# Dangerous Goods (Transport by Road or Rail) and (Explosives) Amendment Regulations 2017

S.R. No. 2/2017

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Endnotes: 10
Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

(a) to amend the Dangerous Goods (Transport by Road or Rail) Regulations 2008 to ensure consistency with other relevant transport laws, to provide for the adoption of a document and to make other minor amendments; and

(b) to amend the Dangerous Goods (Explosives) Regulations 2011 to provide for the adoption of a document.

2 Authorising provision

These Regulations are made under section 52 of the Dangerous Goods Act 1985.
3 Commencement

These Regulations come into operation on 1 March 2017.
Part 2—Dangerous Goods (Transport by Road or Rail) Regulations 2008

4 Principal Regulations

In this Part the Dangerous Goods (Transport by Road or Rail) Regulations 2008 are called the Principal Regulations.

5 Definitions

(1) In regulation 5 of the Principal Regulations insert the following definitions—

"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;".

(2) In regulation 5 of the Principal Regulations, in the definition of Competent Authorities Panel or CAP, for "Standing Council on Transport and Infrastructure" substitute "Transport and Infrastructure Council".

Authorised by the Chief Parliamentary Counsel
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(3) In regulation 5 of the Principal Regulations the definitions of licence label and Standing Council on Transport and Infrastructure or SCOTI are revoked.

6 Further exemptions

In regulation 25(2)(a) of the Principal Regulations, for "for which an inner package is required by Chapter 5.2.1.8 of the ADG Code to be marked with a proper shipping name or the technical name of those goods" substitute "set out in section 1.1.1.2(3)(a) of the ADG Code".

7 Special provisions for tools of trade and dangerous goods for private use

(1) For regulation 26(1)(a) and (b) of the Principal Regulations substitute—

"(a) for loads not including 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; or

(b) for loads including 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 together constitute less than 100 of that aggregate quantity; and

(c) the goods 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 can be used for a commercial purpose."

(2) In regulation 26(5)(b) of the Principal Regulations, after "vehicle" insert "unless the space is sufficiently ventilated to prevent an accumulation of vapours or fumes that is likely to cause risk".

(3) At the foot of regulation 26(5) of the Principal Regulations omit "Penalty:" (where secondly occurring).

8 Goods suspected of being dangerous goods

At the foot of regulation 29 of the Principal Regulations omit "Penalty:" (where secondly occurring).

9 Meaning of appropriately marked

(1) For regulation 80(3) of the Principal Regulations substitute—
"(3) An overpack is appropriately marked if it is marked and labelled in accordance with section 5.1.2 of the ADG Code.".

(2) At the foot of regulation 80(4) of the Principal Regulations insert—
"Note

Packed in limited quantities has the meaning given by regulation 13.".

(3) Regulation 80(5) of the Principal Regulations is revoked.
10 When a load is a placard load

(1) For regulation 84(1)(a) of the Principal Regulations substitute—

"(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"

(2) At the foot of regulation 84(1) of the Principal Regulations insert—

"Note

Article is defined in regulation 5.".

(3) For regulation 84(2) of the Principal Regulations substitute—

"(2) Despite subregulation (1), a load containing an aggregate quantity of dangerous goods of less than 2000 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).

Note

_Packed in limited quantities_ has the meaning given by regulation 13.

### 11 Emergency plans

In regulation 156(1) of the Principal Regulations, in the definition of _emergency plan_, for "SCOTI" substitute "Transport and Infrastructure Council".

### 12 Meaning of terms used in this Part

In the example at the foot of the definition of _licence_ in regulation 189 of the Principal Regulations omit "or a licence label issued under regulation 214".

### 13 Required medical fitness evidence

In regulation 198(1)(b) of the Principal Regulations, for "1 March 2012" substitute "1 October 2016".

### 14 Additional condition

In regulation 205(1) of the Principal Regulations, for "1 March 2012" substitute "1 October 2016".

### 15 Regulation 214 revoked

Regulation 214 of the Principal Regulations is revoked.

### 16 Disposal and transfer of licensed vehicles

(1) Regulation 215(1) of the Principal Regulations is revoked.

(2) In regulation 215(2) of the Principal Regulations, for "the disposed vehicle" substitute "a licensed vehicle (other than by way of a business transfer) (the disposed vehicle)".
17 Replacement licences and licence labels

(1) In the heading to regulation 219 of the Principal Regulations omit "and licence labels".

(2) For regulation 219(2) of the Principal Regulations substitute—

"(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.".

18 What is a reviewable decision?

In regulation 234(1) of the Principal Regulations omit "or licence label".

19 Notices of decisions must contain a copy of review rights

In regulation 238(2)(k) of the Principal Regulations omit "or licence label".
Part 3—Dangerous Goods (Explosives) Regulations 2011

20 Medical fitness evidence

In regulation 181(1)(b) of the Dangerous Goods (Explosives) Regulations 2011, for "Assessing Fitness to Drive—Medical Standards for Licensing and Clinical Management Guidelines published by Austroads and the National Road Transport Commission in September 2003," substitute "Assessing Fitness to Drive for commercial and private vehicle drivers, published by Austroads Ltd and the National Transport Commission on 1 October 2016, as amended from time to time, and".

21 Additional conditions

In regulation 196(2) of the Dangerous Goods (Explosives) Regulations 2011, for "Assessing Fitness to Drive—Medical Standards for Licensing and Clinical Management Guidelines published by Austroads and the National Road Transport Commission in September 2003," substitute "Assessing Fitness to Drive for commercial and private vehicle drivers, published by Austroads Ltd and the National Transport Commission on 1 October 2016, as amended from time to time, and".
Endnotes


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Table of Applied, Adopted or Incorporated Matter for Part 2

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

<table>
<thead>
<tr>
<th>Statutory rule provision</th>
<th>Title of applied, adopted or incorporated document</th>
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<tr>
<td>Regulations 13 and 14 which amend regulations 198(1)(b) and 205(1) of the Dangerous Goods (Transport by Road or Rail) Regulations 2008</td>
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Table of Applied, Adopted or Incorporated Matter for Part 3

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