



Australian Capital Territory

Dangerous Goods (Road Transport) Regulation 2010

SL2010-12

made under the

Dangerous Goods (Road Transport) Act 2009

Republication No 6

Effective: 27 April 2024

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About this republication

The republished law

This is a republication of the *Dangerous Goods (Road Transport) Regulation 2010*, made under the *Dangerous Goods (Road Transport) Act 2009* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 27 April 2024. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 27 April 2024.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

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Contents

Page

Chapter 1 Preliminary

Part 1.1 Introduction

1	Name of regulation	2
3	Dictionary	2
4	Notes	2
5	Offences against regulation—application of Criminal Code etc	3

R6
27/04/24

Dangerous Goods (Road Transport) Regulation 2010
Effective: 27/04/24

contents 1

	Page
6 Objects of regulation	3
7 Application of regulation—exemptions	4
8 Special provisions for tools of trade and dangerous goods for private use	6
Part 1.2 Interpretation	
Division 1.2.1 Key concepts	
9 Dangerous goods—Act, dict	8
10 Goods too dangerous to be transported—Act, dict	9
11 UN classes, divisions and categories of dangerous goods	9
12 Subsidiary hazard	10
13 Packing group	10
14 Incompatibility	11
Division 1.2.2 Other important concepts	
15 Meaning of <i>packaging</i> —Act, s 11	12
16 Meaning of <i>bulk container</i>	12
17 Meaning of <i>intermediate bulk container</i> (or <i>IBC</i>)	14
18 Meaning of <i>multiple-element gas container</i> (or <i>MEGC</i>)	14
19 Meaning of dangerous goods <i>packed in limited quantities</i>	15
19A Meaning of <i>packed in excepted quantities</i>	15
20 Meaning of <i>tank</i>	15
21 References to loads	16
Division 1.2.3 Certain references and inconsistency between regulation and codes etc	
22 References to codes, standards and rules	16
23 Disapplication of Legislation Act, s 47 (5)	16
24 Inconsistency between this regulation and codes etc	17
25 References to determinations, exemptions, approvals and licences	17
26 References to variation of determinations etc	17
Chapter 2 Training and competency	
27 Offence—instruction and training	19
28 Approvals—tests and training courses for drivers	20

Chapter 3 Determinations

29	Determinations—dangerous goods and packaging	21
30	Determinations—vehicles, routes, areas and times	22
31	Administrative determinations	22
32	Determination may be subject to conditions	23
33	Offence—contravention of determination condition	23
34	Effect of determinations on contrary obligations under regulation	23
35	Register of determinations	24
36	Records of determinations	24
37	Offences—doing of thing prohibited or regulated by determination	25

Chapter 4 Transport of dangerous goods to which special provisions apply

38	Application—ch 4	26
39	Offence—consignor—special provision applies	26
40	Offence—packer—special provision applies	27
41	Offence—loader—special provision applies	27
42	Offence—prime contractor—special provision applies	27
43	Offence—driver—special provision applies	28

Chapter 5 Packaging**Part 5.1 Packaging—general**

44	Packing of dangerous goods in limited or excepted quantities	29
45	References to ADG code, pt 4 include dangerous goods list requirements	29

Part 5.2 Suitability and design of packaging

46	Meaning of <i>recognised testing facility</i> —pt 5.2	30
47	Suitability of packaging for transport	30
48	Offences—marking packaging	31
49	Applications for approval of packaging design	32
50	Approvals—packaging designs	32

		Page
51	Offence—contravention of condition about approval of packaging design	33
52	Test certificates	34
53	Approvals—overpack preparation method	34
54	Offence—contravention of condition about overpack's use	34
55	Authorised body may issue approvals	35
Chapter 6	Offences	
Part 6.1	Goods suspected of being dangerous goods	
56	Offence—goods suspected of being dangerous goods	37
Part 6.2	Prohibition on the sale or supply of non-compliant packaging	
57	Offence—sell or supply non-compliant packaging	37
Part 6.3	Offences—general packaging	
58	Meaning of <i>general packaging</i> —pt 6.3	39
59	Offence—consign dangerous goods—unsuitable general packaging or goods not packed properly	39
60	Offence—pack dangerous goods—unsuitable general packaging or goods not packed properly	40
61	Offence—load dangerous goods—damaged or defective packaging	40
62	Offence—prime contractor transports dangerous goods—damaged or defective packaging	41
63	Offence—drive vehicle transporting dangerous goods—damaged or defective packaging	41
Part 6.4	Offences—other packaging	
64	Meaning of <i>other packaging</i> —pt 6.4	42
65	Offences—manufacturer fails to attach compliance plate etc to portable tank, MEGC or tank vehicle	42
66	Offence—owner uses unsuitable tank or MEGC to transport dangerous goods	43
67	Offences—consign dangerous goods—unsuitable other packaging or goods not packed properly	43
contents 4	Dangerous Goods (Road Transport) Regulation 2010 Effective: 27/04/24	R6 27/04/24

		Page
68	Offence—pack dangerous goods—unsuitable other packaging or goods not packed properly	44
69	Offence—load dangerous goods—unsuitable other packaging	45
70	Offences—prime contractor transports dangerous goods—unsuitable other packaging or goods not packed properly	45
71	Offence—drive vehicle transporting dangerous goods—unsuitable other packaging or goods not packed properly	47
Part 6.5	Offences—overpacks	
72	Offence—consign dangerous goods in non-compliant overpack	48
73	Offence—pack dangerous goods—non-compliant packing or preparation of overpack	48
74	Offence—load dangerous goods—non-compliant preparation of overpack	49
75	Offence—prime contractor transports dangerous goods—non-compliant preparation of overpack	49
76	Offence—drive vehicle transporting dangerous goods—non-compliant preparation of overpack	50
Chapter 7	Consignment procedures	
Part 7.1	Marking and labelling	
77	Meaning of <i>appropriately marked</i> —pt 7.1	51
78	Offences—consign dangerous goods—package inappropriately marked or labelled	51
79	Offence—consign goods—package marked or labelled as if contains dangerous goods	52
80	Offences—pack dangerous goods—package inappropriately marked or labelled	53
81	Offence—pack dangerous goods—mark or label as if contains dangerous goods	54
82	Offences—prime contractor transports dangerous goods—package inappropriately marked or labelled	54
83	Offence—prime contractor transports goods—package marked or labelled as if contains dangerous goods	55

	Page
Part 7.2 Placarding	
84 Meaning of <i>placards</i> and <i>appropriately placarded</i> —pt 7.2	56
85 When load must be placarded	56
86 Offences—consign placard load—load inappropriately placarded	58
87 Offences—consign goods—cargo transport unit inappropriately placarded	59
88 Offences—load placard load—load inappropriately placarded	60
89 Offences—load goods—load inappropriately placarded	60
90 Offences—prime contractor—placard load inappropriately placarded	61
91 Offence—prime contractor—cargo transport unit inappropriately placarded	62
92 Offences—driver—placard load inappropriately placarded	63
93 Offence—driver—cargo transport unit inappropriately placarded	64
 Chapter 8 Safety standards—vehicles and equipment	
94 Offence—owner—non-compliance with safety standards	65
95 Offence—consignor—non-compliance with safety standards	65
96 Offence—loader—non-compliance with safety standards	66
97 Offence—prime contractor—non-compliance with safety standards	66
98 Offence—driver—non-compliance with safety standards	66
 Chapter 9 Transport operations—certain dangerous goods	
 Part 9.1 Self-reactive substances, organic peroxides and certain other substances	
99 Application—pt 9.1	67
100 Offence—consignor—non-compliance with ADG code	67
101 Offence—loader—non-compliance with ADG code	68
102 Offences—prime contractor—non-compliance with ADG code	68
103 Offence—driver—non-compliance with ADG code	69

