is unattended during loading.
- (4) This subrule applies to a person if:
 - (a) the goods are imported into Australia; and
 - (b) the person is the importer of the goods.

Packers

- 2.20 A person *packs* dangerous or other goods for transport by rail, and is a *packer* of the goods, if the person:
- (a) puts the goods in a packaging; or
 - (b) assembles the goods as packaged goods in an outer packaging or unit load for transport by rail; or
 - (b) supervises an activity mentioned in paragraph (a) or (b); or
 - (c) manages or controls an activity mentioned in paragraph (a), (b) or (c).

Loaders

- 2.21 A person *loads* dangerous or other goods for transport by rail, and is a *loader* of the goods, if the person:
- (a) loads a wagon with the goods for transport by rail; or
 - (b) loads a bulk container, freight container or tank that is part of a wagon, with the goods for transport by rail; or
 - (c) loads a wagon with a freight container containing the goods for transport by rail; or
 - (d) supervises an activity mentioned in paragraph (a) (b) or (c); or
 - (e) manages or controls an activity mentioned in paragraph (a), (b), (c) or (d).

Rail operators

- 2.22 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 wagon transporting the goods by rail.

PART 3—PACKAGING

Division 1—Packaging duties

Suitability of packaging

- 3.1 For this Division, packaging is unsuitable for the transport by rail of dangerous goods if
- (a) the packaging is not approved packaging; or
 - (b) the packaging does not comply with Chapter 3 of the ADG Code.

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Marking packaging

- 3.2 A person must not mark packaging used, or intended to be used, to transport dangerous goods by rail with performance and specification markings required under Division 3.5 of the ADG Code unless the packaging is approved packaging.

Consignor's duties

- 3.3 A person must not consign packaged dangerous goods for transport by rail in packaging if the person knows, or reasonably ought to know, that the packaging:
- (a) is unsuitable for the transport of the goods by rail; or
 - (b) is not used in accordance with Chapter 3 of the ADG Code.

Packer's duties

- 3.4 A person must not pack dangerous goods for transport by rail in packaging if the person knows, or reasonably ought to know, that the packaging:
- (a) is unsuitable for the transport of the goods by rail; or
 - (b) is not used in accordance with Chapter 3 of the ADG Code.

Loader's duties

- 3.5 A person must not load packaged dangerous goods for transport by rail in packaging if the person knows, or reasonably ought to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Rail operator's duty

- 3.6 A rail operator must not transport packaged dangerous goods by rail in packaging if the operator knows, or reasonably ought to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods by rail.
- 3.7 (Reserved)

*Division 2—Approval of packaging design types***Approvals—packaging design types**

- 3.8 (1) The Competent Authority may, on application made in accordance with rule 17.1, approve a packaging design type for use in the transport of dangerous goods by rail if:
- (a) the applicant has carried out the tests required under Chapter 3 of the ADG Code; and
 - (b) the Authority considers that a packaging of that design type would be safe for use in the transport of the goods by rail.
- (2) The approval of a packaging design type may be subject to any condition necessary for the safe transport of dangerous goods by rail in packaging of that design type.

Recognised testing facilities

- 3.9 The following testing facilities are *recognised testing facilities* for a packaging design type:
- (a) a testing facility registered by NATA to conduct performance tests under Chapter 3 of the ADG Code for the packaging design type; or
 - (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; or
 - (c) a facility in a foreign country approved by a public authority of the country to conduct performance tests of that kind.

Test certificates

- 3.10 (1) A recognised testing facility may certify in writing that a packaging design type 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 must:
- (a) contain the details required under Division 3.7 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 Competent Authority; and
 - (b) any test certificate must contain the details required under Division 3.7 of the ADG Code.

Division 3—Competent Authority's performance testing powers

Requiring production of packaging for testing

- 3.11 (1) This rule applies to a person who:
- (a) is:
 - (i) a manufacturer of packaging used, or intended to be used, to transport dangerous goods by rail; or
 - (ii) the consignor or rail operator for the transport of dangerous goods by rail; and
 - (b) has possession of, or control over, packaging of a design type used, or intended to be used, to transport dangerous goods by rail.
- (2) The Competent Authority may, by written notice, require the person to produce packaging manufactured or used by the person for performance testing.
- (3) The person must produce the packaging to the Competent Authority, or someone else nominated in the notice, within 14 days after the day when the notice is given to the person, unless the person, under an agreement with someone else, delivers the packaging to the other person before the end of that period.

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Requiring evidence of performance tests

- 3.12 (1) This rule applies to a person who is:
- (a) a manufacturer of packaging used, or intended to be used, to transport dangerous goods by rail; or
 - (b) the consignor of packaged dangerous goods for the transport by rail.
- (2) The Competent Authority may, by written notice, require the person to produce written evidence that a packaging design type manufactured or used by the person has passed performance tests required under Chapter 3 of the ADG Code.
- (3) The person must produce the evidence to the Competent Authority within 14 days after the day when the notice is given to the person.
- (4) A test certificate under rule 3.10 is evidence for this rule.

PART 4—DANGEROUS GOODS IN BULK*Division 1—Restrictions on transport of dangerous goods in bulk***Consignor's duties**

- 4.1 (1) A person must not consign dangerous goods for transport by rail in bulk if:
- (a) Chapter 4 of the ADG Code provides that the goods must not be transported by rail in bulk; or
 - (b) the goods are determined under paragraph 1.18 (h) to be too dangerous to be transported in bulk.
- (2) A person who consigns dangerous goods for transport by rail in bulk must comply with Chapter 4 of the ADG Code.

Rail operator's duties

- 4.2 (1) A rail operator must not transport dangerous goods by rail in bulk if the operator knows, or reasonably ought to know, that:
- (a) Chapter 4 of the ADG Code provides that the goods must not be transported by rail in bulk; or
 - (b) the goods are determined under paragraph 1.18 (h) to be too dangerous to be transported in bulk.
- (2) A rail operator who transports dangerous goods by rail in bulk must comply with Chapter 4 of the ADG Code.
- 4.3 (Reserved)

*Division 2—Bulk containers***Consignor's duties**

- 4.4 (1) A person must not consign dangerous goods in bulk for transport by rail in a bulk container provided by the person if:
- (a) the material of which the container is constructed is incompatible with the dangerous goods; or
 - (b) the container is damaged or defective to the extent that it is not safe to use to transport the goods by rail.

- (2) A person must not consign dangerous goods in bulk for transport by rail in a bulk container provided by someone else if the person knows, or reasonably ought to know, that:
 - (a) the material of which the container is constructed is incompatible with the dangerous goods; or
 - (b) the container is damaged or defective to the extent that it is not safe to use to transport the goods by rail.
- (3) A person must not consign dangerous goods for transport by rail in a bulk container if the person knows, or reasonably ought to know, that the attachment system does not comply with, or is not used in accordance with, Chapters 4 and 5 of the ADG Code.

Rail operator's duties

- 4.5 (1) A rail operator must not transport dangerous goods in bulk by rail in a bulk container provided by the rail operator if:
 - (a) the material of which the container is constructed is incompatible with the dangerous goods; or
 - (b) the container is damaged or defective to the extent that it is not safe to use to transport the goods by rail.
- (2) A rail operator must not transport dangerous goods in bulk by rail in a bulk container provided by someone else if the rail operator knows, or reasonably ought to know, that:
 - (a) the material of which the container is constructed is incompatible with the dangerous goods; or
 - (b) the container is damaged or defective to the extent that it is not safe to use to transport the goods by rail.
- (3) A rail operator must not transport dangerous goods by rail in a bulk container if the attachment system between the container and the rail wagon does not comply with, or is not used in accordance with, Chapters 4 and 5 of the ADG Code.

Driver's duty and loader's duty

- 4.6 (1) A person must not drive a train transporting dangerous goods in bulk by rail in a bulk or freight container if the person knows, or reasonably ought to know, that the container is damaged or defective to the extent that it is not safe to use to transport the goods by rail.
- (2) A person must not load dangerous goods onto a rail wagon in a bulk or freight container unless the attachment system between the container and the rail wagon complies with, and is used in accordance with, Chapters 4 and 5 of the ADG Code.

Division 3—Tanks

Manufacturer's duties

- 4.7 (1) A person must not manufacture a tank designed to transport dangerous goods in bulk by rail other than in accordance with a design that is approved under rule 4.25.
- (2) A person who manufactures a tank designed to transport dangerous goods in bulk by rail must attach a compliance plate to the tank in accordance with Chapter 4 of the ADG Code.

Compliance plates

- 4.8 A person must not attach a compliance plate, or something that purports to be a compliance plate, to a tank unless the tank is an approved tank.

Owner's duties for certain wagons

- 4.9 The owner of a rail wagon of which a tank forms part must not use the wagon, or permit the wagon to be used, to transport dangerous goods in bulk in the form of a liquid or gas by rail, unless the tank:
- (a) is an approved tank; and
 - (b) has been maintained, tested and inspected in accordance with Chapter 4 of the ADG Code; and
 - (c) is used in accordance with the approval conditions (if any) specified on the tank's compliance plate.

Consignor's duties

- 4.10 (1) A person must not consign dangerous goods in bulk for transport by rail in a tank provided by the person unless the tank:
- (a) is an approved tank; and
 - (b) has been maintained, tested and inspected in accordance with Chapter 4 of the ADG Code; and
 - (c) is used in accordance with the approval conditions (if any) specified on the tank's compliance plate.
- (2) A person must not consign dangerous goods in bulk for transport by rail in a tank provided by someone else if the person knows, or reasonably ought to know, that the tank:
- (a) is not an approved tank; or
 - (b) has not been maintained, tested and inspected in accordance with Chapter 4 of the ADG Code; or
 - (c) is used other than in accordance with the approval conditions (if any) specified on the tank's compliance plate.

Loader's duties

- 4.11 A person must not load dangerous goods in bulk for transport by rail in a tank if the person knows, or reasonably ought to know that the tank:
- (a) is not an approved tank; or
 - (b) is used other than in accordance with Chapter 4 of the ADG Code.

Rail operator's duties

- 4.12 (1) A rail operator must not transport dangerous goods in bulk by rail in a tank provided by the operator unless the tank:
- (a) is an approved tank; and
 - (b) has been maintained, tested or inspected in accordance with Chapter 4 of the ADG Code; and
 - (c) is used in accordance with the approval conditions (if any) specified on the tank's compliance plate.

- (2) A rail operator must not transport dangerous goods in bulk by rail in a tank provided by someone else if the operator knows, or reasonably ought to know, that the tank:
 - (a) is not an approved tank; or
 - (b) has not been maintained, tested and inspected in accordance with Chapter 4 of the ADG Code; or
 - (c) is used other than in accordance with the approval conditions (if any) specified on the tank's compliance plate.
 - (3) A rail operator must not transport dangerous goods in bulk by rail in a tank forming part of a rail wagon if:
 - (a) the material of which the tank is constructed is incompatible with the dangerous goods; or
 - (b) the tank is damaged or defective to the extent that it is not safe to use to transport the goods by rail.
- 4.13 (Reserved)

Division 4—Foreign approved tanks

Consignor's duties

- 4.14 (1) A person must not consign dangerous goods in bulk for transport by rail in a foreign approved tank provided by the person if the transport of the goods by rail in the tank is prohibited by a determination under subrule 4.27 (1).
- (2) A person must not consign dangerous goods in bulk for transport by rail in a foreign approved tank provided by someone else if the person knows, or reasonably ought to know, that the transport of the goods by rail in the tank is prohibited by a determination under subrule 4.27 (1).

