

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

[1998-2021]



New South Wales

Status Information

Currency of version

Repealed version for 2 April 2004 to 30 April 2009 (accessed 19 November 2024 at 3:20)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Notes—

- **Note**

The Regulation was impliedly repealed by repeal of the *Road and Rail Transport (Dangerous Goods) Act 1997* by sec 74 of the *Dangerous Goods (Road and Rail Transport) Act 2008 No 95* with effect from 1.5.2009.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 1 May 2009

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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.

[1A] Regulation 1.9 Dangerous situations

Insert “(or at the direction of)” after “by”.

[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

Column 1	Column 2
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://www.frli.gov.au>.