Part 9.2 Goods too dangerous to be transported

104	Offence—loader—goods too dangerous to be transported	70
105	Offence—prime contractor—goods too dangerous to be transported	70
106	Offence—driver—goods too dangerous to be transported	70

Part 9.3 Nominally empty storage vessels

106A	Meaning of <i>nominally empty storage vessel</i> —pt 9.3	71
106B	Offence—consignor—nominally empty storage vessel	71
106C	Offence—loader—nominally empty storage vessel	71
106D	Offence—prime contractor—nominally empty storage vessel	72
106E	Offence—driver—nominally empty storage vessel	72

Chapter 10 Stowage, loading and restraint

107	Offences—consignor—unlawful stowage, loading and restraint	73
108	Offences—loader—unlawful stowage, loading and restraint	73
109	Offences—prime contractor—unlawful stowage, loading and restraint	74
110	Offences—driver—unlawful stowage, loading and restraint	74

Chapter 11 Segregation

111	Application—ch 11	76
112	Exception—certain goods for driver's personal use	76
113	Offence—consignor—incompatible goods	76
114	Offence—loader—incompatible goods	77
115	Offence—prime contractor—incompatible goods	77
116	Offence—driver—incompatible goods	78
117	Approvals—segregation devices	78
118	Approvals—methods of segregation	79
119	Offence—contravene condition of approval	79

Chapter 12 Bulk transfer of dangerous goods

Part 12.1 Bulk transfer of dangerous goods—general

120	Meaning of <i>bulk transfer</i> —ch 12	80
-----	--	----

Part 12.2 Equipment and transfer

121	Offences—transferor—damaged etc hose assembly	81
122	Offences—transferor—duties in relation to bulk transfer	81
123	Offence—occupier—duties in relation to hose assembly	83
124	Offence—occupier—duties in relation to bulk transfer	83
125	Offence—occupier—fail to keep records	84
126	Offence—prime contractor—duties in relation to hose assembly	84
127	Offence—prime contractor—duties in relation to bulk transfer	85
128	Offence—prime contractor—fail to keep records	86

Part 12.3 Filling ratio and ullage

129	Application—pt 12.3	87
130	Offence—transferor—filling ratio and ullage	87
131	Offence—prime contractor—filling ratio and ullage	88
132	Offence—driver—filling ratio and ullage	89

Chapter 13 Documentation

Part 13.1 Transport documentation

133	Offence—false or misleading transport documentation	91
134	Offences—consignor—transport without proper documentation	91
135	Offence—prime contractor—transport without proper documentation	92
136	Offence—driver—fail to carry transport documentation	93
136A	Offence—prime contractor—fail to keep documents	93

Part 13.1A Dangerous goods packed in limited quantities

136B	Offence—consignor—fail to give prime contractor information	95
136C	Offence—prime contractor—fail to ensure information is readily ascertainable	96

	Page
Part 13.2 Emergency information	
137 Meaning of <i>required emergency information</i> —pt 13.2	97
138 Offence—consignor—missing required emergency information	97
139 Offence—prime contractor—emergency information holder and required emergency information	97
140 Offences—driver—emergency information holder and required emergency information	98
141 Approvals—emergency information	99
 Chapter 14 Safety equipment	
142 Offence—owner—safety equipment	100
143 Offence—prime contractor—safety equipment	100
144 Offence—driver—safety equipment	101
 Chapter 15 Procedures during transport	
Part 15.1 Immobilised and stopped vehicles	
145 Offence—driver—immobilised or stopped vehicle	102
146 Offences—prime contractor—immobilised or stopped vehicle	102
 Part 15.1A General precautions	
146A Offence—prime contractor—parking	105
146B Offence—prime contractor—unloading	105
146C Offence—prime contractor—detaching trailer	106
146D Offence—prime contractor—heating placard load	106
 Part 15.2 Vehicles—duties of drivers	
147 Offence—allowing other person to ride	108
148 Offence—parking	108
149 Offence—ignition sources	108
150 Offence—unloading	109
151 Offence—detaching trailer	109
152 Offence—road tank vehicle with burner	110

Chapter 16 Emergencies**Part 16.1 Emergencies generally**

153	Offence—driver—dangerous situation	111
154	Offence—prime contractor—food or food packaging	111
155	Offence—prime contractor—fail to tell competent authority	112

Part 16.2 Emergencies involving placard loads

156	Offences—telephone advisory service	114
157	Offences—emergency plans	115
158	Offence—consignor—information and resources	117
159	Offence—prime contractor—information and resources	118

Chapter 17 Mutual recognition**Part 17.1 Registers of determinations, exemptions, approvals and licences**

160	Registers	119
161	Registers may be kept electronically	119
162	Inspection of registers	119

Part 17.2 Recommendations by competent authority and corresponding authorities

163	Recommendations by competent authority	120
164	Recommendations by corresponding authorities	120

Part 17.3 Mutual recognition of determinations, exemptions, approvals and licences

165	Corresponding determinations	122
166	Corresponding exemptions	123
167	Corresponding approvals	123
168	Corresponding licences	124
168A	Referring corresponding determinations etc to CAP for mutual recognition	125

Chapter 18 Exemptions

Part 18.1 Exemptions—general

169	Applications for exemptions	126
170	Register of exemptions	127
171	Records of exemptions	127

Part 18.2 Reference of matters to CAP

172	References to CAP—applications	129
173	Effect of CAP decisions about applications	129
174	Effect of CAP decisions about cancelling or varying exemptions	130

Chapter 19 Administrative determinations and approvals

Part 19.1 Administrative determinations and approvals—general

175	Applications	131
176	Form of administrative determinations and approvals	131
177	When administrative determinations and approvals not to be made	131
178	Reasons for refusal of applications	132
179	Periods and conditions	132
180	Replacement administrative determinations and approvals	132
181	Grounds for cancelling administrative determinations and approvals	132
182	Grounds for varying administrative determinations and approvals	134

Part 19.1A Referring determinations to CAP

182A	Referrals—determinations should apply to participating jurisdictions	136
182B	Referrals—determinations should be cancelled or varied	136
182C	Taking into account CAP's decisions—referrals under s 182A	136
182D	Taking into account CAP's decisions—referrals under s 182B	137

Part 19.2 Register of approvals

183	Register	138
184	Records of approvals	138

	Page
Part 19.3	Reference of approval matters to CAP
185	References to CAP—approvals 139
186	Effect of CAP decisions about applications 139
187	Effect of CAP decisions about cancelling or varying approvals 140
Part 19.4	Cancellation and variation
188	Cancellation and variation in dangerous situations 141
189	Cancellation giving effect to court orders 141
190	Variation of administrative determinations and approvals on application 141
191	Cancellation and variation in other circumstances 142
192	When cancellation or variation takes effect 143
Chapter 20	Licences
Part 20.1	Licences—general
193	Meaning of <i>licensing authority</i> —ch 20 144
194	Application—ch 20 144
195	Relationship to other laws—ch 20 144
Part 20.2	Vehicles and drivers to be licensed
196	Vehicles transporting certain kinds of dangerous goods to be licensed 145
197	Drivers of vehicles transporting certain kinds of dangerous goods to be licensed 145
Part 20.3	Dangerous goods driver licences
198	Application for licence 146
199	Driver licence—evidence 146
200	Required competency evidence 147
201	Required medical fitness evidence 148
202	Grant of dangerous goods driver licences 148
203	Applications for renewal of licences 149
204	Renewal of driver licences 149
205	Driver licence periods 150