Rail operator's duties

- 4.15 (1) A rail operator must not transport dangerous goods in bulk by rail in a foreign approved tank provided by the operator if the transport of the goods by rail in the tank is prohibited by a determination under subrule 4.27 (1).
- (2) A rail operator must not transport dangerous goods in bulk by rail in a foreign approved tank provided by someone else if the operator knows, or reasonably ought to know, that the transport of the goods by rail in the tank is prohibited by a determination under subrule 4.27 (1).

Division 5—IBCs

Manufacturer's duties

- 4.16 (1) A person must not manufacture an IBC other than in accordance with a design that is approved under rule 4.26.
- (2) A person who manufactures an IBC must mark the IBC with an IBC marking in accordance with the IBC Supplement.

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IBC markings

- 4.17 A person must not mark an IBC with an IBC marking, or something that purports to be an IBC marking, unless the IBC is an approved IBC.

Consignor's duties

- 4.18 (1) A person must not consign dangerous goods for transport by rail in an IBC provided by the person unless the IBC:
- (a) is an approved IBC; and
 - (b) is used in accordance with Chapter 4 of the ADG Code and the IBC Supplement.
- (2) A person must not consign dangerous goods for transport by rail in an IBC provided by someone else if the person knows, or reasonably ought to know, that the IBC:
- (a) is not an approved IBC; or
 - (b) is used other than in accordance with Chapter 4 of the ADG Code and the IBC Supplement.

Loader's duties

- 4.19 A person must not load dangerous goods for transport by rail in an IBC if the person knows, or reasonably ought to know, that the IBC:
- (a) is not an approved IBC; or
 - (b) is used other than in accordance with Chapter 4 of the ADG Code and the IBC Supplement.

Rail operator's duties

- 4.20 (1) A rail operator must not transport dangerous goods by rail in an IBC provided by the operator unless the IBC:
- (a) is an approved IBC; and
 - (b) is used in accordance with Chapter 4 of the ADG Code and the IBC Supplement.
- (2) A rail operator must not transport dangerous goods by rail in an IBC provided by someone else if the operator knows, or reasonably ought to know, that the IBC:
- (a) is not an approved IBC; or
 - (b) is used other than in accordance with Chapter 4 of the ADG Code and the IBC Supplement.
- 4.21 (Reserved)

*Division 6—Foreign approved IBCs***Consignor's duties**

- 4.22 (1) A person must not consign dangerous goods for transport by rail in a foreign approved IBC provided by the person if the transport of the goods by rail in the IBC is prohibited by a determination under subrule 4.27 (2).

- (2) A person must not consign dangerous goods for transport by rail in a foreign approved IBC provided by someone else if the person knows, or reasonably ought to know, that the transport of the goods by rail in the IBC is prohibited by a determination under subrule 4.27 (2).

Rail operator's duties

- 4.23 (1) A rail operator must not transport dangerous goods by rail in a foreign approved IBC provided by the operator if the transport of the goods by rail in the IBC is prohibited by a determination under subrule 4.27 (2).
- (2) A rail operator must not transport dangerous goods by rail in a foreign approved IBC provided by someone else if the operator knows, or reasonably ought to know, that the transport of the goods by rail in the IBC is prohibited by a determination under subrule 4.27 (2).

Division 7—Approval of tank and IBC designs

Applications for approval

- 4.24 An application for approval of a design for a tank or IBC for use in the transport of dangerous goods in bulk by rail must:
- (a) for a tank—include the information required under Chapter 4 of the ADG Code; and
 - (b) for an IBC—include the information required under the IBC Supplement; and
 - (c) if a fee is prescribed for the application—accompanied by the prescribed fee.

Approvals—tank designs

- 4.25 (1) The Competent Authority may, on application made in accordance with rules 4.24 and 17.1, approve a design for a tank for use in the transport of dangerous goods in bulk of a particular type by rail if:
- (a) the design complies with Chapter 4 of the ADG Code; or
 - (b) the design does not comply with Chapter 4 of the ADG Code, but the Authority considers that the risk involved in using the tank is not greater than the risk involved in using a tank complying with the Chapter.
- (2) The approval of the design may be subject to any condition about the construction, use or maintenance of a tank manufactured in accordance with the design necessary for the safe use of the tank.
- (3) In this rule, a reference to the design of a tank includes a reference to the design of:
- (a) the attachment system to any rail wagon of which the tank is intended to form a part or to which it is intended to be attached; and
 - (b) the stability characteristics, and other attributes, of the rail wagon affecting the suitability of a tank manufactured in accordance with the design to transport the dangerous goods.

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Approvals—IBC designs

- 4.26** (1) The Competent Authority may, on application made in accordance with rules 4.24 and 17.1, approve a design for an IBC for use in the transport of dangerous goods in bulk of a particular type by rail if the Authority considers that the design complies with the IBC Supplement.
- (2) The approval of the design may be subject to any condition about the construction, use or maintenance of an IBC manufactured in accordance with the design that is necessary for the safe use of the IBC.

*Division 8—Determinations***Determinations—foreign approved tanks and IBCs**

- 4.27** (1) The Competent Authority may determine the dangerous goods in bulk that must not be transported by rail in a foreign approved tank.
- (2) The Competent Authority may determine the dangerous goods that must not be transported by rail in a foreign approved IBC.

PART 5—FREIGHT CONTAINERS**Consignor's duties**

- 5.1** (1) A person must not consign dangerous goods for transport by rail in a freight container provided by the person unless the container complies with Chapter 5 of the ADG Code.
- (2) A person must not consign dangerous goods for transport by rail in a freight container that is not provided by the person if the person knows, or reasonably ought to know, that the container does not comply with Chapter 5 of the ADG Code.
- (3) A person must not consign dangerous goods for transport by rail in a freight container if the person knows, or reasonably ought to know, that the attachment system:
- (a) does not comply with Chapter 5 of the ADG Code; or
 - (b) is used other than in accordance with the Chapter.

Loader's duty

- 5.2** A person must not load dangerous goods for transport by rail in a freight container if the person knows, or reasonably ought to know, that the container does not comply with Chapter 5 of the ADG Code.

Rail operator's duties

- 5.3** (1) A rail operator must not transport dangerous goods by rail in a freight container provided by the operator unless the container complies with Chapter 5 of the ADG Code.
- (2) A rail operator must not transport dangerous goods by rail in a freight container that is not provided by the operator if the operator knows, or reasonably ought to know, that the container does not comply with Chapter 5 of the ADG Code.

- (3) A rail operator must not transport dangerous goods by rail in a freight container unless the attachment system between the container and the rail wagon:
 - (a) complies with Chapter 5 of the ADG Code; and
 - (b) is used in accordance with the Chapter.
- 5.4 (Reserved)

PART 6—UNIT LOADS

Consignor's duties

- 6.1 A person must not consign packaged dangerous goods for transport by rail in a unit load unless:
 - (a) the packages can safely be transported by rail in the unit load; and
 - (b) if Chapter 6 of the ADG Code requires the Competent Authority's approval for the transport by rail of the unit load—the unit load is prepared in accordance with a method approved under subrule 6.5 (1); and
 - (c) the unit load otherwise complies with the Chapter.

Loader's duties

- 6.2 A person must not load packaged dangerous goods for transport by rail in a unit load if the person knows, or reasonably ought to know, that:
 - (a) the packages cannot safely be transported by rail in the unit load; or
 - (c) if Chapter 6 of the ADG Code requires the Competent Authority's approval for the transport by rail of the unit load—the unit load is not prepared in accordance with a method approved under subrule 6.5 (1); and
 - (b) the unit load does not otherwise comply with the Chapter.

Rail operator's duties

- 6.3 A rail operator must not transport packaged dangerous goods by rail in a unit load if the operator knows, or reasonably ought to know, that:
 - (a) the packages cannot safely be transported by rail in a unit load; or
 - (b) the unit load does not comply with Chapter 6 of the ADG Code.
- 6.4 (Reserved)

Approvals—unit loads

- 6.5 (1) The Competent Authority may, on application made in accordance with rule 17.1, approve a method of preparing a unit load of dangerous goods for transport by rail that does not comply with Chapter 6 of the ADG Code if the Authority considers that the risk involved in using the method is not greater than the risk involved in using a method complying with the Chapter.
- (2) The approval of a method of preparing a unit load of dangerous goods for transport by rail may be subject to any condition necessary for the safe transport of the dangerous goods using the method

PART 7—MARKING AND PLACARDING***Division 1—Marking packages and unit loads*****Application of Division**

- 7.1 This Division does not apply to the transport of dangerous goods by rail if:
- (a) the goods have been imported into, or are to be exported from Australia; and
 - (b) the goods are being transported in a closed freight container, and
 - (c) the goods are not leaking from the container; and
 - (d) the goods are being transported directly:
 - (i) for imported goods—from the place of import; and
 - (ii) for goods for export—to the place of export; and
 - (e) the container is placarded in accordance with the IATA Regulations, ICAO Rules or IMDG Code.

Meaning of “appropriately marked”

- 7.2 For this Division, a package or unit load is *appropriately marked* if the package or unit load is marked in accordance with Chapter 7 of the ADG Code.

Consignor's duties

- 7.3 (1) A person must not consign dangerous goods for transport by rail in a package or unit load unless the package is appropriately marked.
- (2) A person must not consign dangerous goods for transport by rail in a package or unit load if a marking on the package or unit load about its contents is false or misleading in a material particular.
- (3) A person must not consign goods for transport by rail in a package or unit load that does not contain dangerous goods but is marked as if it contained dangerous goods.

Packer's duties

- 7.4 (1) A person must not pack dangerous goods for transport by rail in a package or unit load if the person knows, or reasonably ought to know, that the packaging will not be appropriately marked when the goods are transported.
- (2) A person who packs dangerous goods for transport by rail must not mark a package or unit load with a marking about its contents that the person knows, or reasonably ought to know, is false or misleading in a material particular.
- (3) A person who packs goods for transport by rail must not mark a package or unit load that the person knows, or reasonably ought to know, does not contain dangerous goods as if it contained dangerous goods.

Rail operator's duties

- 7.5 (1) A rail operator must not transport dangerous goods by rail in a package or unit load if the operator knows, or reasonably ought to know, that:
- (a) the goods are dangerous goods; and
 - (b) the package or unit load is not appropriately marked.

- (2) A rail operator must not transport dangerous goods by rail in a package or unit load if the operator knows, or reasonably ought to know, that a marking on the package or unit load about its contents is false or misleading in a material particular.
- (3) A rail operator must not transport goods by rail in a package or unit load if the operator knows, or reasonably ought to know, that the package or unit load does not contain dangerous goods but is marked as if it contained dangerous goods.

