

Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (***gazettal day***);
- (b) regulation 10 — on 1 July 2019;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*.

4. Regulation 4 amended

- (1) In regulation 4 delete the definitions of:

model subordinate law

Subsidiary Risk

- (2) In regulation 4 insert in alphabetical order:

model subordinate instrument means the *Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail* as agreed to from time to time by the Transport and Infrastructure Council and published on the website maintained by the Parliamentary Counsel's Committee;

Subsidiary Hazard has the meaning given in regulation 30;

transport documentation means documentation that complies with the requirements of the ADG Code Chapter 11.1;

(3) In regulation 4 in the definition of ***ADG Code***:

(a) delete “Edition 7.5” and insert:

Edition 7.6

(b) delete “1 March 2017,” and insert:

1 July 2018,

(4) In regulation 4 in the definition of ***IMDG Code*** delete “2014 Edition, incorporating Amendment 37-14 (ISBN: 978-92-801-1597-0);” and insert:

2016 Edition, incorporating Amendment 38-16 (ISBN: 978-92-801-1636-6);

5. Regulation 9 amended

In regulation 9(b) delete “model subordinate law.” and insert:

model subordinate instrument.

6. Regulation 13B amended

In regulation 13B(5) delete “50,” and insert:

25% of a placard load,

7. Regulation 30 replaced

Delete regulation 30 and insert:

30. Term used: Subsidiary Hazard

For the purposes of these regulations, the *Subsidiary Hazard*, if any, of particular dangerous goods is —

- (a) if a determination made under regulation 17(1)(c) that the goods have a particular Subsidiary Hazard is in effect — the Subsidiary Hazard specified in the determination; or
- (b) if no such determination is in effect — the Subsidiary Hazard determined for the goods in accordance with the ADG Code.

Note for this regulation:

Dangerous goods that are able to be assigned to more than 1 UN Class or UN Division are assigned a Subsidiary Hazard. The Subsidiary Hazard or Hazards are the other UN Class or Classes or UN Division or Divisions to which the goods also belong. Under the ADG Code, if particular dangerous goods are listed in the Dangerous Goods List, their Subsidiary Hazard, if any, is that listed in column 4 of that list opposite the name and description of those goods, unless Chapter 3.3 of that Code provides for those goods to be assigned a different Subsidiary Hazard.

8. Regulation 45 amended

In regulation 45(b) delete “column 7” and insert”

column 7a

9. Regulation 106 amended

After regulation 106(4) insert:

- (5) A package of dangerous goods packed in excepted quantities is also *appropriately marked* if it is marked and labelled in accordance with the ADG Code Chapter 3.5.
- (6) For the purposes of subregulation (5), dangerous goods are packed in excepted quantities if —
 - (a) the goods are assigned to code E1, E2, E3, E4 or E5 in the Dangerous Goods List column 7b; and
 - (b) the goods are packed in accordance with the ADG Code Chapter 3.5; and
 - (c) the quantity of dangerous goods does not exceed the quantity specified in the ADG Code section 3.5.1.2.

10. Section 109A inserted

After section 109 insert:

109A. Further duties if dangerous goods transported in portable tank or by tank vehicle

- (1) A person must not consign dangerous goods for transport in a portable tank, or by a tank vehicle, if a sign, writing or other information affixed to the portable tank or tank vehicle is false or misleading in a material particular about the contents of the portable tank or tank vehicle.

Penalty for this subregulation: a fine of \$5 000.

- (2) A prime contractor must not transport dangerous goods in a portable tank, or by a tank vehicle, if the prime contractor knows, or ought reasonably to know, that a sign, writing or other information affixed to the portable tank or tank vehicle is false or misleading in a material particular about the contents of the portable tank or tank vehicle.

Penalty for this subregulation: a fine of \$5 000.

11. Part 23 Division 6 inserted

At the end of Part 23 insert:

Division 6 — Provisions for *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018*

289. Term used: commencement day

In this Division —

commencement day means the day on which the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018* regulation 3 comes into operation.

290. Transitional provision for offence involving compliance with ADG Code

A person does not commit an offence against these regulations in relation to the transport of dangerous goods by road or rail if —

- (a) the offence relates to non-compliance with the ADG Code; and
- (b) the transport takes place during the period that begins on the commencement day and ends on 30 June 2019; and

- (c) the person transports the goods in accordance with the ADG Code as it was defined in regulation 4 immediately before the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018* regulation 3 came into operation.

12. Schedule 1 amended

In Schedule 1 in the Table after Item 21 insert:

21A. Regulation 109A(1) 300 1 500

13. Various references to “Subsidiary Risk” amended

In the provisions listed in the Table delete “Subsidiary Risk” and insert:

Subsidiary Hazard

Table

r. 17(1)(c)	r. 121(1)(e)
r. 130(1)(b)	r. 171(1)(b)

14. Other provisions amended

In the provisions listed in the Table delete “that complies with the ADG Code Chapter 11.1”.

Table

r. 40(2)	r. 150(1)
r. 150(2)(b)	r. 151(1)
r. 152(a)	r. 153
r. 155(1)	

R. NEILSON, Clerk of the Executive Council.