	Page
206	Driver licence conditions
207	Additional condition
208	Grounds for cancelling, suspending or varying licence
209	Offence—licence to be carried
Part 20.4	Dangerous goods vehicle licences
210	Meaning of <i>vehicle</i> —pt 20.4
211	Applications for licences
212	Additional information and inspections
213	Grant of dangerous goods vehicle licences
214	Applications for renewal of licences
215	Renewal of vehicle licences
216	Vehicle licence periods
217	Vehicle licence conditions
218	Offences—transferring or disposing of licensed vehicles other than through business transfer
218A	Offence—transferring licensed vehicles through business transfer
219	Grounds for cancelling, suspending or varying licences
Part 20.5	Licences generally
221	Meaning of <i>licence</i> and <i>licensee</i> —pt 20.5
222	Replacement licences
223	Offence—fail to comply with licence condition
224	Surrender of licences
225	Registers of licences
226	Records of licences
227	Offence—fail to correct information given in licence applications
228	Offence—fail to produce licence to licensing authority
229	Return of licences
Part 20.6	Cancellation, suspension and variation
230	Meaning of <i>licence</i> and <i>licensee</i> —pt 20.6
231	Cancellation, suspension and variation in dangerous situations
232	Cancellation and suspension giving effect to court orders

Contents

	Page
233	Variation of licence on application
234	Cancellation, suspension and variation in other circumstances
235	When cancellation, suspension and variation take effect
236	When licences taken to be suspended
 Chapter 21 Insurance	
237	Requiring evidence of insurance etc
238	Offence—fail to comply with notice
239	Approvals—insurance
 Chapter 22 Notification and review of decisions	
240	Internally reviewable decisions—Act, s 169, def <i>internally reviewable decision</i>
241	Internally reviewable decisions—notice and right of review—Act, s 170 and s 171
 Schedule 1 Reviewable decisions	
Part 1.1	Internally reviewable decisions under Act
Part 1.2	Internally reviewable decisions under this regulation
 Dictionary	
 Endnotes	
1	About the endnotes
2	Abbreviation key
3	Legislation history
4	Amendment history
5	Earlier republications
6	Expired transitional or validating provisions



Australian Capital Territory

Dangerous Goods (Road Transport) Regulation 2010

made under the

[Dangerous Goods \(Road Transport\) Act 2009](#)

Chapter 1 Preliminary

Part 1.1 Introduction

1 Name of regulation

This regulation is the *Dangerous Goods (Road Transport) Regulation 2010*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition '*general packaging*, for part 6.3 (Offences—general packaging)—see section 57.' means that the term 'general packaging' is defined in that section for part 6.3.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

6 Objects of regulation

The main objects of this regulation are as follows:

- (a) to set out the obligations of people involved in the transport of dangerous goods by road;
- (b) to reduce as far as practicable the risks of personal injury, death, property damage and environmental harm arising from the transport of dangerous goods by road;
- (c) to give effect to the standards, requirements and procedures of the [ADG code](#) so far as they apply to the transport of dangerous goods by road;
- (d) to promote consistency between the standards, requirements and procedures applying to the transport of dangerous goods by road and other modes of transport.

7 Application of regulation—exemptions

- (1) This regulation does not apply to the transport of dangerous goods by, or at the direction of, an authorised person or a member of an emergency service, to the extent necessary to avoid, eliminate or minimise a dangerous situation.
- (2) This regulation does not apply to the transport by a person of a load of dangerous goods if—
 - (a) the load does not contain—
 - (i) dangerous goods in a receptacle with a capacity of more than 500L; or
 - (ii) more than 500kg of dangerous goods in a receptacle; and
 - (b) the goods are not, and do not include, designated dangerous goods; and
 - (c) the aggregate quantity of the dangerous goods in the load is less than 25% of a placard load; and
 - (d) the goods are not being transported by the person in the course of a business of transporting goods by road.
- (3) This regulation does not apply to the transport by a vehicle of UN class 1 (explosives) or UN class 7 (radioactive) dangerous goods except when being transported with other dangerous goods.
- (4) This regulation does not apply to the transport by a vehicle of dangerous goods—
 - (a) if—
 - (i) the goods are not of UN division 6.2 (infectious substances); and
 - (ii) the goods are assigned to a class or division stated in the [ADG code](#), table 1.1.1.2; and
 - (iii) the goods are in a consignment; and

- (iv) the aggregate quantity of the goods in the consignment is not more than the quantity stated in the [ADG code](#), table 1.1.1.2 for the goods; or
 - (b) in the vehicle's fuel tank; or
 - (c) in an appliance or plant that forms part of the vehicle and that is necessary for its operation; or
 - (d) that are portable firefighting equipment or other portable safety equipment and that are part of the vehicle's safety equipment.
- (5) This regulation does not apply to the transport of dangerous goods by a mobile processing unit.
- (6) In this section:
 - designated dangerous goods* means dangerous goods of the following:
 - (a) UN class 1 (explosives), except dangerous goods of UN division 1.4S;
 - (b) category A of UN division 6.2 (infectious substances);
 - (c) UN class 7 (radioactive material).

mobile processing unit means a vehicle or moveable piece of equipment (other than a trailer) designed to transport the constituents of a bulk ammonium nitrate-based explosive to the place where the explosive is manufactured and used.

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

- (1) This section applies to a load if—
 - (a) the load includes—
 - (i) an aggregate quantity of dangerous goods of less than 500 that does not include any dangerous goods of UN division 2.1 (that are not aerosols) or UN division 2.3 or packing group I; or
 - (ii) an aggregate quantity of dangerous goods of less than 250 that does include dangerous goods of UN division 2.1 (that are not aerosols) or UN division 2.3 or packing group I, provided that dangerous goods of UN division 2.3 and packing group I together constitute less than 100 of that aggregate quantity; and
 - (b) the goods are not being transported in the course of a business of transporting goods; but
 - (c) the goods 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) A person transporting the load is exempt from all obligations imposed by this regulation other than those imposed by this section.
- (3) A person must not transport the load unless each package in the load—
 - (a) complies with the packaging requirements appropriate to the quantity of dangerous goods under chapter 5; and
 - (b) is labelled and marked in accordance with division 7.1; and

- (c) is loaded, secured, segregated, unloaded and otherwise transported in such a way as to ensure that—
 - (i) its packaging remains fit for its purpose; and
 - (ii) the risks are eliminated, or if it is not practicable to eliminate the risks, that the risks are minimised to the maximum extent that is practicable.
- (4) If the load contains an aggregate quantity of dangerous goods of UN class 3, 4, 5 or 6 of more than 250, a person must not transport the load—
 - (a) in the passenger compartment of a vehicle; or
 - (b) in an enclosed space that is not separated from the passenger compartment of a vehicle.
- (5) If the load contains an aggregate quantity of dangerous goods of UN division 2.1, UN division 2.3 or packing group I of more than 50, a person must not transport the load—
 - (a) in the passenger compartment of a vehicle; or
 - (b) in any other enclosed space in the vehicle.
- (6) A person commits an offence if the person fails to comply with subsection (3), (4) or (5).

Maximum penalty: 40 penalty units.

Part 1.2 Interpretation

Division 1.2.1 Key concepts

9 Dangerous goods—Act, dict

- (1) Goods are *dangerous goods* if the goods—
 - (a) are determined under section 29 (1) (a) (Determinations—dangerous goods and packaging) to be dangerous goods; or
 - (b) satisfy the dangerous goods classification criteria mentioned in the [ADG code](#), part 2.
- (2) However, goods that satisfy the criteria mentioned in the [ADG code](#), part 2 are not *dangerous goods* if—
 - (a) the goods are determined under section 29 (1) (a) not to be dangerous goods; or
 - (b) both of the following apply:
 - (i) a special provision states that the goods are not subject to the [ADG code](#);
 - (ii) any condition mentioned in the special provision is met.
- (3) In this section:

special provision, in relation to dangerous goods, means an SP (as defined in the [ADG code](#), section 1.2.1) that is applied to the goods by the dangerous goods list, column 6.

