



New South Wales

Dangerous Goods (Road and Rail Transport) Amendment (Revision of ADG Code) Regulation 2017

under the

Dangerous Goods (Road and Rail Transport) Act 2008

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dangerous Goods (Road and Rail Transport) Act 2008*.

GABRIELLE UPTON, MP
Minister for the Environment

Explanatory note

The object of this Regulation is to amend the *Dangerous Goods (Road and Rail Transport) Regulation 2014* as follows:

- (a) to update references to the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, which has been revised,
- (b) to give effect to the placard limits in the new edition of that Code,
- (c) to give effect to changes in the new edition of that Code that clarify when a receptacle is “appropriately marked”,
- (d) to omit requirements about licence labels and offences relating to such labels,
- (e) to update references to the Standing Council on Transport and Infrastructure, which is now called the Transport and Infrastructure Council.

This Regulation is made under the *Dangerous Goods (Road and Rail Transport) Act 2008*, including section 13 (the general regulation-making power) and section 14.

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Dangerous Goods (Road and Rail Transport) Act 2008

1 Name of Regulation

This Regulation is the *Dangerous Goods (Road and Rail Transport) Amendment (Revision of ADG Code) Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Dangerous Goods (Road and Rail Transport) Regulation 2014

[1] Clause 6 Further exemptions

Omit clause 6 (2) (a). Insert instead:

- (a) that are not UN Division 6.2 infectious substances and that are in a consignment where the aggregate quantity of dangerous goods is less than the quantity set out in subclause (3) (a) of the note to section 1.1.1.2 of the ADG Code, or

[2] Clause 7 Special provisions for tools of trade and dangerous goods for private use

Omit clause 7 (1). Insert instead:

- (1) This clause applies to a load if the following conditions are met:
 - (a) for loads not including any dangerous goods of UN Division 2.1 (other than aerosols), UN Division 2.3 or Packing Group I—the load includes an aggregate quantity of dangerous goods of less than 500,
 - (b) for loads including any dangerous goods of UN Division 2.1 (other than aerosols), UN Division 2.3 or Packing Group I:
 - (i) the load includes an aggregate quantity of dangerous goods of less than 250, and
 - (ii) any dangerous goods of UN Division 2.3 or Packing Group I in that load together constitute less than 100 of that aggregate quantity,
 - (c) the goods in the load are not being transported in the course of a business of transporting goods but are being transported:
 - (i) by a person who intends to use them, or
 - (ii) so that they may be used for a commercial purpose.

[3] Clause 7 (5) (b)

Omit the paragraph. Insert instead:

- (b) in any other enclosed space in the vehicle, if that space is not sufficiently ventilated to prevent an accumulation of vapours or fumes that is likely to cause risk.

[4] Clause 9 Definitions

Omit the definition of *ADG Code* from clause 9 (1). Insert instead:

ADG Code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, approved by the Transport and Infrastructure Council, as in force or remade from time to time. If that document is amended or remade, a reference in this Regulation to a provision of that document extends to the corresponding provision (if any) of the amended or remade document.

[5] Clause 9 (1)

Insert in alphabetical order:

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

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

(b) has hazard properties and a function that are wholly or partly dependent on that shape or design,
and includes batteries, aerosols, gas-filled lighters, seat belt pre-tensioners and refrigerating machines.

Transport and Infrastructure Council means the Ministerial Council called the Transport and Infrastructure Council and established with the authority of the Council of Australian Governments.

[6] Clause 9 (1), definition of “Competent Authorities Panel or CAP”

Omit “as amended from time to time”.

Insert instead “as amended by the National Transport Commission, and approved by the Transport and Infrastructure Council, from time to time”.

[7] Clause 9 (1), definitions of “licence label” and “Standing Council on Transport and Infrastructure”

Omit the definitions.

[8] Clause 74

Omit the clause. Insert instead:

74 Meaning of “appropriately marked”

- (1) Any receptacle (other than a cargo transport unit or an overpack) that has a capacity of more than 500 kilograms or litres is *appropriately marked* if it is marked and labelled in accordance with Chapters 5.2 and 5.3 of the ADG Code.
- (2) Any other package of dangerous goods (other than an overpack) is *appropriately marked* if it is marked and labelled in accordance with Chapter 5.2 of the ADG Code.
- (3) An overpack is *appropriately marked* if it is marked and labelled in accordance with section 5.1.2 of the ADG Code.
- (4) A package of dangerous goods that are packed in limited quantities is also *appropriately marked* if it is marked and labelled in accordance with Chapter 3.4 of the ADG Code.

[9] Clause 78 When load must be placarded

Omit clause 78 (1) (a). Insert instead:

- (a) it contains:
 - (i) dangerous goods in a receptacle, other than an article, with a capacity of more than 500 litres, or
 - (ii) more than 500 kilograms of dangerous goods in a receptacle, other than an article, or

[10] Clause 78 (2)

Omit the subclause. Insert instead:

- (2) However, a load containing an aggregate quantity of dangerous goods of less than 2,000 that consists only of the following dangerous goods is not a load that must be placarded:
 - (a) dangerous goods that are packed in limited quantities,
 - (b) the following dangerous goods:

- (i) fireworks that are bon bons, party poppers or sparklers,
 - (ii) domestic smoke detectors containing radioactive material,
 - (iii) lighters or lighter refills containing flammable gas,
 - (iv) fire extinguishers with compressed or liquefied gas, up to a net mass of 23 kg,
- (c) a combination of the dangerous goods referred to in paragraphs (a) and (b).

[11] Clause 152 Emergency plans

Insert “or by the Transport and Infrastructure Council” after “Infrastructure” in the definition of *emergency plan* in clause 152 (1).

[12] Clause 212 Disposal and transfer of licensed vehicles

Omit clause 212 (1) and (2). Insert instead:

- (2) Within the 21 days after transferring possession or otherwise disposing of a licensed vehicle (otherwise than by way of a business transfer) (the *disposed vehicle*), the person who holds the licence for the vehicle must give, to the licensing authority, notice of the disposal.
Maximum penalty: 10 penalty units for an individual or 50 penalty units for a corporation.

[13] Clause 214 Licence labels

Omit the clause.

[14] Clause 217 Replacement licences

Omit clause 217 (2). Insert instead:

- (2) The licensing authority must issue a replacement licence to a licensee if the authority is satisfied that the licence has been defaced, destroyed, lost or stolen.

[15] Clause 232 Application of Part

Omit “or licence label” from clause 232 (k).

[16] Schedule 1 Penalty notice offences

Omit the matter relating to clauses 212 (1), 214 (2) and 214 (3).