Division 2—Placarding

Meaning of “appropriately placarded” etc

- 7.6 (1) For this Division:
 - (a) a person *placards* a load of goods if the person placards a bulk or freight container in which, or a rail wagon in or on which, the goods are being, or are to be, transported by rail; and
 - (b) the *placarding* of a load of goods includes the placarding of a bulk or freight container in which, and the rail wagon in or on which, the goods are being, or are to be, transported by rail.
- (2) For this Division, a placard load of dangerous goods is *appropriately placarded* if the bulk or freight container in which, and the rail wagon in or on which, the goods are being, or are to be, transported by rail are placarded in accordance with Chapter 7 of the ADG Code.

Consignor’s duties

- 7.7 (1) A person must not consign a load of dangerous goods for transport by rail unless the load is appropriately placarded.
- (2) A person must not consign a load of dangerous goods for transport by rail if the placarding of the load is false or misleading in a material particular.
- (3) A person must not consign goods for transport by rail in a load that does not contain dangerous goods but is placarded as if it were a placard load.

Loader’s duties

- 7.8 (1) A person who loads dangerous goods for transport by rail must appropriately placard the load if the person knows, or reasonably ought to know, that the load requires placarding.
- (2) A person who loads dangerous goods for transport by rail must not placard the load with placarding that the person knows, or reasonably ought to know, is false or misleading in a material particular.
- (3) A person who loads goods for transport by rail must not placard the load as if it contained dangerous goods if the person knows, or reasonably ought to know, that the load does not contain dangerous goods.

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Rail operator's duties

- 7.9 (1) A rail operator must not transport dangerous goods by rail if the operator knows, or reasonably ought to know, that the load is not appropriately placarded.
- (2) A rail operator must not transport a load of dangerous goods by rail if the operator knows, or reasonably ought to know, that the placarding of the load is false or misleading in a material particular.
- (3) A rail operator must not transport goods by rail in a load if the operator knows, or reasonably ought to know, that the load does not contain dangerous goods but is placarded as if it were a placard load.
- 7.10 (Reserved)

PART 8—RAIL WAGONS*Division 1—Safety standards***Owner's duty**

- 8.1 If the owner of a rail wagon knows, or reasonably ought to know that the wagon will be used for the transport of dangerous goods by rail then the owner must not allow the wagon to be used unless the wagon and its equipment comply with Chapter 8 of the ADG Code.

Consignor's duty

- 8.2 A person must not consign dangerous goods for transport by rail on a rail wagon if the person knows, or reasonably ought to know, that the wagon or its equipment, does not comply with Chapter 8 of the ADG Code.

Rail operator's duty

- 8.3 A rail operator must not use a rail wagon to transport dangerous goods by rail unless the wagon and its equipment comply with Chapter 8 of the ADG Code.

Loader's duty

- 8.4 A person must not load dangerous goods for transport by rail on a rail wagon if the person knows, or reasonably ought to know, that the wagon, or its equipment, does not comply with Chapter 8 of the ADG Code.

PART 9—SEGREGATION, STOWAGE AND SEPARATION*Division 1—Application of Part***Application**

- 9.1 (1) This Part applies to dangerous goods if the goods are being, or are to be, transported by rail in a placard load.
- (2) This Part also applies to dangerous goods of Class 2.3, 6 or 8 if the goods are being, or are to be, transported by rail in a load with food or food packaging.

Division 2—Segregation of Incompatible goods

Loads on rail wagons

- 9.2 (1) If dangerous goods and incompatible goods are being transported:
- (a) in separate closed freight containers or bulk containers on a rail wagon; or
 - (b) on separate load platforms or in separate wells of an articulated rail wagon;
- then the goods are taken to be segregated in accordance with Chapter 9 of the ADG Code.
- (2) However, the goods are not taken to be segregated in accordance with Chapter 9 if, under the Chapter or a determination under paragraph 1.18 (i), the goods are too dangerous to be transported on the same rail wagon as other goods transported on the wagon.
- 9.3 (Reserved)

Consignor's duties

- 9.4 A person must not consign dangerous goods for transport on a rail wagon, or in a freight container if the person knows, or reasonably ought to know, that:
- (a) the wagon will also be carrying incompatible goods; and
 - (b) the dangerous goods will not be segregated from the incompatible goods in accordance with:
 - (i) Chapter 9 of the ADG Code; or
 - (ii) an approval under rule 9.8.

Loader's duties

- 9.5 A person must not load dangerous goods for transport on a rail wagon, or in a freight container if the person knows, or reasonably ought to know, that:
- (a) the wagon or container will also be carrying incompatible goods; and
 - (b) the dangerous goods will not be segregated from the incompatible goods in accordance with:
 - (i) Chapter 9 of the ADG Code; or
 - (ii) an approval under rule 9.8.

Rail operator's duties

- 9.6 A rail operator must not use a rail wagon to transport dangerous goods if the rail operator knows, or reasonably ought to know, that:
- (a) the wagon is also carrying incompatible goods; and
 - (b) the dangerous goods are not segregated from the incompatible goods in accordance with:
 - (i) Chapter 9 of the ADG Code; or
 - (ii) an approval under rule 9.8.
- 9.7 (Reserved)

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Approvals—segregation

- 9.8 (1) The Competent Authority may, on application made in accordance with rule 17.1, approve a segregation device, or a method of segregation, not complying with Chapter 9 of the ADG Code for transporting dangerous and incompatible goods by rail, if the Authority considers that:
- (a) it is impracticable to segregate the goods by a segregation device, or method of segregation, complying with the Chapter; and
 - (b) the risk involved in using the device or method to transport the goods by rail is not greater than the risk involved in using a device or method complying with the Chapter to transport the goods by rail.
- (2) The approval of a device or method may be subject to any condition necessary for the safe transport of the dangerous goods using the device or method.

*Division 3—Stowage***Consignor's duty**

- 9.9 A person must not consign dangerous goods for transport by rail on a rail wagon if the person knows, or reasonably ought to know, that the goods are not stowed in accordance with Chapter 9 of the ADG Code.

Loader's duty

- 9.10 A person must not load dangerous goods on a rail wagon for transport by rail if the person knows, or reasonably ought to know, that the goods are not stowed in accordance with Chapter 9 of the ADG Code.

Rail operator's duty

- 9.11 A rail operator must not transport dangerous goods by rail on a rail wagon if the operator knows, or reasonably ought to know, that the goods are not stowed in accordance with Chapter 9 of the ADG Code.
- 9.12 (Reserved)

*Division 3—Separation and marshallings***Rail operator's duties**

- 9.13 (1) A rail operator must not transport dangerous goods on a train with other goods if the operator knows, or reasonably ought to know, that the dangerous goods:
- (a) are incompatible with the other goods; and
 - (b) have not been separated by the minimum distances specified for the goods in accordance with
 - (i) Chapter 9 of the ADG Code; or
 - (ii) an approval under rule 9.15.

- (2) A rail operator must not transport dangerous goods on a train if the operator knows, or reasonably ought to know, that the rolling stock comprising the train has not been marshalled in accordance with:
 - (a) Chapter 9 of the ADG Code; or
 - (b) an approval under rule 9.15.

Loader's duties

- 9.14 (1) A person must not load dangerous goods on a train with other goods if the person knows, or reasonably ought to know, that the dangerous goods:
 - (a) are incompatible with the other goods; and
 - (b) have not been separated by the minimum distances specified for the goods in accordance with:
 - (i) Chapter 9 of the ADG Code; or
 - (ii) an approval under rule 9.15.
- (2) A person must not load dangerous goods on a train if the person knows, or reasonably ought to know, that the rolling stock comprising the train has not been marshalled in accordance with:
 - (a) Chapter 9 of the ADG Code; or
 - (b) an approval under rule 9.15.

Approvals—separation and marshalling

- 9.15 (1) The Competent Authority may, on application made in accordance with rule 17.1, approve a method of achieving separation, or a method of marshalling, not permitted under Chapter 9 of the ADG Code for transporting dangerous goods and incompatible goods by rail, if:
 - (a) use of the method would not increase risk; or
 - (b) it is impracticable to separate the goods or marshal rolling stock by a method of separation or marshalling permitted under the Chapter.
- (2) The approval may be subject to any other condition necessary for the safe transport of the dangerous goods.

Division 4—Carriage of Dangerous Goods on Passenger Trains

Rail operator's duties

- 9.16 A rail operator must not transport a quantity of dangerous goods of a particular type on a passenger train, if:
 - (a) the operator knows, or reasonably ought to know, that the quantity exceeds the quantity of dangerous goods of that type that may be transported on a passenger train in accordance with Chapter 9 of the ADG Code; and
 - (b) the goods are not being transported in a part of the train used solely for the carriage of baggage, parcels or freight.

Passenger's duties

- 9.17** A passenger on a train must not transport dangerous goods of a particular type:
- (a) in a part of the train to which passengers have access, unless:
 - (i) the transport of the goods is authorised by the rail operator; or
 - (ii) the goods are reasonably necessary for use by the passenger on their journey; or
 - (b) in a part of the train used solely for the carriage of baggage, parcels or freight, unless:
 - (i) the quantity does not exceed the quantity of dangerous goods of that type that may be transported in a passenger train in accordance with Chapter 9 of the ADG Code; or
 - (ii) the transport of the goods is authorised by the rail operator.

PART 10—TRANSFER OF DANGEROUS GOODS IN BULK*Division 1—Filling ratio and ullage***Transferor's duties**

- 10.1** (1) This rule applies to a transfer of dangerous goods if the transfer is made:
- (a) in the transport of the goods by rail in bulk; and
 - (b) to or from a tank, or bulk container, on a rail wagon.
- (2) A person who transfers dangerous goods must ensure, as far as practicable, that:
- (a) for Class 2 dangerous goods not in the form of a refrigerated liquid—the quantity of the goods in the tank or container to which the goods are transferred does not exceed the maximum permitted filling ratio under Chapter 10 of the ADG Code; and
 - (b) in any other case—the ullage in the tank or container complies with the Chapter.

Rail operator's duty

- 10.2** A rail operator must not use a rail wagon to transport dangerous goods by rail in a tank or in bulk container if the operator knows, or reasonably ought to know, that:
- (a) for Class 2 dangerous goods not in the form of a refrigerated liquid—the quantity of goods in the tank or container exceeds the maximum permitted filling ratio under Chapter 10 of the ADG Code; or
 - (b) in any other case—the ullage in the tank or container does not comply with the Chapter.
- 10.3** (Reserved)

*Division 2—Transfer***Application**

- 10.4** This Division applies to a transfer of dangerous goods if the transfer is made:
- (a) in the transport of the goods by rail in bulk; and
 - (b) to or from a tank, or bulk container, on a rail wagon.