10 Goods too dangerous to be transported—Act, dict

The following are *goods too dangerous to be transported*:

- (a) goods mentioned in the [ADG code](#), appendix A;
- (b) goods determined under section 29 (2) (a) (Determinations—dangerous goods and packaging) to be too dangerous to be transported;
- (c) goods (other than goods mentioned in paragraph (a) or (b)) that are so sensitive or unstable that they cannot be safely transported even if the relevant requirements of this regulation and the [ADG code](#) are complied with.

Note A person must not consign for transport goods that this regulation identifies as being too dangerous to be transported (see [Act](#), s 30).

11 UN classes, divisions and categories of dangerous goods

For this regulation, a *UN class*, *UN division* or *UN category* of dangerous goods is—

- (a) if a determination under section 29 (1) (b) (Determinations—dangerous goods and packaging) that the goods are of a stated UN class, division or category is in effect—the stated class, division or category; or
- (b) if there is no determination under section 29 (1) (b) in effect in relation to the goods—the class, division or category determined for the goods in accordance with the [ADG code](#).

Note 1 Under the UN classification system there are 9 classes of dangerous goods. Some classes are further divided into divisions, and some divisions are divided into categories.

Example

UN division 6.2 infectious substances are divided into—

- (a) category A (substances transported in a form that, if exposure occurs, can cause permanent disability or life-threatening or fatal disease to humans or animals); and

- (b) category B (others).

Note 2 Under the [ADG code](#), if dangerous goods are mentioned in the dangerous goods list, their UN class or division is that mentioned in the list, col 2 opposite the name and description of those goods, unless the code, ch 3.3 provides for those goods to be assigned to a different class or division. If applicable, the code, ch 2 describes how the UN category of dangerous goods is to be determined. The category may be changed under the code, ch 3.3.

12 Subsidiary hazard

For this regulation, the *subsidiary hazard*, of dangerous goods is—

- (a) if a determination under section 29 (1) (c) that the goods have a stated subsidiary hazard is in effect—the stated subsidiary hazard; or
- (b) if there is no determination under section 29 (1) (c) in effect in relation to the goods—the subsidiary hazard determined for the goods in accordance with the [ADG code](#).

Note Dangerous goods that are able to be assigned to more than 1 UN class or division are assigned a subsidiary hazard. This subsidiary hazard is any other UN class or division to which the goods also belong. Under the [ADG code](#), if dangerous goods are mentioned in the dangerous goods list, their subsidiary hazard is mentioned in the list, col 4 opposite the name and description of those goods, unless the [code](#), ch 3.3 provides for those goods to be assigned a different subsidiary hazard.

13 Packing group

For this regulation, the *packing group*, of dangerous goods is—

- (a) if a determination under section 29 (1) (d) (Determinations—dangerous goods and packaging) that the goods are of a stated packing group is in effect—the stated packing group; or

- (b) if there is no determination under section 29 (1) (d) in effect in relation to the goods—the packing group determined for the goods in accordance with the [ADG code](#).

Note The assignment of dangerous goods to a packing group indicates the degree of danger of, and the level of containment required for, the goods. The packing groups, and the degree of danger they indicate, are as follows:

- packing group I (substances presenting high danger);
- packing group II (substances presenting medium danger);
- packing group III (substances presenting low danger).

The packing group of a substance can be determined from the dangerous goods list, although in some cases it is also necessary to refer to the [ADG code](#), ch 3.3 (the list identifies those cases).

14 Incompatibility

- (1) For this regulation, dangerous or other goods are *incompatible* with dangerous goods if—
- (a) the goods are incompatible under the [ADG code](#), chapter 9.1; or
 - (b) the goods are determined under section 29 (1) (e) (Determinations—dangerous goods and packaging) to be incompatible with the dangerous goods; or
 - (c) when the goods are mixed, or otherwise brought into contact, with the dangerous goods, the goods are likely to interact with the dangerous goods and increase risk because of the interaction.
- (2) Packaging or equipment for use in the transport of dangerous goods is *incompatible* with the goods if any component of the packaging or equipment that is intended or likely to come into contact with the goods during transport—
- (a) is likely to interact with the goods and increase risk because of the interaction; and
 - (b) is not protected from contact under foreseeable circumstances by a protective coating or other effective means.

Division 1.2.2 Other important concepts

15 **Meaning of *packaging*—Act, s 11**

For the Act, *packaging* includes any of the following:

- (a) a bag;
- (b) a box;
- (c) an IBC;
- (d) a bulk container;
- (e) a drum barrel;
- (f) a freight container;
- (g) inner packaging;
- (h) intermediate packaging;
- (i) a jerry can;
- (j) large packaging;
- (k) an MEGC;
- (l) outer packaging;
- (m) an overpack;
- (n) a tank (including the tank of a tank vehicle);
- (o) any other thing that contains, or performs a safety function in relation to the transport of, dangerous goods.

16 **Meaning of *bulk container***

For this regulation, a *bulk container*—

- (a) means a containment system for the transport of solid dangerous goods that—
 - (i) is designed to be in direct contact with the goods; and

- (ii) is suitable for repeated use; and
- (iii) is designed to facilitate the transport of the goods by 1 or more kinds of transport, without the need for the goods to be unloaded and reloaded when transferred from 1 mode of transport to another; and
- (iv) is fitted with a device for ready handling; and
- (v) has a capacity of 1m³ or more; and
- (b) includes—
 - (i) any liner or coating of the system; and
 - (ii) a freight container; but
- (c) does not include—
 - (i) an IBC; or
 - (ii) large packaging; or
 - (iii) a portable tank.

Examples

- offshore bulk containers
- skips
- bulk bins
- swap bodies
- trough-shaped containers
- roller containers
- load compartments of vehicles
- flexible containers

17 Meaning of *intermediate bulk container* (or *IBC*)

- (1) For this regulation, *intermediate bulk container* (or *IBC*) means a rigid or flexible portable packaging for the transport of dangerous goods that complies with the specifications in the [ADG code](#), chapter 6.5 and that—
- (a) has a capacity of not more than—
 - (i) for solids of packing group I packed in a composite, fibreboard, flexible, wooden, or rigid plastics container—1 500L; and
 - (ii) for solids of packing group I packed in a metal container—3 000L; and
 - (iii) for solids or liquids of packing groups II and III—3 000L; and
 - (iv) for any other dangerous goods—3 000L; and
 - (b) is designed for mechanical handling.
- (2) However, rigid or flexible portable packaging that complies with the [ADG code](#), chapter 6.1, chapter 6.3 or chapter 6.6 is not an IBC.

18 Meaning of *multiple-element gas container* (or *MEGC*)

For this regulation, *multiple-element gas container* (or *MEGC*) means—

- (a) multimodal assemblies of cylinders, tubes and bundles of cylinders that are interconnected by a manifold and assembled within a framework; and
- (b) service or structural equipment necessary for the transport of gases in the cylinders and tubes.

19 Meaning of dangerous goods *packed in limited quantities*

For this regulation, dangerous goods are *packed in limited quantities* if—

- (a) the goods are packed in accordance with the [ADG code](#), chapter 3.4; and
- (b) the quantity of dangerous goods in each inner packaging or in each article does not exceed the quantity mentioned in the dangerous goods list, column 7a for the goods.

19A Meaning of *packed in excepted quantities*

For this regulation, 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 the packed goods is not more than the quantity stated in the [ADG code](#), section 3.5.1.2 for the code to which the goods are assigned.

