

# Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998

[1998-202]



New South Wales

## Status Information

### Currency of version

Historical version for 15 October 1999 to 1 April 2004 (accessed 18 July 2024 at 3:39)

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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File last modified 1 September 2003

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New South Wales

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# Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

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

### 2 Commencement

This Regulation commences on 20 April 1998.

### 3 Definitions

In this Regulation:

**Commonwealth regulations** means the *Road Transport Reform (Dangerous Goods) Regulations* of the Commonwealth, as applied by clause 5 as regulations for the purposes of the Act.

**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.

## Part 2 Application of Commonwealth regulations relating to road transport of dangerous goods

### 5 Application of Commonwealth regulations

The *Road Transport Reform (Dangerous Goods) Regulations 1997* of the Commonwealth, as in force from time to time, apply as regulations in force for the purposes of the Act, subject to the modifications set out in Schedule 1.

## **6 Name of applied regulations**

The Commonwealth regulations, as applied by clause 5, may be referred to as the *Road Transport Reform (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 2 of Schedule 2 to the Commonwealth regulations 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 3 of Schedule 2 to the Commonwealth regulations, and
- (c) the prescribed penalty for such an offence payable by a body corporate is the amount specified in Column 4 of Schedule 2 to the Commonwealth regulations.

## **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 to this Regulation is:
  - (a) the expression specified in Column 2 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 to this Regulation, 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.

## **9 Transitional provision**

An officer of the Environment Protection Authority constituted under the *Protection of the Environment Administration Act 1991* who was, immediately before the commencement of the *Road and Rail Transport (Dangerous Goods) Act 1997*, an inspector of dangerous

goods under the *Dangerous Goods Act 1975* may continue to exercise the functions of an inspector under that Act for the purposes of carrying out functions relating to offences committed under that Act before that commencement.

## **Schedule 1 Modifications to Commonwealth Regulations**

(Clause 5)

### **[1] Regulation 1.2 Commencement**

Omit the regulation.

### **[2] Part 1, Division 4**

Omit the Division.

### **[3] Regulation 1.30 Declaration of non-participating jurisdictions**

Omit “the Northern”.

### **[4] Regulation 1.30 (b)**

Omit the paragraph. Insert instead:

(b) the Minister, by notice in the Government Gazette, declares that the State or Territory is not a participating jurisdiction,

### **[5] Regulation 1.32 Identification cards**

Omit regulation 1.32 (d).

### **[5A] Regulation 2.2 Dangerous goods**

Omit Regulation 2.2 (3).

### **[6] Part 8**

Omit the note after the heading.

### **[7] Part 21 Infringement notices**

Omit the Part.

### **[8] (Repealed)**

### **[9] Schedule 1 Strict liability offences**

Omit the Schedule.

**[10] Schedule 2**

Omit “Infringement” from the heading. Insert instead “Penalty”.

**[11] Schedule 3 Dictionary**

Omit the definition of **Act**. Insert instead:

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

**[12] Schedule 3, definition of “converter dolly”**

Insert “of the Commonwealth” after “Regulations”.

**[13] Schedule 3, definition of “Government Gazette”**

Omit the definition. Insert instead:

**Government Gazette** means the New South Wales Government Gazette.

**[14] Schedule 3, definition of “infringement notice”**

Omit the definition.

**[15] Schedule 3, definition of “participating jurisdiction”**

Omit “the Northern”.

**[16] Schedule 3, definition of “this jurisdiction”**

Omit the definition. Insert instead:

**this jurisdiction** means New South Wales.

**Schedule 2 Short descriptions of offences**

(Clause 8)

**Road Transport Reform (Dangerous Goods) (New South Wales) Regulations**

| <b>Column 1</b>        | <b>Column 2</b>  |
|------------------------|--|
| Regulation 3.2         | Mark unapproved packaging with markings                    |
| Regulation 3.12 (3)    | Fail to produce test evidence to Competent Authority       |
| Regulation 4.1 (1) (a) | Consign bulk goods for transport contrary to ADG Code      |
| Regulation 4.1 (1) (b) | Consign bulk goods when goods too dangerous to transport   |
| Regulation 4.1 (2)     | Fail to comply with Ch 4 ADG Code in consigning bulk goods |
| Regulation 4.2 (1) (a) | Transport bulk dangerous goods contrary to Ch 4 ADG Code   |