Transferor's duties—general

- 10.5** (1) A person who transfers dangerous goods must, as far as practicable, ensure that the goods are transferred:
- (a) if Chapter 10 of the ADG Code applies to the transfer—in accordance with the Chapter; and
 - (b) if the transfer of the goods is approved under subrule 10.9—in accordance with the approval; and
 - (c) in every case—in a way that averts, eliminates or minimises risk.
- (2) A person must not transfer dangerous goods if the person knows, or reasonably ought to know, that:
- (a) the material of which the tank or container to which the goods are transferred, or the transfer equipment, is constructed, is incompatible with the dangerous goods, or
 - (b) that tank or container contains incompatible goods.
- (3) If dangerous goods leak, spill or accidentally escape during the transfer of the goods, the person transferring the goods:
- (a) must immediately stop transferring the goods; and
 - (b) must take all practicable steps to avert, eliminate or minimise risk; and
 - (c) must not start transferring the goods again until the conditions causing the leak, spill or escape have been rectified.

Transferor's duties—hose assemblies

- 10.6** (1) A person who uses a hose assembly to transfer dangerous goods must comply with Chapter 10 of the ADG Code.
- (2) A person must not use a hose assembly to transfer dangerous goods if the hose assembly is damaged or defective to the extent that use of the hose assembly to transfer the goods involves a greater risk than the risk involved in using a hose assembly that is not damaged or defective.
- (3) A person must not transfer dangerous goods if the person knows, or reasonably ought to know, that a hose assembly used in the transfer:
- (a) has not been maintained in accordance with Chapter 10 of the ADG Code; or
 - (b) has not been inspected or tested at the intervals, or in the way, required under the Chapter; or
 - (c) did not satisfy a test under the Chapter.

Occupier's and owner's duties

- 10.7** (1) The *occupier* of premises where dangerous goods are transferred must, as far as practicable, ensure that the goods are transferred:
- (a) if Chapter 10 of the ADG Code applies to the transfer—in accordance with the Chapter; and
 - (b) if the transfer of the goods is approved under subrule 10.9—in accordance with the approval; and
 - (c) in every case—in a way that averts, eliminates or minimises risk.

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- (2) The *occupier* of premises where dangerous goods are transferred must ensure that a 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 the rail wagon involved in the transfer):
 - (a) is maintained in accordance with Chapter 10 of the ADG Code; and
 - (b) is inspected and tested at the intervals, and in the way, required under the Chapter; and
 - (c) satisfies each test under the Chapter.
 - (3) The *occupier* must keep accurate records of all maintenance work, and each inspection and test, carried out on the hose assembly.
 - (4) The owner of a tank or a bulk container must not use the tank or container to transport dangerous goods by rail, unless each hose assembly on the tank or container that is used for the transfer of dangerous goods:
 - (a) has been maintained in accordance with Chapter 10 of the ADG Code; and
 - (b) has been inspected and tested at the intervals, and in the way, required under the Chapter; and
 - (c) has satisfied each test under the Chapter.
 - (5) The owner must keep accurate records of all maintenance work, and each inspection and test, carried out on the hose assembly.

Rail operator's duties

- 10.8 A *rail operator* must not use a rail wagon to transport dangerous goods by rail, if the operator knows, or reasonably ought to know, that each hose assembly on the wagon that is used, or intended to be used, for the transfer of dangerous goods:
 - (a) has not been maintained in accordance with Chapter 10 of the ADG Code; or
 - (b) has not been inspected and tested at the intervals, or in the way, required under the Chapter; or
 - (c) did not satisfy a test under the Chapter.

Approvals—transfers of dangerous goods

- 10.9 (1) The Competent Authority may, on application made in accordance with rule 17.1, approve the transfer of dangerous goods otherwise than in accordance with Chapter 10 of the ADG Code if the Authority considers that the risk involved in the transfer of the goods is not greater than the risk involved in the transfer of the goods in accordance with the Chapter.
- (2) The approval of a transfer of dangerous goods may be subject to any condition necessary for the safe transfer of the goods.

PART 11—DOCUMENTS

Division 1—Shipping documentation

False or misleading information

- 11.1 A person must not include information in shipping documentation for the transport of dangerous goods by rail that the person knows is false or misleading in a material particular.

Example of false information in shipping documentation:

A person named as consignor of the dangerous goods if the person is not the consignor of the goods.

Consignor's duties

- 11.2 (1) A person must not consign dangerous goods for transport by rail on a rail wagon unless the rail operator has shipping documentation, complying with Chapter 11 of the ADG Code, for the goods.
- (2) A person is taken to have satisfied this rule if the person has communicated the contents of the shipping documentation to the rail operator by means of electronic data processing or electronic data interchange.

Rail operator's duty

- 11.3 (1) A rail operator must not use a rail wagon to transport dangerous goods by rail unless the driver of the train has been given shipping documentation, complying with Chapter 11 of the ADG Code, for the goods.
- (2) A rail operator is taken to have satisfied this rule if the operator has communicated the contents of the shipping documentation to the driver of the train by means of electronic data processing or electronic data interchange.

Driver's duties

- 11.4 (1) This rule does not apply if the driver of a train transporting dangerous goods is engaged in shunting operations and the shipping documentation for the goods is readily available elsewhere in the immediate vicinity of those operations.
- (2) A person must not drive a train, from a depot or yard, that the person knows, or reasonably ought to know, is carrying dangerous goods, unless the person has shipping documentation, complying with Chapter 11 of the ADG Code, for the goods.
- (3) A person must not drive a train, from a depot or yard, that the person knows, or reasonably ought to know, is transporting dangerous goods, unless the shipping documentation for the goods is in a distinctive dangerous goods holder in the driver's cab.
- (4) The driver of a train transporting dangerous goods must produce the shipping documentation for the goods for inspection by an authorised officer, an officer of an emergency service or an authorised rail representative, if the officer or representative asks the driver to produce the documentation for inspection.

*Division 2—Emergency information***Meaning of “required emergency information”**

11.5 In this Division:

“required emergency information” means:

- (a) emergency information complying with Chapter 11 of the ADG Code; or
- (b) emergency information that is approved under rule 11.9.

11.6 (Reserved)

Rail operator's duty

- 11.7 (1) This rule does not apply when a train transporting a placard load of dangerous goods is involved in shunting operations and the emergency information for the goods is readily available elsewhere in the immediate vicinity of those operations.
- (2) A rail operator must not use a train to transport a placard load of dangerous goods unless the emergency information for the goods is in the driver's cab.

Driver's duties

- 11.8 (1) This rule does not apply if the driver of a train transporting dangerous goods is engaged in shunting operations and the emergency information for the goods is readily available elsewhere in the immediate vicinity of those operations.
- (2) A person must not drive a train transporting a placard load of dangerous goods unless the emergency information for the goods is in the driver's cab.
- (3) The driver of a train transporting a placard load of dangerous goods must produce the required emergency information for inspection by an authorised officer, an officer of an emergency service or an authorised rail representative, if the officer or representative asks the driver to produce the information for inspection.

Approvals—emergency information

- 11.9 The Competent Authority may, on application made in accordance with rule 17.1 or on the Authority's own initiative, approve emergency information that does not comply with Chapter 11 of the ADG Code if the Authority considers that use of the information would be as accurate, and at least as convenient and efficient, as information complying with the Chapter.

*Division 3—Prior notice for specific dangerous goods***Consignor's duties**

- 11.10 A person must not consign dangerous goods of Class 1, 6.2 or 7 for transport by rail unless the person has:
 - (a) given the rail operator prior notice of the consignment; and
 - (b) been advised by the rail operator that the goods can be transported

Rail operator's duty

- 11.11 The rail operator must, if required by the track owner, provide prior notice to the track owner about the transport of dangerous goods of Class 1, 6.2 or 7.

[PART 12—PERSONAL PROTECTIVE AND SAFETY EQUIPMENT]

Reserved: There are no rail specific rules for this Part.

PART 13—PROCEDURES DURING TRANSPORT

Division 1—Immobilised trains

Driver's duty

- 13.1 If a train transporting a placard load of dangerous goods fails or is otherwise immobilised, the driver of the train must alert the train controller.

Rail operator's duty

- 13.2 If a train transporting a placard load of dangerous goods 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.

Powers of authorised officers

- 13.3 (1) The rule applies to a train transporting a placard load of dangerous goods that has failed or is otherwise immobilised.
- (2) An authorised officer may give directions to a person who is involved in the transport of the dangerous goods about how:
- (a) repair work is to be carried out on the train; or
 - (b) the dangerous goods are to be removed from the train; or
 - (c) the dangerous goods are to be dealt with after their removal from the train.
- (3) The person must comply with the direction, unless the person has a reasonable excuse for not complying with it.

Division 2—General precautions during transport

- 13.4 (Reserved)
- 13.5 (Reserved)

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Control of ignition sources

- 13.6 A person in charge of loading or unloading a rail wagon transporting dangerous goods *in bulk*:
- (a) of Class 2.1, 3, 4, or 5; or
 - (b) with a Subsidiary Risk of 2.1, 3, 4 or 5:
- must take all practicable steps to ensure that a source of ignition, not including materials handling equipment, is not closer than 15m to the place where the goods are being loaded or unloaded.

*Division 3—Routes, areas, rail wagons, trains and times.***Determinations—routes, areas, rail wagons, trains and times**

- 13.7 The Competent Authority may determine:
- (a) that particular dangerous goods may only be transported by rail on a particular route, or in or through a particular area; and
 - (b) that only a particular rail wagon or train may transport particular dangerous goods by rail; and
 - (c) that particular dangerous goods may only be transported by rail at a particular time; and
 - (d) that unodorised LP Gas may only be transported by rail on a particular route, or in or through a particular area.

[NOTE: Given the limited number of rail routes, Competent Authorities may not always be aware of all issues or implications of their decisions relating to routes and areas. As such, Competent Authorities may wish to consult with the track owner before making any determinations relating to routes and areas.]

Rail operator's duty

- 13.8 (1) A rail operator must not transport dangerous goods by rail along a route, or in or through an area, contrary to a determination under rule 13.7.
- 13.9 (Reserved)

*Division 4—Unloading at unattended places***Rail operator's duties**

- 13.10 A rail operator must not allow dangerous goods being transported by rail to be delivered at a location that is not attended by railway personnel, unless:
- (a) the consignee of the goods, or a person acting on behalf of the consignee, is at the location to receive the goods; or
 - (b) if the consignee has agreed, in writing, with the operator to unload the goods at an unattended secure location—the goods are unloaded at that location.

PART 14—EMERGENCIES

Division 1—Emergencies generally

[NOTE: See also Division 3 dealing with powers of authorised officers in emergencies.]

Rail operator's duties—general

- 14.1** (1) This rule applies if a train transporting dangerous goods is involved in an incident resulting in a dangerous situation.
- (2) The rail operator must:
- (a) notify the police or fire service of the incident as soon as practicable; and
 - (b) notify the track owner of the incident as soon as practicable; and
 - (c) provide the reasonable assistance required by an authorised officer, or an officer of an emergency service, to deal with the situation.