20 Meaning of *tank*

- (1) For this regulation, a *tank* means—
 - (a) a portable tank; or
 - (b) a tank vehicle; or
 - (c) a receptacle used to contain a solid, liquid or gas.
- (2) However, a thing mentioned in subsection (1) is not a *tank* if the thing—
 - (a) is used to transport a gas; and

(b) has a capacity of less than 450L.

(3) In this section:

gas means a substance that—

(a) has a vapour pressure of more than 300kPa at 50°C; or

(b) is completely gaseous at a standard pressure of 101.3kPa at 20°C.

21 References to loads

For this regulation, all the goods in a vehicle are a single *load*, even if the vehicle is transporting more than 1 transport unit.

Division 1.2.3 Certain references and inconsistency between regulation and codes etc

22 References to codes, standards and rules

(1) In this regulation, a reference to an instrument includes a reference to another instrument as applied or adopted by, or incorporated in, the first instrument.

(2) In this section:

instrument means a code, standard or rule (whether made in or outside Australia) relating to dangerous goods or to transport by road.

23 Disapplication of Legislation Act, s 47 (5)

The [Legislation Act](#), section 47 (5) does not apply to the following instruments:

(a) the [ADG code](#);

(b) the [AFG guidelines](#);

(c) the [ANZ-ERG](#);

(d) the [ICAO technical instructions](#);

(e) the [IMDG code](#).

Note An instrument mentioned in this provision does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply to the instrument (see [Legislation Act](#), s 47 (7)).

24 Inconsistency between this regulation and codes etc

- (1) If all or part of a code, standard or rule (whether made in or outside Australia) relating to dangerous goods or to transport by road is applied or adopted by, or is incorporated in, this regulation and the code, standard or rule is inconsistent with this regulation, this regulation prevails to the extent of the inconsistency.
- (2) However, if any provision that is applied, adopted by or incorporated in this regulation uses a term that is defined in both the relevant code, standard or rule, and in this regulation, the term is to have the meaning set out in the code, standard or rule, unless the contrary intention appears.

25 References to determinations, exemptions, approvals and licences

In this regulation, a reference to—

- (a) a determination, exemption, approval, dangerous goods driver licence or dangerous goods vehicle licence; or
- (b) a corresponding determination, exemption, approval, dangerous goods driver licence or dangerous goods vehicle licence;

includes a reference to the determination, exemption, approval or licence as varied.

26 References to variation of determinations etc

In this regulation, a reference to the variation of—

- (a) a determination, exemption, approval, dangerous goods driver licence or dangerous goods vehicle licence; or

- (b) a corresponding determination, exemption, approval, dangerous goods driver licence or dangerous goods vehicle licence;

includes a reference to a variation by addition, omission or substitution.

Example

the addition of a new condition to an existing administrative determination

Chapter 2 Training and competency

27 Offence—instruction and training

- (1) This section applies to a person who is responsible for the management or control of a transport of dangerous goods activity.
- (2) The person commits an offence if the person—
 - (a) manages, controls or supervises the activity; and
 - (b) has not received instruction and training to enable the person to manage, control or supervise another person to perform the activity safely and in accordance with this regulation.

Maximum penalty: 40 penalty units.

- (3) The person commits an offence if—
 - (a) the person employs, engages or permits someone else to perform the activity; and
 - (b) the other person—
 - (i) has not received, or is not receiving, appropriate instruction and training to ensure that they are able to perform the activity safely and in accordance with this regulation; or
 - (ii) is not appropriately supervised in performing the activity to ensure that they are able to perform the activity safely and in accordance with this regulation.

Maximum penalty: 40 penalty units.

- (4) In this section:

transport of dangerous goods activity means an activity involved in the transport of dangerous goods and includes any of the following done in relation to the transport of dangerous goods:

- (a) packing;

- (b) consigning;
- (c) loading;
- (d) unloading;
- (e) handling a fumigated cargo transport unit;
- (f) marking packages;
- (g) placarding placard loads;
- (h) preparing transport documentation;
- (i) maintaining vehicles and equipment;
- (j) driving a vehicle;
- (k) being a consignee;
- (l) following the procedures under this regulation in a dangerous situation.

28 Approvals—tests and training courses for drivers

- (1) The competent authority may, on application in accordance with section 175, approve—
 - (a) a test of competence for drivers of road vehicles transporting dangerous goods; or
 - (b) a training course for drivers of road vehicles transporting dangerous goods.
- (2) However, the competent authority may approve a test of competence or training course only if the authority considers that a person who passes the test, or completes the course, will have the skills and knowledge to perform the activity to which the test or course relates safely and in accordance with this regulation.

Chapter 3 Determinations

29 Determinations—dangerous goods and packaging

- (1) The competent authority may determine that goods are or are not—
 - (a) dangerous goods; or
 - (b) dangerous goods of a particular UN class, UN division or UN category; or
 - (c) dangerous goods with a particular subsidiary hazard; or
 - (d) dangerous goods of a particular packing group; or
 - (e) incompatible with particular dangerous goods.

- (2) The competent authority may determine that—

- (a) particular dangerous goods are or are not too dangerous to be transported; or

Note Goods determined to be goods too dangerous to be transported for par (a) are goods too dangerous to be transported for the Act (see [Act](#), dict, def *goods too dangerous to be transported*, par (b)).

- (b) particular dangerous goods must not be or may be transported in or on the same transport unit or freight container as other goods, whether or not dangerous goods; or
 - (c) particular dangerous goods may or may not be transported in any packaging despite any prohibition or authorisation in the dangerous goods list.

- (3) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (4) Subsection (3) does not apply to an administrative determination.

30 Determinations—vehicles, routes, areas and times

- (1) The competent authority may determine that dangerous goods may be or must or must not be transported—
 - (a) using a stated vehicle, or kind of vehicle; or
 - (b) on a stated route; or
 - (c) in or through a stated area; or
 - (d) at a stated time; or
 - (e) in quantities in excess of a stated amount; or
 - (f) in stated packaging.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).
- (3) Subsection (2) does not apply to an administrative determination.

31 Administrative determinations

- (1) For this regulation, a determination is an ***administrative determination*** if the determination—
 - (a) is made on the application of a person; and
 - (b) applies only to the person, or a person stated in the determination.
- (2) Also, a determination is an ***administrative determination*** if the determination—
 - (a) is made on the initiative of the competent authority; and
 - (b) applies to a person stated in the determination; and
 - (c) does not impose any obligation on a person.

- (3) For subsection (2) (c), an administrative determination does not impose an obligation on a person only because the person must comply with a condition in taking an action under the determination.
- (4) The competent authority may amend a determination under subsection (2) on their own initiative.

Note For provisions dealing with administrative determinations, including applications, cancellation and variation, see ch 19.

32 Determination may be subject to conditions

The competent authority may make a determination subject to any condition necessary for the safe transport of dangerous goods.

33 Offence—contravention of determination condition

- (1) A person commits an offence if—
 - (a) a determination applies to the person; and
 - (b) the person contravenes a condition of the determination.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

34 Effect of determinations on contrary obligations under regulation

- (1) This section applies if—
 - (a) this regulation imposes an obligation on a person; and
 - (b) the person is authorised or permitted to act contrary to the obligation by a determination made under this chapter.
- (2) The obligation is to be read as if it stated that the person could fulfil the obligation by acting in accordance with the determination.

35 Register of determinations

- (1) The competent authority must—
 - (a) keep a register of determinations; or
 - (b) with other competent authorities, keep a central register of determinations.
- (2) The register may have separate divisions for different kinds of determinations.
- (3) The competent authority must record in the register—
 - (a) each determination made under this regulation that is not an administrative determination; and
 - (b) each corresponding determination.
- (4) The competent authority must include in the register—
 - (a) the revocation of a determination made under this regulation; and
 - (b) a decision of CAP reversing a decision that a corresponding determination should have effect in all participating jurisdictions or participating jurisdictions including the ACT.