|                        |   |
|------------------------|---|
| Regulation 4.2 (1) (b) | Transport bulk goods when goods too dangerous to transport  |
| Regulation 4.2 (2)     | Fail to comply with Ch 4 ADG Code in transporting bulk goods  |
| Regulation 4.3         | Drive bulk load contrary to Ch 4 ADG Code   |
| Regulation 4.7 (2)     | Fail to attach compliance plate to bulk tank  |
| Regulation 4.8         | Attach compliance plate/purported plate to unapproved tank  |
| Regulation 4.10 (1)    | Consign bulk goods for transport in unapproved tank/tank not maintained/tested/inspected/tank contravening approval |
| Regulation 4.14 (1)    | Consign goods in foreign tank contrary to determination   |
| Regulation 4.16 (2)    | Fail to mark IBC in accordance with IBC Supplement  |
| Regulation 4.17        | Mark unapproved IBC with IBC marking/purported marking  |
| Regulation 4.18 (1)    | Consign bulk dangerous goods for transport in unapproved IBC/IBC used improperly                                    |
| Regulation 5.1 (1)     | Consign goods in freight container contrary to Ch 5 ADG Code  |
| Regulation 5.3 (3)     | Transport goods when attachment system breaches ADG Code  |
| Regulation 5.4         | Drive when freight container attachment breaches ADG Code   |
| Regulation 7.7 (1)     | Consign inappropriately placarded load of dangerous goods   |
| Regulation 8.3         | Use vehicle and equipment breaching Ch 8 ADG Code   |
| Regulation 8.5         | Use/permit uninsured vehicle to transport placard load of goods   |
| Regulation 8.7 (3)     | Fail to produce insurance evidence within 14 days   |
| Regulation 10.7 (2)    | Fail to ensure hose assembly on premises complies with Code   |
| Regulation 10.8 (2)    | Fail to ensure hose assembly on vehicle satisfies Code  |
| Regulation 11.3        | Fail to supply dangerous goods shipping documents to driver   |
| Regulation 11.4 (1)    | Drive vehicle without shipping documents  |
| Regulation 11.4 (1A)   | Drive vehicle with non-complying shipping documents   |
| Regulation 11.4 (2)    | Drive vehicle without shipping documents in holder/in cabin   |
| Regulation 11.7        | Transport placard load without emergency information holder/emergency information in holder                         |
| Regulation 11.8 (1)    | Drive placard load without emergency information holder/emergency information in holder                             |
| Regulation 11.8 (2)    | Fail to ensure holder contains only permitted documents   |
| Regulation 11.8 (3)    | Fail to produce emergency information to authorised officer/emergency services                                      |

|                      |  |
|----------------------|--|
| Regulation 12.1      | Use/allow vehicle to transport load without fire extinguishers/warning devices/other equipment |
| Regulation 12.3 (1)  | Drive vehicle without fire extinguishers/warning devices/other equipment                       |
| Regulation 13.1 (2)  | Fail to alert other road users of hazard   |
| Regulation 13.4      | Allow unauthorised person in vehicle while transporting load                                   |
| Regulation 13.5      | Leave/park vehicle transporting goods in breach of Ch 13 ADG Code                              |
| Regulation 13.6 (2)  | Possess ignition source/smoke while transporting flammable goods                               |
| Regulation 13.6 (3)  | Fail to ensure no source of ignition/smoking in vehicle  |
| Regulation 13.8      | Transport goods along route/in area contrary to determination                                  |
| Regulation 13.9      | Drive vehicle along route/in area contrary to determination                                    |
| Regulation 18.28 (2) | Drive vehicle without conspicuous current licence label  |
| Regulation 18.28 (3) | Transport goods without conspicuous current licence label                                      |
| Regulation 18.30     | Fail to carry licence while driving bulk load of dangerous goods                               |
| Regulation 18.31     | Fail to produce licence for inspection   |
| Regulation 18.39 (2) | Fail to produce licence to Competent Authority within 14 days                                  |

### **Note. Commonwealth legislation**

For the text of the *Road Transport Reform (Dangerous Goods) Regulations* of the Commonwealth as originally gazetted with this regulation, see <http://www.legislation.nsw.gov.au>. See also the Commonwealth database at <http://frli.law.gov.au>.