Rail operator's duties—contaminated food and food packaging

- 14.2** (1) This rule applies if an incident involving food or food packaging, and a train transporting dangerous goods, results in the possible contamination of the food or food packaging due to the leakage, spillage or accidental escape of the dangerous goods, or a fire or explosion.
- (2) The rail operator must:
- (a) as soon as practicable after the incident, notify the Competent Authority of the incident; and
 - (b) deal with the food or food packaging as directed by the Competent Authority.
- (3) A directive under subrule (2) must:
- (a) be in writing; and
 - (b) state the name of the person to whom it is given; and
 - (c) identify the relevant incident; and
 - (d) identify the food or food packaging to which it relates.

Rail operators to inform Competent Authority

- 14.3** (1) This rule applies if a train transporting dangerous goods is involved in an incident resulting in a dangerous situation.
- (2) The rail operator must comply with subrules (3) to (5).
- (3) As soon as practicable after the incident, the rail operator must tell the Competent Authority about the incident, and provide details of:
- (a) where the incident happened; and
 - (b) the time and date of the incident; and
 - (c) the nature of the incident; and
 - (d) the dangerous goods being transported when the incident happened.

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- (4) Not later than 21 days after the day when the incident happens, the rail operator must give the Competent Authority a written report about the incident.
 - (5) The report must provide details of:
 - (a) where the incident happened; and
 - (b) the time and date of the incident; and
 - (c) the nature of the incident; and
 - (d) the dangerous goods being transported when the incident happened; and
 - (e) the measures taken to control any leak, spill or accidental escape of dangerous goods, and any fire or explosion, arising out of the incident; and
 - (f) the measures taken after the incident in relation to the dangerous goods involved in the incident

*Division 2—Emergencies involving placard loads***Telephone advisory service—bulk transport****14.4** (1) In this rule:

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

“telephone advisory service”, for the transport of dangerous goods, means a service providing access by telephone to persons competent to give advice about:

- (a) the construction and properties of the containers in which the dangerous goods are being transported; and
 - (b) the use of equipment on rail wagons on which the dangerous goods are being transported; and
 - (c) the properties of the dangerous goods; and
 - (d) methods of safely handling the dangerous goods; and
 - (e) methods of safely containing and controlling the dangerous goods in a dangerous situation.
- (2) A rail operator must not transport dangerous goods in bulk by rail unless a telephone advisory service is available during the journey.
 - (3) A person must not consign dangerous goods in bulk for transport by rail unless a telephone advisory service is available during the journey.
 - (4) A telephone advisory service may be provided by the rail operator or consignor, or someone else for the rail operator or consignor.

Emergency Plans**14.5** (1) In this rule:

“emergency plan”, for the transport of a placard load of dangerous goods by rail, means a written plan, for dealing with dangerous situations arising from the transport of the goods, that is prepared in accordance with guidelines approved by the Competent Authority.

- (2) A rail operator must not transport a placard load of dangerous goods by rail unless the operator has an emergency plan for the transport of the goods.
- (3) A person must not consign a placard load of dangerous goods for transport by rail unless the person has an emergency plan for the transport of the goods.

Consignor's duties—information and resources

- 14.6 (1) This rule applies if a train transporting a placard load of dangerous goods is involved in an incident resulting in a dangerous situation.
- (2) As soon as practicable after being asked by an authorised officer, an officer of an emergency service or an authorised rail representative, the consignor of the goods must:
 - (a) give the officer or representative the information that they require about:
 - (i) the properties of the dangerous goods being transported; and
 - (ii) safe methods of handling the goods; and
 - (iii) safe methods of containing and controlling the goods in a dangerous situation; and
 - (b) provide the equipment and other resources necessary:
 - (i) to control the dangerous situation; and
 - (ii) to contain, control, recover and dispose of dangerous goods that have leaked, spilled or accidentally escaped.
- (3) If the rail operator and the consignor of the goods are asked to give the same information or provide the same resources for the incident, it is sufficient if the rail operator gives the information or provides the resources.

Rail operator's duties—information and resources

- 14.7 (1) This rule applies if a train transporting a placard load of dangerous goods is involved in an incident resulting in a dangerous situation.
- (2) As soon as practicable after being asked by an authorised officer, an officer of an emergency service or an authorised rail representative, the rail operator must:
 - (a) give the officer or representative the information that they require about the use of the operator's equipment involved in the dangerous situation; and
 - (b) provide the equipment and other resources necessary:
 - (i) to control the dangerous situation; and
 - (ii) to recover a train involved in the dangerous situation or its equipment.
- (3) If the rail operator and the consignor of the goods are asked to give the same information or provide the same resources for the incident, it is sufficient if the consignor gives the information or provides the resources.

Division 3—Powers of authorised officers in emergencies

Powers of authorised officers

- 14.8 (1) This rule applies if a train transporting dangerous goods is involved in an incident resulting in a dangerous situation.
- (2) An authorised officer may give directions to the rail operator or driver of the train about:
- (a) the transport of the goods from the place of the incident; or
 - (b) otherwise dealing with the goods.
- (3) The direction must:
- (a) be in writing and signed by the authorised officer; and
 - (b) state the name of the person to whom it is given; and
 - (c) identify the incident; and
 - (d) identify the dangerous goods to which it relates.
- (4) However, if it is not practicable to give the direction in writing, the direction may be given orally and confirmed in writing within 48 hours.
- (5) The person who is given a direction under this rule must comply with the direction, unless the person has a reasonable excuse for not complying with it.
- (6) The person does not commit an offence against these Rules by complying with the direction.

PART 15—MUTUAL RECOGNITION*Division 1—Registers of determinations, exemptions and approvals***Registers**

- 15.1 Each of the following registers is a *register* for these Rules:
- (a) the register of determinations kept under rule 1.21;
 - (b) the register of exemptions kept under rule 16.2; and
 - (c) the register of approvals kept under rule 17.10.

Registers may be kept by computer

- 15.2 (1) A register, or part of a register, under these Rules may be kept by computer.
- (2) An entry made by a computer for a register is taken to be a record made in the register.

Inspection of registers

- 15.3 (1) The Competent Authority must ensure that each register is available for inspection by corresponding Competent Authorities and the public.
- (2) The Competent Authority is taken to comply with subrule (1) by ensuring that there is a reasonable access to:
- (a) a computer terminal to inspect a register; or
 - (b) copies of information contained in a register.

Division 2—Competent Authorities Panel

Membership and function of Panel

- 15.4 (1) The Competent Authorities Panel (the “Panel”) consists of the following members:
- (a) the Competent Authority;
 - (b) the Competent Authority or Authorities of each other participating jurisdiction;
 - (c) any authority of this jurisdiction or another participating jurisdiction who performs functions and exercises powers under a law of the other jurisdiction about the transport of dangerous goods by road.
- (2) The function of the Panel is to decide matters referred to the Panel by a person mentioned in subrule (1) (a “Panel member”).

Panel meetings

- 15.5 (1) The Panel may hold a meeting to decide a matter referred to the Panel.
- (2) The Panel may invite a person to be present at a meeting of the Panel to advise or inform, or make a submission to, the Panel.

Decisions of Panel

- 15.6 (1) A Panel member has a single vote on a decision to be made by the Panel.
- (2) A matter that is referred to a meeting of the Panel must be decided by a majority of votes.
- (3) However, if there are two or more Panel members representing a participating jurisdiction, the members jointly have a single vote on a decision to be made by the Panel.
- (4) A decision is a valid decision of the Panel, even though it is not made at a meeting of the Panel, if each member of the Panel agrees in writing to the proposed decision.
- (5) However, if there are two or more Panel members representing a participating jurisdiction, it is sufficient if one or more of those members agree.
- (6) The Competent Authority must keep a record of each decision made by the Panel.

Division 3—Recommendations by Competent Authority and corresponding Competent Authorities

Recommendations by Competent Authority

- 15.7 (1) This rule applies if the Competent Authority considers that a ground exists for a corresponding Competent Authority to do any of the following (the “*proposed action*”):
- (a) revoke or vary a corresponding determination that is not a corresponding administrative determination;
 - (b) cancel or vary a corresponding administrative determination;
 - (c) cancel or vary a corresponding approval or exemption;
- (2) The Competent Authority may recommend, in writing, that the corresponding Competent Authority take the proposed action.
- (3) The Competent Authority must provide written reasons to the corresponding Competent Authority for the recommendation.

Recommendations by corresponding Competent Authorities

- 15.8 (1) This rule applies if a corresponding Competent Authority recommends in writing to the Competent Authority that the Authority do any of the following:
- (a) revoke or vary a determination that is not an administrative determination; or
 - (b) cancel or vary an administrative determination; or
 - (b) cancel or vary of an approval or exemption.
- (2) The Competent Authority must:
- (a) if the recommendation is about a determination (except an administrative determination), exemption or approval that has effect in one or more other participating jurisdictions—refer the recommendation to the Panel; and
 - (b) in any other case—have regard to the recommendation.

Division 4—Mutual recognition of determinations, exemptions and approvals

Corresponding determinations

- 15.9 (1) This rule applies to a determination made by a corresponding Competent Authority for another participating jurisdiction if:
- (a) the determination is made under a provision of the law of the other jurisdiction corresponding to a provision (the “*relevant provision*”) of either of the following rules:
 - (i) rule 1.18 (Determinations—dangerous goods);
 - (ii) rule 4.27 (Determinations—foreign approved tanks and IBCs);
 - (iii) rule 13.7 (Determinations—routes, areas, rail wagons, trains and tines); and

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- (b) the determination is in force in the other jurisdiction; and
 - (c) either of the following subparagraphs applies:
 - (i) the Panel has decided that the determination should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction, the determination is recorded in the register kept under rule 1.21, and the Panel has not reversed the decision; or
 - (ii) the determination was made on the application of a person and applies only to the person.
 - (2) Except for circumstances that do not exist in this jurisdiction, the determination has effect in this jurisdiction as if it were a determination made by the Competent Authority under the relevant provision.

Corresponding exemptions

- 15.10 (1) This rule applies to an exemption granted by a corresponding Competent Authority for another participating jurisdiction if:
 - (a) the exemption is granted for a provision of the law of the other jurisdiction corresponding to a provision (the “*relevant provision*”) of these Rules; and
 - (b) the exemption is in force in the other jurisdiction; and
 - (c) the Panel has decided that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction, and has not reversed the decision.
- (2) Except for circumstances that do not exist in this jurisdiction, the exemption has effect in this jurisdiction as if it were an exemption granted by the Competent Authority for the relevant jurisdiction.