36 Records of determinations

The record of a determination in the register must include—

- (a) the provisions of the determination; or
- (b) the following information:
 - (i) the date the determination is notified;
 - (ii) the provisions of this regulation, and of the [ADG code](#), to which the determination relates;

- (iii) the dangerous goods, equipment, packaging, vehicle or other thing to which the determination relates.

Note A reference to the **notification** of a legislative instrument is a reference to the instrument having been notified in the ACT legislation register or gazette (see [Legislation Act](#), s 63).

37 Offences—doing of thing prohibited or regulated by determination

- (1) A person commits an offence if—
 - (a) a determination under this chapter prohibits the doing of a thing; and
 - (b) the determination applies to the person; and
 - (c) the person does the thing.

Maximum penalty: 40 penalty units.

- (2) A person commits an offence if—
 - (a) a determination under this chapter regulates the doing of a thing; and
 - (b) the determination applies to the person; and
 - (c) the person does the thing contrary to the determination.

Maximum penalty: 40 penalty units.

- (3) It is a defence to a prosecution for an offence against this section if the person did not know, and could not reasonably have been expected to know, about the determination, or that the determination applied to the person.

Note The defendant has a legal burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 59).

Chapter 4 **Transport of dangerous goods to which special provisions apply**

38 Application—ch 4

This chapter applies if—

- (a) a special provision applies to dangerous goods in the dangerous goods list; and
- (b) the special provision prohibits the transport of the goods by road or imposes a restriction on the way the goods are to be transported by road.

Note The dangerous goods list, col 6 specifies whether a special provision applies to dangerous goods, and the code, pt 3.3 lists the special provisions that apply.

39 Offence—consignor—special provision applies

A person commits an offence if—

- (a) the person consigns dangerous goods for transport; and
- (b) a special provision applies to the transport of the goods; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) the special provision applies to the transport of the goods; and
 - (ii) the transport of the goods does not, or will not, comply with the special provision.

Maximum penalty: 20 penalty units.

40 Offence—packer—special provision applies

A person commits an offence if—

- (a) the person packs dangerous goods for transport; and
- (b) a special provision applies to the transport of the goods; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) the special provision applies to the transport of the goods; and
 - (ii) the transport of the goods does not, or will not, comply with the special provision.

Maximum penalty: 20 penalty units.

41 Offence—loader—special provision applies

A person commits an offence if—

- (a) the person loads dangerous goods in a vehicle for transport; and
- (b) a special provision applies to the transport of the goods; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) a special provision applies to the transport of the goods; and
 - (ii) the transport of the goods does not, or will not, comply with the special provision.

Maximum penalty: 20 penalty units.

42 Offence—prime contractor—special provision applies

A prime contractor commits an offence if—

- (a) the contractor transports dangerous goods; and
- (b) a special provision applies to the transport of the goods; and

- (c) the contractor knows, or ought reasonably to know, that—
 - (i) the special provision applies to the transport of the goods; and
 - (ii) the transport of the goods does not, or will not, comply with the special provision.

Maximum penalty: 20 penalty units.

43 Offence—driver—special provision applies

A person commits an offence if—

- (a) the person drives a road vehicle transporting dangerous goods; and
- (b) a special provision applies to the transport of the goods; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) the special provision applies to the transport of the goods; and
 - (ii) the transport of the goods does not, or will not, comply with the special provision.

Maximum penalty: 10 penalty units.

Chapter 5 Packaging

Part 5.1 Packaging—general

44 Packing of dangerous goods in limited or excepted quantities

Dangerous goods packed in limited or excepted quantities do not need to be packed as required by this chapter.

45 References to ADG code, pt 4 include dangerous goods list requirements

In this chapter, a reference to dangerous goods being packed in accordance with any relevant provision of the [ADG code](#), part 4 includes a reference to the goods being packed in accordance with any packing requirement stated in relation to the goods in the dangerous goods list.

Part 5.2 Suitability and design of packaging

46 **Meaning of *recognised testing facility*—pt 5.2**

For this part, each of the following is a *recognised testing facility* for a packaging design type:

- (a) a testing facility registered by NATA to conduct performance tests under the [ADG code](#), part 6 for the packaging design type;
- (b) if NATA has not registered a testing facility to conduct performance tests of that kind—a testing facility in Australia capable of conducting the tests;
- (c) a facility in a foreign country approved by a public authority of the country to conduct performance tests of that kind.

47 **Suitability of packaging for transport**

- (1) Packaging is unsuitable for the transport of dangerous goods if—
 - (a) it is required to undergo performance tests under the [ADG code](#), part 6 and it is not approved packaging; or
 - (b) it does not meet any relevant standards or requirements stated in the [ADG code](#), part 4 or part 6 (including requirements with respect to inspection, maintenance and repair); or
 - (c) its use, or reuse, for the transport of the goods does not comply with the [ADG code](#), part 4 or part 6; or
 - (d) its use for the transport of the goods is prohibited by a determination made under chapter 3 (Determinations); or
 - (e) it is incompatible with the goods; or
 - (f) it is damaged or defective to the extent that it is not safe to use to transport the goods; or

- (g) for goods purportedly packed in limited quantities—the packaging of the goods does not comply with the [ADG code](#), chapter 3.4; or
 - (h) for goods purportedly packed in excepted quantities—the packaging of the goods does not comply with the [ADG code](#), chapter 3.5.
- (2) A freight container is also unsuitable for use as a bulk container for the transport of dangerous goods if it does not have affixed to it a Safety Approval Plate as required under the International Convention for Safe Containers 1972.

48 Offences—marking packaging

- (1) A person commits an offence if—
- (a) the person applies marking mentioned in the [ADG code](#), part 6 on packaging; and
 - (b) the packaging is not of a design approved under section 50 (Approvals—packaging designs).

Maximum penalty: 40 penalty units.

- (2) A person commits an offence if—
- (a) the person applies marking mentioned in the [ADG code](#), part 6 on packaging; and
 - (b) the marking is not appropriate for the packaging.

Maximum penalty: 40 penalty units.

- (3) An offence against this section is a strict liability offence.

49 Applications for approval of packaging design

- (1) This section applies to packaging that is required to undergo tests under the [ADG code](#), part 6 (*relevant packaging*).
- (2) A person may apply to the competent authority for the approval of a design of relevant packaging for use in the transport of dangerous goods.

Examples

Portable tanks, MEGCs, tanks on tank vehicles, pressure receptacles, aerosol dispensers, IBCs, bulk containers and drums, barrels, jerry cans, boxes, bags and composite packaging are some of the kinds of packaging required to undergo tests under the [ADG code](#), pt 6. Performance tests include drop, leakproofness, hydraulic and stacking tests.

- (3) An application for approval must—
 - (a) be made in accordance with section 175; and
 - (b) include the information required under the [ADG code](#), part 6.

Note A fee may be determined under the [Act](#), s 194 for this provision.

50 Approvals—packaging designs

- (1) The competent authority may, on application in accordance with section 49, approve a design for a packaging for use in the transport of dangerous goods if it is satisfied that a packaging of the design—
 - (a) will comply with, or is permitted by, the [ADG code](#), part 6; and
 - (b) satisfies all the relevant testing and inspection requirements set out in the part.
- (2) In deciding whether packaging of a particular design satisfies any particular testing requirement, the competent authority may rely on any test certificate issued by a recognised testing facility that complies with section 52 (Test certificates).

- (3) The competent authority may put a condition on the approval about the construction, packing, maintenance or use of a packaging manufactured in accordance with the approved design.
- (4) However, the condition must be necessary for the safe use of the packaging to transport dangerous goods.

51 Offence—contravention of condition about approval of packaging design

A person commits an offence if—

- (a) the person—
 - (i) constructs, packs or fails to maintain packaging for use in the transport of dangerous goods; or
 - (ii) uses packaging to transport dangerous goods; and
- (b) the approval of the design for the packaging has a condition about the construction, packing, maintenance or use of the packaging; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) the approval of the design for the packaging has the condition; and
 - (ii) the construction, packing, failure to maintain or use contravenes the condition.

Maximum penalty: 40 penalty units.

52 Test certificates

- (1) A recognised testing facility may certify in writing that a packaging design type has passed particular performance tests for particular dangerous goods.
- (2) If a performance test is conducted by a testing facility registered by NATA, any test certificate or report on the test, must—
 - (a) contain any details required under the relevant chapter of the [ADG code](#), part 6; and
 - (b) be in the appropriate form used by NATA registered testing facilities.
- (3) If a performance test is conducted in Australia by a recognised testing facility that is not registered by NATA—
 - (a) the test must be observed by or for the competent authority; and
 - (b) any test certificate, or report on the test, must contain any details required under the relevant chapter of the [ADG code](#), part 6.

53 Approvals—overpack preparation method

- (1) The competent authority may, on application in accordance with section 175, approve a method of preparing an overpack for transport that does not comply with the [ADG code](#), section 5.1.2 if the authority considers that the risk involved in using the method is not greater than the risk involved in using a method complying with the section.
- (2) The competent authority may give an approval subject to any condition about the use of the overpack necessary for the safe use of the overpack to transport dangerous goods.

54 Offence—contravention of condition about overpack's use

A person commits an offence if—

- (a) the person uses an overpack to transport dangerous goods; and

- (b) a method of preparing the overpack for transport is approved under section 53; and
- (c) the approval is subject to a condition about the overpack's use; and
- (d) the person knows, or ought reasonably to know, that—
 - (i) the approval is subject to the condition; and
 - (ii) the use contravenes the condition.

Maximum penalty: 40 penalty units.

55 Authorised body may issue approvals

- (1) The competent authority may authorise an entity to issue an approval under section 50 (Approvals—packaging designs) or section 53 (Approvals—overpack preparation method).
- (2) The competent authority may impose any condition on the authorisation it considers appropriate in relation to the issuing of approvals by the entity.
- (3) In issuing an approval, in addition to complying with any condition imposed under subsection (2), the entity must also—
 - (a) comply with any relevant requirements of the [ADG code](#), part 6 in relation to the issuing of the approval; and
 - (b) give the competent authority, in relation to the approval, all of the information mentioned in section 184.
- (4) If an entity is authorised to issue approvals under this section—
 - (a) section 49 (Applications for approval of packaging design), section 50 (Approvals—packaging designs) and section 53 (Approvals—overpack preparation method) apply as if a reference in those sections to the competent authority were a reference to the entity; and

- (b) part 19.1 and part 19.4, to the extent that they deal with approvals, apply as if a reference in those divisions to the competent authority were a reference to the entity; and
 - (c) a reference in this regulation to an approval under section 50 or section 53 includes a reference to an approval given by the entity under either of those sections as applied under paragraph (a).
- (5) The competent authority may withdraw an authorisation given under this section at any time.
- (6) The withdrawal of an authorisation does not affect any approval issued by the entity before the withdrawal took effect.

Chapter 6 Offences

Part 6.1 Goods suspected of being dangerous goods

56 Offence—goods suspected of being dangerous goods

A person commits an offence if—

- (a) it is not clear whether the goods are dangerous goods; and
- (b) the person suspects, or ought reasonably to suspect, that the goods are dangerous goods; and
- (c) the person consigns or transports the goods before—
 - (i) the goods have been classified in accordance with the [ADG code](#); or
 - (ii) a determination has been made under section 29 (1) (a) (Determinations—dangerous goods and packaging) in relation to the goods.

Maximum penalty: 40 penalty units.

Part 6.2 Prohibition on the sale or supply of non-compliant packaging

57 Offence—sell or supply non-compliant packaging

- (1) A person commits an offence if the person sells, supplies, or offers to sell or supply, packaging for use in the transport of dangerous goods.

Maximum penalty: 40 penalty units.

- (2) Subsection (1) does not apply if either—
- (a) all of the following apply:
 - (i) the design for the packaging has been approved under section 50;
 - (ii) the packaging is marked in accordance with the [ADG code](#), chapter 3.4, chapter 3.5 or part 6;
 - (iii) the use of the packaging, according to the marking, is appropriate for the goods; or
 - (b) both of the following apply:
 - (i) the packaging complies with the relevant requirements of the [ADG code](#), chapter 3.4, chapter 3.5, part 4 or part 6;
 - (ii) the use of the packaging is appropriate for the goods.
- Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).
- (3) An offence against this section is a strict liability offence.

Part 6.3 Offences—general packaging

58 **Meaning of *general packaging*—pt 6.3**

In this part:

general packaging means all packaging (including large packaging) other than portable tanks, MEGCs, bulk containers, freight containers, tanks on tank vehicles and overpacks.

59 **Offence—consign dangerous goods—unsuitable general packaging or goods not packed properly**

A person commits an offence if—

- (a) the person consigns dangerous goods for transport in general packaging; and
- (b) either—
 - (i) the packaging is unsuitable for the transport of the goods; or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) the packaging is unsuitable for the transport of the goods; or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4.

Maximum penalty: 40 penalty units.

60 Offence—pack dangerous goods—unsuitable general packaging or goods not packed properly

A person commits an offence if—

- (a) the person packs dangerous goods for transport in general packaging; and
- (b) either—
 - (i) the packaging is unsuitable for the transport of the goods; or
 - (ii) the way the person packs the goods does not comply with the [ADG code](#), part 4; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) the packaging is unsuitable for the transport of the goods; or
 - (ii) the way the person packs the goods does not comply with the [ADG code](#), part 4.

Maximum penalty: 40 penalty units.

61 Offence—load dangerous goods—damaged or defective packaging

A person commits an offence if—

- (a) the person loads dangerous goods that are in general packaging in a vehicle for transport; and
- (b) the packaging is damaged or defective to the extent that it is not safe to use to transport the goods; and
- (c) the person knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Maximum penalty: 40 penalty units.

62 Offence—prime contractor transports dangerous goods—damaged or defective packaging

A prime contractor commits an offence if—

- (a) the contractor transports dangerous goods in general packaging; and
- (b) the packaging is damaged or defective to the extent that it is not safe to use to transport the goods; and
- (c) the contractor knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Maximum penalty: 40 penalty units.

63 Offence—drive vehicle transporting dangerous goods—damaged or defective packaging

A person commits an offence if—

- (a) the person drives a vehicle transporting dangerous goods in general packaging; and
- (b) the packaging is damaged or defective to the extent that it is not safe to use to transport the goods; and
- (c) the person knows, or ought reasonably to know, that the packaging is damaged or defective to the extent that it is not safe to use to transport the goods.

Maximum penalty: 20 penalty units.

Part 6.4 Offences—other packaging

64 Meaning of *other packaging*—pt 6.4

In this part:

other packaging means MEGCs, portable tanks, demountable tanks, bulk containers, freight containers and tanks on tank vehicles.

65 Offences—manufacturer fails to attach compliance plate etc to portable tank, MEGC or tank vehicle

(1) A person commits an offence if the person—

- (a) manufactures a portable tank, for use in the transport of dangerous goods, that is not made of fibre reinforced plastic; and
- (b) fails to attach a compliance plate to the portable tank in accordance with the [ADG code](#), chapter 6.7.