Corresponding approvals

- 15.11 (1) This rule applies to an approval given by a corresponding Competent Authority for 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 of the following rules:
 - (i) rule 3.8 (Approvals—packaging design types)
 - (ii) rule 4.25 (Approvals—tank designs)
 - (iii) rule 4.26 (Approvals—IBC designs)
 - (iv) rule 6.5 (Approvals—unit loads)
 - (v) rule 9.8 (Approvals—segregation)
 - (vi) rule 9.15 (Approvals—separation and marshalling)
 - (vii) rule 10.9 (Approvals—transfer of dangerous goods)
 - (viii) rule 11.9 (Approvals—emergency information)

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- (b) the approval is in force in the other jurisdiction; and
 - (c) the Panel has decided that the approval should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction, and has not reversed the decision.
- (2) Except for circumstances that do not exist in this jurisdiction the approval has effect in this jurisdiction as if it were an approval given by the Competent Authority under the relevant provision.
- 15.12 (Reserved)

PART 16—EXEMPTIONS*Division 1—General***Applications for exemptions**

- 16.1 (1) An application for an exemption must:
- (a) be made in writing to the Competent Authority; and
 - (b) be signed and dated by or for the applicant; and
 - (c) state the applicant's name and address; and
 - (d) state the name of the person to whom, or the name, or a description, of the class of people to which, the application relates; and
 - (e) specify the provisions of these Rules, and of the ADG Code, to which the application relates; and
 - (f) specify the dangerous goods to which the application relates; and
 - (g) state why, in the applicant's opinion, compliance with the provisions is not reasonably practicable; and
 - (h) state why, in the applicant's opinion, the exemption is not likely to involve a greater risk than the risk involved in complying with the provisions; and
 - (i) if the application relates to a rail wagon, equipment, packaging or other thing—describe the thing; and
 - (j) state the period for which the exemption is sought; and
 - (k) state the geographical area within which the exemption is sought.
- (2) The Competent Authority may, by written notice, require the applicant to give to the Authority any additional information necessary for a proper consideration of the application.

Register of exemptions

- 16.2 (1) The Competent Authority must keep a register of exemptions.
- (2) The register may have separate divisions for different kinds of exemptions.
- (3) The Competent Authority must record in the register
- (a) each exemption granted by the Authority; and
 - (b) each exemption granted by a corresponding Competent Authority that would be a corresponding exemption if it were recorded in the register.

- (4) The Competent Authority must note in the register
 - (a) the cancellation or variation of an exemption granted by the Authority; and
 - (b) a decision of the Panel reversing a decision that a corresponding exemption should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.

Records of exemptions

- 16.3 The record of an exemption in the register must include:
 - (a) the provisions of the exemption; or
 - (b) the following information:
 - (i) if the exemption was notified in the Government Gazette of a participating jurisdiction (including the jurisdiction)—the title of the Gazette and the date of notification;
 - (ii) the name of the person to whom, or the name, or a description, of the class of people to which, the exemption applies;
 - (iii) the date when the exemption was granted;
 - (iv) the provisions of these Rules, and of the ADG Code, to which the exemption relates;
 - (v) the period for which the exemption is in force;
 - (vi) the dangerous goods, equipment, packaging, rail wagon or other thing to which the exemption relates.

Division 2—Reference of matters to Panel

References to Panel

- 16.4 (1) The Competent Authority must refer an application for an exemption to the Panel if the Authority considers that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.
- (2) The Competent Authority must refer to the Panel an exemption having effect in this jurisdiction, and one or more other participating jurisdictions, if:
 - (a) the Authority considers that the exemption should be cancelled or varied; or
 - (b) a corresponding Competent Authority recommends to the Authority in writing that the exemption should be cancelled or varied.

Effect of Panel decisions about applications.

- 16.5 (1) This rule applies if:
 - (a) an application for an exemption is referred to the Panel under subrule 16.4 (1); and

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- (b) the Panel decides
 - (i) that the exemption should be granted, what the provisions of the exemption should be and that the exemption should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction; or
 - (ii) that the exemption should not have effect in this jurisdiction.
 - (2) The Competent Authority must have regard to the Panel's decision.

Effect of Panel decisions about cancelling or varying exemptions

- 16.6 (1) This rule applies if:
 - (a) an exemption is referred to the Panel under subrule 16.4 (2); and
 - (b) the Panel decides that the exemption:
 - (i) should, or should not, be cancelled; or
 - (ii) should be varied (whether or not the Panel's decision is the same as the variation proposed by the Authority), and should have effect as varied in all participating jurisdictions or participating jurisdictions including this jurisdiction; or
 - (iii) should not be varied.
- (2) The Competent Authority must have regard to the Panel's decision.

*Division 2—Exemptions***Exemptions**

- 16.7 (1) A person or a representative of a Class of people may apply to a Competent Authority for an exemption from compliance with the provision of these rules in relation to the transport of particular dangerous goods by rail.
- (2) A Competent Authority may exempt the person or class of people from compliance with a provision of the rules if he or she is satisfied that:
 - (a) it is not reasonably practicable for the person or people to comply with the provision; and
 - (b) granting the exemption:
 - (i) would not be likely to create a risk of death or injury to a person, or harm to the environment or to property, greater than that which would be the case if the person or people were required to comply; and
 - (ii) would not cause unnecessary administrative or enforcement difficulties.
- (3) An exemption may be subject to conditions.

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- (4) If a Competent Authority grants an exemption to one person, he or she must send a notice to the person stating:
 - (a) the provisions of the rule that are the subject of the exemption; and
 - (b) the dangerous goods to which the exemption applies; and
 - (c) the period of time for which the exemption remains in force; and
 - (d) the conditions to which the exemption is subject; and
 - (e) the geographical area for which the exemption is valid.
 - (5) If a Competent Authority:
 - (a) grants an exemption to a class of people; or
 - (b) grants an exemption that is to remain in force for longer than 6 months;
 the Competent Authority must place a notice in the Government Gazette specifying the details in subrule (4) and the person or class of people to which the exemption applies.
 - (6) If an exemption is granted to a person or class of people, the person or class of people must comply with the conditions to which the exemption is subject.
 - (7) If an exemption is granted to a person or class of people, the person or class of people must keep a copy of the notice of exemption in the train or premises to which it applies.
 - (8) If a Competent Authority grants an exemption:
 - (a) to a class of people; or
 - (b) that is to remain in force for longer than 6 months;
 the Competent Authority must notify the road and rail Competent Authorities of each State and Territory of the details of the exemption.

Variation and cancellation of exemptions and conditions

- 16.8 (1) A Competent Authority may cancel an exemption if:
 - (a) he or she is satisfied that a condition to which the exemption is subject has not been complied with; or
 - (b) he or she is no longer satisfied of the matters referred to in subrule 16.7 (2) above.
- (2) An exemption granted to a person is to be varied or cancelled by notice in writing given to the person, and the variation or cancellation takes effect from the day on which the notice is given, or from a later day specified in the notice.
- (3) An exemption granted to a class of people is to be varied or cancelled by notice published in the Government Gazette, and the variation or cancellation takes effect on the day of publication, or from a later day specified in the notice.
- (4) A Competent Authority may vary or cancel conditions to which the exemption is subject or impose new conditions.

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- (5) If a Competent Authority:
- (a) refuses to grant an exemption to a person or a class of people; or
 - (b) cancels an exemption granted to a person or a class of people; or
 - (c) varies or cancels conditions to which an exemption granted to a person or a class of people is subject or imposes new conditions;
- the person or a representative of the class of people may apply for a review of the decision.

PART 17—ADMINISTRATIVE DETERMINATIONS AND APPROVALS**[NOTES:**

- 1. For provisions about determinations generally, see Division 6 of Part 1.
- 2. For additional provisions about cancelling and varying of approvals and administrative determinations, see Part 19.

*Division 1—General***Applications**

- 17.1 (1) An application for an administrative determination or approval, or for variation of an administrative determination or approval, must be made to the Competent Authority in writing.
- (2) However, an application for an approval, or variation of an approval, under rule 10.9 may be made orally.
- (3) An application for variation of an administrative determination or written approval must have the determination or approval with it.
- (4) The Competent Authority may, by written advice, require an applicant to give the Authority any additional information necessary for a proper consideration of the application.

[NOTE: Rule 10.9 deals with applications for the transfer of dangerous goods otherwise than in accordance with Chapter 10 of the ADG Code.]

Form of administrative determinations and approvals

- 17.2 (1) An administrative determination, or an approval made on written application, must be in writing.
- (2) However, an approval made on oral application under rule 10.9 may be given orally.

When administrative determination and approvals not to be made etc

- 17.3 The Competent Authority must not make an administrative determination on the application of, or give an approval under these Rules to, a person who is prohibited by a court order from involvement in the transport of dangerous goods by rail.

Reasons for refusal of applications.

- 17.4 (1) This rule applies if the Competent Authority refuses an application to:
- (a) make or vary an administrative determination; or
 - (b) grant or vary an approval under these Rules
- (2) the Competent Authority must inform the applicant in writing of the refusal and the reasons for the refusal.
- (3) However, if the Competent Authority refuses an oral application to vary an approval given under rule 10.9, the Authority may inform the applicant orally.

Periods and conditions

- 17.5 (1) An administrative determination is made, and a written approval under these Rules is given, for the period stated in the determination or approval.
- (2) However, if an approval under rule 10.9 is given orally, the Competent Authority may tell the applicant orally of the period for which the approval is given when the Authority gives the approval.
- (3) A condition to which an administrative determination, or a written approval, is subject must be stated in the determination or approval.
- (4) However, if an approval under rule 10.9 is given orally, the Competent Authority may tell the applicant orally of any condition when the Authority gives the approval.

Replacement administrative determination and approvals

- 17.6 The Competent Authority must issue to a person to whom an administrative determination applies, or an approval is given, a replacement determination or approval if:
- (a) the determination or approval is varied; or
 - (b) the Authority is satisfied that the determination or approval has been defaced, destroyed, lost or stolen.

Failure to comply with conditions

- 17.7 A person to whom an administrative determination applies, or an approval is given, must not contravene a condition of the determination or approval.

Ground for cancelling administrative determinations and approvals

- 17.8 (1) An administrative determination or approval may be cancelled if the application for the determination or approval:
- (a) did not comply with these Rules; or
 - (b) was false or misleading in a material respect.
- (2) An administrative determination or approval may be cancelled if:
- (a) a relevant change has happened since the determination was made or the approval was given; and
 - (b) if the change had happened earlier:
 - (i) the determination would not have been made; or
 - (ii) the approval would not have been given.

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- (3) An administrative determination or approval may also be cancelled if the person on whose application the determination was made, or to whom the approval was given, is unsuitable to continue to be a person to whom the determination applies, or the approval was given, because the person has contravened:
- (a) a provision of the law giving effect to these Rules or an actual provision of these Rules; or
 - (b) a provision of the law in force in another participating jurisdiction corresponding to a provision mentioned in paragraph (a).
- (4) In subrule (2):
- “**relevant change**” means a change about something that the Competent Authority may or must consider in deciding whether to make the determination or give the approval.

Ground for varying administrative determinations and approvals

- 17.9 (1) An administrative determination or approval may be varied if the application for the determination or approval:
- (a) did not comply with these Rules; or
 - (b) was false or misleading in a material respect.
- (2) An administrative determination or approval may be varied if:
- (a) a relevant change has happened since the determination was made or the approval was given; and
 - (b) if the change had happened earlier:
 - (i) the determination would not have been made in the way in which it is proposed to be varied; or
 - (ii) the approval would not have been given in the way in which it is proposed to be varied.
- (3) An administrative determination or approval may also be varied if the person on whose application the determination was made, or to whom the approval was given, is unsuitable to continue to be a person to whom the determination applies, or the approval was given, without variation because the person has contravened:
- (a) a provision of the law giving effect to these Rules or an actual provision of these Rules; or
 - (b) a provision of the law in force in another participating jurisdiction corresponding to a provision mentioned in paragraph (a).
- (4) In subrule (2):
- “**relevant change**” means a change about something that the Competent Authority may or must consider in deciding whether to make the determination or give the approval

Division 2—Register of approvals

Register

- 17.10 (1) The Competent Authority must keep a register of approvals.
- (2) The register may have separate divisions for different kinds of approvals.
- (3) The Competent Authority must record in the register:
- (a) each approval given in writing under these Rules; and
 - (b) each approval given in writing by a corresponding Competent Authority that would be a corresponding approval if it were recorded in the register.
- (4) The Competent Authority must note in the register:
- (a) the cancellation or variation of a written approval; and
 - (b) a decision of the Panel reversing a decision that a corresponding approval should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.

Records of approvals

- 17.11 The record of an approval in the register must include:
- (a) the provisions 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 provisions of these Rules, and of the ADG Code, to which the approval relates;
 - (iv) the period for which the approval is in force;
 - (v) the dangerous goods, equipment, packaging rail wagon or other thing to which the approval relates;

Division 3—Reference of approval matters to Panel

References to Panel

- 17.12 (1) The Competent Authority must refer an application for an approval to the Panel if the Authority considers that the approval should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction.
- (2) The Competent Authority must refer to the Panel an approval having effect in this jurisdiction, and one or more other participating jurisdictions, if:
- (a) the Authority considers that the approval should be cancelled or varied; or
 - (b) a corresponding Competent Authority recommends to the Authority in writing that the approval should be cancelled or varied.

Effect of Panel decisions about applications.

- 17.13** (1) This rule applies if:
- (a) an application for an approval is referred to the Panel under subrule 17.12 (1); and
 - (b) the Panel decides:
 - (i) that the approval should be given, what the provisions of the approval should be, and that the approval should have effect in all participating jurisdictions or participating jurisdictions including this jurisdiction; or
 - (ii) that the approval should not have effect in this jurisdiction.
- (2) The Competent Authority must have regard to the Panel's decision.

Effect of Panel decisions about cancelling or varying approvals

- 17.14** (1) This rule applies if:
- (a) an approval is referred to the Panel under subrule 17.12 (2); and
 - (b) the Panel decides that the approval:
 - (i) should, or should not, be cancelled; or
 - (ii) should be varied (whether or not the Panel's decision is the same as the variation proposed by the Authority), and should have effect as varied in all participating jurisdictions or in participating jurisdictions including this jurisdiction; or
 - (iii) should not be varied.
- (2) The Competent Authority must have regard to the Panel's decision.

[PART 18—LICENCES]

Reserved: There are no rail specific rules for this Part.

PART 19—CANCELLATION AND VARIATION**19.1 (Reserved)****Cancellation and variation in dangerous situations**

- 19.2** (1) This rule applies if the Competent Authority reasonably believes that:
- (a) a ground exists to cancel or vary an administrative determination or approval; and
 - (b) it is necessary to take action mentioned in paragraph (a) to avoid, eliminate or minimise a dangerous situation.
- (2) The Competent Authority must cancel or vary the determination or approval.

Cancellation giving effect to court orders

- 19.3 The Competent Authority must cancel an administrative determination if the person to whom the determination applies is prohibited by a court order from involvement in the transport of dangerous goods by rail.

Variation of administrative determinations and approvals on application

- 19.4 (1) This rule applies if:
- (a) an application is made to vary an administrative determination or approval; and
 - (b) the application is made in accordance with rule 17.1 by the person to whom the determination applies or the approval is given.
- (2) The Competent Authority may vary the determination or approval in accordance with the application.

Cancellation and variation in other circumstances

- 19.5 (1) This rule applies if:
- (a) the Competent Authority considers that a ground exists to cancel or vary an administrative determination or approval (the “proposed action”); and
 - (b) rules 19.2, 19.3 and 19.4 do not apply to the proposed action.
- (2) The Competent Authority must give to the person to whom the determination applies or the approval was given, a written notice that:
- (a) states the proposed action; and
 - (b) if the proposed action is to vary the determination or approval—states the proposed variation; and
 - (c) states 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 stated time of at least 28 days after the day when 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 stated time, the Competent Authority reasonably believes that a ground exists to take the proposed action, the Authority may:
- (a) if the proposed action is to cancel the determination or approval—cancel or vary the determination or approval; or
 - (b) if the proposed action is to vary the determination or approval in a stated way—vary the determination or approval in that way.
- (4) However, the Competent Authority may cancel or vary an oral approval given under rule 10.9 by informing the person to whom the approval was given orally, of the cancellation or variation and of the reasons for the cancellation or variation.

When cancellations or variations take effect

- 19.6** (1) The cancellation or variation of an administrative determination or approval (except an oral approval given under rule 10.9) by the Competent Authority takes effect on:
- (a) the day when the person to whom the determination applies or the approval was given, is given written notice by the Authority of the cancellation or variation and the reasons for the cancellation or variation; or
 - (b) a later day stated in the notice.
- (2) The cancellation or variation of an oral approval given under rule 10.9 by the Competent Authority takes effect on:
- (a) the day when the person to whom the approval was given is informed orally, or given written notice, by the Authority of the cancellation or variation and the reasons for the cancellation or variation; or
 - (b) a later day of effect of which the person is informed orally or in the notice.
- 19.7** (Reserved)

PART 20—INSTRUCTION AND TRAINING**Instruction and training**

- 20.1** (1) This rule applies to any task involved in the transport of dangerous goods by rail, including, for example:
- (a) packing dangerous goods, or marking packaged dangerous goods and unit loads;
 - (b) consigning dangerous goods;
 - (c) loading dangerous goods into or onto a rail wagon, or into a container to be put in or on a rail wagon;
 - (d) unloading dangerous goods;
 - (e) placarding containers and rail wagons in or on which dangerous goods are transported;
 - (f) marshalling rail wagons and separating dangerous goods transported by rail;
 - (g) preparing shipping documentation;
 - (h) maintaining rail wagons and equipment used in the transport of dangerous goods;
 - (i) driving a train transporting dangerous goods;
 - (j) being the consignee of dangerous goods;
 - (k) following the appropriate procedures in accordance with these rules in a dangerous situation.

- (2) A person who is responsible for management or control of the task must not employ, engage or permit someone else to perform the task unless the other person:
 - (a) has received, or is receiving, appropriate instruction and training to ensure that he or she is able to perform the task safely and in accordance with these Rules; and
 - (b) is appropriately supervised in performing the task to ensure that he or she is able to perform the task safely and in accordance with these Rules.
- 20.2 (Reserved)

[PART 21—INFRINGEMENT NOTICES]

Reserved: There are no rail specific rules for this Part.

PART 22—RECONSIDERATION AND REVIEW OF DECISIONS

Application of Part

- 22.1 This Part applies to the following decisions made by the Competent Authority:
 - (a) a decision under rule 1.18 about an administrative determination;
 - (b) a decision under rule 3.8, 4.25 or 4.26;
 - (c) a decision under rule 4.27 about an administrative determination;
 - (d) a decision under rule 6.5, 9.8, 9.15, 10.9 or 11.9;
 - (e) a decision under rule 13.7 about an administrative determination;
 - (f) a decision made under rule 19.2, 19.4 or 19.5.

Who may apply for reconsideration of decisions

- 22.2 (1) A person whose interests are affected by a decision may apply in writing to the Competent Authority for reconsideration of the decision.
- (2) However, a person whose interests are affected by a decision made under rule 10.9 that is given orally may apply to the Competent Authority orally for reconsideration of the decision.

Applications for reconsideration

- 22.3 (1) An application must be made within:
 - (a) 28 days after the day when the person was informed of the decision by the Competent Authority; or
 - (b) a longer period allowed by the Authority, either before or after the end of the 28 days.

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- (2) The application must set out the grounds on which reconsideration of the decision is sought.
 - (3) However, if an application is made orally for reconsideration of a decision under rule 10.9, the applicant must tell the Competent Authority of the grounds on which reconsideration of the decision is sought when the application is made

Competent Authority to reconsider decisions

- 22.4 (1) Within 28 days after receiving the application, the Competent Authority must reconsider the decision, and confirm, revoke or vary the decision.
- (2) The Competent Authority must inform the applicant in writing of the result of the reconsideration and of the reasons for the result.
- (3) However, the Competent Authority may tell an applicant mentioned in subrule 22.3 (3) of the result of the reconsideration and of the reasons for the result.

Review of certain decisions

- 22.5 Application may be made for review of a decision if:
 - (a) the decision has been reconsidered under rule 22.4; and
 - (b) the person who applied for reconsideration of the decision was not an applicant mentioned in subrule 22.3 (3).

[PART 23—FEES]

Reserved: There are no rail specific rules for this Part.

PART 24—TRANSITIONAL PROVISIONS**Lawful conduct under previous law**

- 24.1 A person does not commit an offence against these Rules if, within the period of 6 months after these rules are given legal effect in this jurisdiction, the person transports dangerous goods by rail in accordance with the law about the transport of dangerous goods by rail that was in force in this jurisdiction immediately before the commencement.

Continuing effect of certain determinations

- 24.2 (1) This rule applies to a determination (however described) if the determination:
 - (a) was made under a law about the transport of dangerous goods by rail; and
 - (b) was in force in this jurisdiction immediately before the commencement of this rule; and
 - (c) is a determination about something that may be determined under a provision (the “**relevant provision**”) of any of the following rules:
 - (i) rule 1.18 (Determinations—dangerous goods);
 - (ii) rule 4.27 (Determinations—foreign approved tanks and IBC’s);
 - (iii) rule 13.7 (Determinations—routes, areas, rail wagons, trains and times).
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- (2) The determination has effect for these Rules as if it were a determination made by the Competent Authority under the relevant provision.
 - (3) Without limiting subrule (2), the Competent Authority may record the determination in the register of determinations kept under rule 1.21.
 - (4) Subrule (3) does not apply to a determination if the determination was made on the application of a person and applies only to the person.

Continuing effect of corresponding determinations

- 24.3 (1) This rule applies to a determination (however described) if the determination:
 - (a) was made under a law of another participating jurisdiction about the transport of dangerous goods by rail; and
 - (b) was in force in the other jurisdiction immediately before the commencement of this rule; and
 - (c) is a determination about something that may be determined under a provision of the law of the other jurisdiction (the “corresponding provision”) corresponding to a provision of a rule mentioned in paragraph 24.2 (1) (c).
- (2) Except for circumstances that do not exist in this jurisdiction, the determination has effect for these Rules as if it were a determination made by the corresponding Competent Authority for the other jurisdiction under the corresponding provision.

Continuing effect of certain exemptions

- 24.4 (1) This rule applies to an exemption (however described) if the exemption:
 - (a) was granted under a law of about the transport of dangerous goods by rail; and
 - (b) was in force in this jurisdiction immediately before the commencement of this rule; and
 - (c) is an exemption from compliance with a provision of that law corresponding to a provision (the “relevant provision”) of these Rules.
- (2) The exemption has effect for these Rules as if it were an exemption granted by the Competent Authority from compliance with the relevant provision.
- (3) Without limiting subrule (2), the Competent Authority may record the exemption in the register of exemptions kept under rule 16.2.

Continuing effect of corresponding exemptions

- 24.5 (1) This rule applies to an exemption (however described) if the exemption:
 - (a) was granted under a law of another participating jurisdiction about the transport of dangerous goods by rail; and
 - (b) was in force in the other jurisdiction immediately before the commencement of this rule; and
 - (c) is an exemption from compliance with a provision of the law of the other jurisdiction (the “corresponding provision”) corresponding to a provision of these Rules.

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- (2) Except for circumstances that do not exist in jurisdiction, the exemption has effect for these Rules as if it were an exemption granted by the corresponding Competent Authority for the other jurisdiction from compliance with the corresponding provision.

Continuing effect of certain approvals

- 24.6 (1) This rule applies to an approval (however described) if the approval:
- (a) was given under a law of about the transport of dangerous goods by rail; and
 - (b) was in force in this jurisdiction immediately before the commencement of this rule; and
 - (c) is an approval of something that may be approved under a provision (the “relevant provision”) of any of the following rules:
 - (i) rule 3.8 (Approvals—packaging design types);
 - (ii) rule 4.25 (Approvals—tank designs);
 - (iii) rule 4.26 (Approvals—IBC designs);
 - (iv) rule 6.5 (Approvals—unit loads);
 - (v) rule 9.8 (Approvals—segregation);
 - (vi) rule 9.15 (Approvals—separation and marshalling);
 - (vii) rule 10.9 (Approvals—transfers of dangerous goods);
 - (viii) rule 11.9 (Approvals—emergency information).
- (2) The approval has effect for these Rules as if it were an approval given by the Competent Authority under the relevant provision.
- (3) Without limiting subrule (2), the Competent Authority may record the approval in the register of approvals kept under rule 17.10.

Continuing effect of corresponding approvals

- 24.7 (1) This rule applies to an approval (however described) if the approval:
- (a) was given under a law of another participating jurisdiction about the transport of dangerous goods by rail; and
 - (b) was in force in the other jurisdiction immediately before the commencement of this rule; and
 - (c) is an approval of something that may be approved under a provision of the law of the other jurisdiction (the “corresponding provision”) corresponding to a provision of a rule mentioned in paragraph 24.6 (1) (c).
- (2) Except for circumstances that do not exist in jurisdiction, the approval has effect for these Rules as if it were an approval given by the corresponding Competent Authority for the other jurisdiction under the corresponding provision.
- 24.8 (Reserved)
- 24.9 (Reserved)
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ANNEX 1—DICTIONARY

In these rules, unless the contrary intention appears:

“**ADG Code**” means the sixth edition of the *Australian Code for the Transport of Dangerous Goods by Road and Rail*.

“**administrative determination**” see rule 1.19

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

“**aggregate quantity**”, see rule 2.10;

“**another participating jurisdiction**” means a participating jurisdiction except this jurisdiction;

“**appropriately marked**” see rule 7.2

“**appropriately placarded**” see subrule 7.6 (2)

“**approval**”, for a provision of these Rules, means an approval by the Competent Authority that is in force under the provision;

“**approved IBC**” means:

- (a) an IBC of a design that is approved under rule 4.26; or
- (b) a foreign approved IBC;

“**approved packaging**” means:

- (a) packaging of a design type that is approved under rule 3.8; or
- (b) foreign approved packaging;

“**approved tank**” means:

- (a) a tank of a design that is approved under rule 4.25; or
- (b) a foreign approved tank;

“**attachment system**”:

- (a) means a system for attaching a bulk container or freight container to a rail wagon; and
- (b) includes all the components of the system;

“**authorised officer**” see rule 1.34;

“**bulk container**” see rule 2.17;

“**capacity**” see rule 2.8;

“**Class**”, for dangerous goods, see rule 2.3;

“**Code**” means the ADG Code;

“**Competent Authority**” means an authority appointed in this jurisdiction who performs functions and exercises powers under a law of this jurisdiction about the transport of dangerous goods by rail;

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“consigns” and “consignor” see rule 2.19;

“consumer commodity load” see Division 1.1 of the ADG Code;

“corresponding”, for a provision of these Rules, means the provision of the law in force in another participating jurisdiction corresponding to the provision;

“corresponding administrative determination” means a corresponding determination made on the application of a person and applying only to the person;

“corresponding approval” means an approval given by a corresponding Competent Authority having effect in this jurisdiction under rule 15.11;

“corresponding Competent Authority” means:

- (a) the Competent Authority of another participating jurisdiction; or
- (b) an authority of another participating jurisdiction who performs functions and exercises powers under a law of the other jurisdiction about the transport of dangerous goods by road;

“corresponding determination” means a determination made by a corresponding Competent Authority having effect in this jurisdiction under rule 15.9;

“corresponding exemption” means an exemption granted by a corresponding Competent Authority having effect in this jurisdiction under rule 15.10;

“dangerous goods” see rule 2.2;

“dangerous goods in bulk” see rule 2.12;

“dangerous situation” means a situation involving the transport of dangerous goods by rail that is causing, or is likely to cause, imminent risk of death or injury to a person or harm to the environment or to property;

“determination”, for a provision of these Rules, means a determination made by the Competent Authority that is in force under the provision;

“emergency service” means:

- (a) an ambulance, fire, police or other emergency service of a participating jurisdiction; or
- (b) a unit of the Defence Force corresponding to a service mentioned in paragraph (a);

“exemption” means an exemption in force under rule 16.7;

“filling ratio” means the ratio of the mass of liquefied gas in a tank or cylinder to the mass of water that the tank or cylinder will hold at a temperature of 15° Celsius;

“fire-risk substance” means a readily ignitable solid substance (examples are hay, sawdust, waste paper and wood chips);

“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 container” means a container designed or intended to contain food;

“food packaging” means:

- (a) a food container; or
- (b) any other container that actually contains food; or
- (c) material designed or intended to be used in a food container;

“foreign approved IBC” means an IBC.

- (a) manufactured outside Australia, and
- (b) ADR, IMO or RID approved;

“foreign approved packaging” means a packaging that is:

- (a) manufactured outside Australia, and
- (b) marked with performance and specification markings complying with Chapter 3 of the ADG Code;

“foreign approved tank” means a tank that is:

- (a) manufactured outside Australia, and
- (b) ADR, IMO or RID approved;

“freight container” see rule 2.15;

“hose assembly”: means a hose, or hoses connected together, for use in the transfer of dangerous goods to or from a tank on a rail wagon, bulk container or storage container; and includes

- (a) if there are two 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 rail wagon, bulk container or storage container) attached to the hose or hoses;

“IATA Regulations” means the Dangerous Goods Regulations published by the International Air Transport Association;

“IBC” see rule 2.16;

“IBC marking” for an IBC, means a marking complying with the IBC Supplement;

“IBC Supplement” means the *Specifications for Intermediate Bulk Containers for the Transport of Dangerous Goods* published as a supplement to the ADG Code;

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

“IMDG Code” means the *International Maritime Dangerous Goods Code* published by the International Maritime Organisation;

“IMO approved” means approved by or for the International Maritime Organisation;

“incompatible” see rule 2.6;

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“involvement in the transport of dangerous goods by rail” includes:

- (a) importing, or arranging for the importation of, dangerous goods into Australia; and
- (b) marking packages and unit loads containing dangerous goods, and placarding containers and rail wagons on or in which dangerous goods are transported; and
- (c) consigning dangerous goods for transport by rail; and
- (d) loading dangerous goods onto a rail wagon, or into a container that is to be put on a wagon, for transport by rail or unloading dangerous goods that have been transported by rail; and
- (e) marshalling rail wagons and separating dangerous goods; and
- (f) undertaking, or being responsible for, otherwise as an employee or sub-contractor, the transport of dangerous goods by rail; and
- (g) providing emergency information in relation to the transport of dangerous goods; and
- (h) driving a train transporting dangerous goods; and
- (i) being the consignee of dangerous goods transported by rail; and
- (j) being involved as a director, secretary or manager of a body corporate or as an officer with a government authority, or other person who takes part in the management of the body corporate or government authority, that takes part in an activity covered by this definition;

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

“loads” and “loader” see rule 2.21;

“NATA” means the National Association of Testing Authorities, Australia;

“outer packaging” see Division 1.1 of the ADG Code;

“owner” see rule 2.18;

“package” see subrule 2.7 (1);

“packaged dangerous goods” see rule 2.11;

“packaging” see subrule 2.7 (2);

“Packing Group” see rule 2.5

“picks” and “picker” see rule 2.20;

“Panel” see subrule 15.4 (2);

“participating jurisdiction” means:

- (a) this jurisdiction; or
- (b) a State or Territory, unless these Rules into are not adopted under a law of the State or Territory;

“performance test”, for a packaging design type for use in the transport by rail, means a test complying with Chapter 3 of the ADG Code;

“personal injury” includes death;

“placard load” see rule 2.13;

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

“rail operator” see rule 2.22;

“rail wagon” means a rail vehicle that:

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

“recognised testing facility” see rule 3.9;

“register” see rule 15.1;

“required emergency information” see rule 11.5

“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;

“risk” means risk of personal injury, property damage or harm to the environment;

“shunting” means moving a train or part of a train in order to arrange or rearrange the wagon consist;

“Subsidiary Risk” see rule 2.4;

“tank”:

- (a) means a container, except an IBC, that is used, or designed to be used, to transport dangerous goods in bulk in the form of a liquid or gas; and
- (b) includes fittings, closures, and any other equipment, forming part of the container;

“test certificate” means a certificate:

- (a) issued by a person who conducted an approved test; and
- (b) stating that a person named in the certificate passed the test;

“this jurisdiction” means the State or Territory under whose laws these Rules are given legal effect;

“track owner” means the person or body who is responsible by reason of ownership, control or management, for,

- (a) the construction and maintenance of track, civil and electric traction infrastructure; or
- (b) the construction, operation or maintenance of train control and communication systems; or
- (c) a combination of these;

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

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“transport”, in relation to dangerous goods, includes:

- (a) the packing, loading and unloading of the goods, and the transfer of the goods to or from a rail wagon, for the purpose of their transport; and
- (b) the marking of packages and unit loads containing dangerous goods, and the placarding of containers and rail wagons in which dangerous goods are transported; and
- (c) other matters incidental to their transport.

“UN dangerous goods tests and criteria” means the tests and criteria required under:

- (a) the UN Recommendations; or
- (b) the UN Recommendations, Manual of Tests and Criteria.

“unit load” see rule 2.14;

“UN Recommendations” means the ninth revised edition of the *Recommendations on the Transport of Dangerous Goods* published by the United Nations;

“UN Recommendations, Manual of Tests and Criteria” means the second revised edition of the *Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria* published by the United Nations;