Maximum penalty: 40 penalty units.

(2) A person commits an offence if the person—

- (a) manufactures a portable tank, for use in the transport of dangerous goods, that is made of fibre reinforced plastic; and
- (b) fails to mark the portable tank in accordance with the [ADG code](#), chapter 6.7 and section 6.9.2.10.

Maximum penalty: 40 penalty units.

(3) A person commits an offence if the person—

- (a) manufactures an MEGC for use in the transport of dangerous goods; and
- (b) fails to attach a compliance plate to the MEGC in accordance with the [ADG code](#), chapter 6.7.

Maximum penalty: 40 penalty units.

- (4) A person commits an offence if the person—
- (a) manufactures a tank vehicle for use in the transport of dangerous goods; and
 - (b) fails to attach a compliance plate to the vehicle in accordance with the [ADG code](#), section 6.10.2.2.

Maximum penalty: 40 penalty units.

- (5) An offence against this section is a strict liability offence.

66 Offence—owner uses unsuitable tank or MEGC to transport dangerous goods

- (1) A person commits an offence if—
- (a) the person owns a portable tank, demountable tank or MEGC; and
 - (b) the person uses the tank or MEGC to transport dangerous goods; and
 - (c) the tank or MEGC is unsuitable for the transport of the goods.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

67 Offences—consign dangerous goods—unsuitable other packaging or goods not packed properly

- (1) A person commits an offence if—
- (a) the person consigns dangerous goods for transport in other packaging; and
 - (b) the packaging is provided by the person; and
 - (c) either—
 - (i) the packaging is unsuitable for the transport of the goods; or

- (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4.

Maximum penalty: 40 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person commits an offence if—
 - (a) the person consigns dangerous goods for transport in other packaging; and
 - (b) the packaging is provided by someone else; and
 - (c) either—
 - (i) the packaging is unsuitable for the transport of the goods; or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4; and
 - (d) the person knows, or ought reasonably to know, that—
 - (i) the packaging is unsuitable for the transport of the goods; or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4.

Maximum penalty: 40 penalty units.

68 Offence—pack dangerous goods—unsuitable other packaging or goods not packed properly

A person commits an offence if—

- (a) the person packs dangerous goods for transport in other packaging; and

- (b) either—
 - (i) the packaging is unsuitable for the transport of the goods;
or
 - (ii) the way the person packs the goods does not comply with the [ADG code](#), part 4; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) the packaging is unsuitable for the transport of the goods;
or
 - (ii) the way the person packs the goods does not comply with the [ADG code](#), part 4.

Maximum penalty: 40 penalty units.

69 Offence—load dangerous goods—unsuitable other packaging

A person commits an offence if—

- (a) the person loads dangerous goods that are in other packaging in a vehicle for transport; and
- (b) the packaging is unsuitable for the transport of the goods; and
- (c) the person knows, or ought reasonably to know, that the packaging is unsuitable for the transport of the goods.

Maximum penalty: 40 penalty units.

70 Offences—prime contractor transports dangerous goods—unsuitable other packaging or goods not packed properly

- (1) A prime contractor commits an offence if—
 - (a) the contractor transports dangerous goods in other packaging;
and

- (b) the packaging is provided by the contractor; and
- (c) either—
 - (i) the packaging is unsuitable for the transport of the goods;
or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4.

Maximum penalty: 40 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A prime contractor commits an offence if—
 - (a) the contractor transports dangerous goods in other packaging;
and
 - (b) the packaging is provided by someone else; and
 - (c) either—
 - (i) the packaging is unsuitable for the transport of the goods;
or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4; and
 - (d) the contractor knows, or ought reasonably to know, that—
 - (i) the packaging is unsuitable for the transport of the goods;
or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4.

Maximum penalty: 40 penalty units.

**71 Offence—drive vehicle transporting dangerous goods—
unsuitable other packaging or goods not packed properly**

A person commits an offence if—

- (a) the person drives a vehicle transporting dangerous goods in other packaging; and
- (b) either—
 - (i) the packaging is unsuitable for the transport of the goods; or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4; and
- (c) the person knows, or ought reasonably to know, that—
 - (i) the packaging is unsuitable for the transport of the goods; or
 - (ii) the goods have not been packed in the packaging in accordance with the [ADG code](#), part 4.

Maximum penalty: 15 penalty units.

Part 6.5 Offences—overpacks

72 Offence—consign dangerous goods in non-compliant overpack

- (1) A person commits an offence if—
- (a) the person consigns dangerous goods for transport in an overpack; and
 - (b) the overpack and its contents do not comply with either—
 - (i) the [ADG code](#), section 5.1.2; or
 - (ii) an approval under section 53 (Approvals—overpack preparation method).

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

73 Offence—pack dangerous goods—non-compliant packing or preparation of overpack

A person commits an offence if—

- (a) the person packs dangerous goods for transport in an overpack; and
- (b) the packing of the overpack, or the preparation of the overpack or its contents, does not comply with either—
 - (i) the [ADG code](#), section 5.1.2; or
 - (ii) an approval under section 53 (Approvals—overpack preparation method); and
- (c) the person knows, or ought reasonably to know, that the packing of the overpack, or the preparation of the overpack or its contents, does not comply with—
 - (i) the [ADG code](#), section 5.1.2; or

- (ii) an approval under section 53.

Maximum penalty: 20 penalty units.

74 Offence—load dangerous goods—non-compliant preparation of overpack

A person commits an offence if—

- (a) the person loads dangerous goods in an overpack in a vehicle for transport; and
- (b) the preparation of the overpack or its contents does not comply with either—
 - (i) the [ADG code](#), section 5.1.2; or
 - (ii) an approval under section 53 (Approvals—overpack preparation method); and
- (c) the person knows, or ought reasonably to know, that the preparation of the overpack or its contents does not comply with—
 - (i) the [ADG code](#), section 5.1.2; or
 - (ii) an approval under section 53.

Maximum penalty: 20 penalty units.

75 Offence—prime contractor transports dangerous goods—non-compliant preparation of overpack

A prime contractor commits an offence if—

- (a) the contractor transports dangerous goods in an overpack; and
- (b) the preparation of the overpack or its contents does not comply with either—
 - (i) the [ADG code](#), section 5.1.2; or

- (ii) an approval under section 53 (Approvals—overpack preparation method); and
- (c) the contractor knows, or ought reasonably to know, that the preparation of the overpack or its contents does not comply with—
 - (i) the [ADG code](#), section 5.1.2; or
 - (ii) an approval under section 53.

Maximum penalty: 20 penalty units.

76 Offence—drive vehicle transporting dangerous goods—non-compliant preparation of overpack

A person commits an offence if—

- (a) the person drives a vehicle transporting dangerous goods in an overpack; and
- (b) preparation of the overpack or its contents does not comply with either—
 - (i) the [ADG code](#), section 5.1.2; or
 - (ii) an approval under section 53 (Approvals—overpack preparation method); and
- (c) the person knows, or ought reasonably to know, that the preparation of the overpack or its contents does not comply with—
 - (i) the [ADG code](#), section 5.1.2; or
 - (ii) an approval under section 53.

Maximum penalty: 10 penalty units.

Chapter 7 Consignment procedures

Note The [ADG code](#), s 5.1.3.3 requires unused pre-labelled dangerous goods packaging to be identified to avoid inappropriate emergency response.

Part 7.1 Marking and labelling

77 Meaning of *appropriately marked*—pt 7.1

- (1) For this part, a receptacle (other than a transport unit or overpack) that has a capacity of more than 500kg or 500L is *appropriately marked* if it is marked and labelled in accordance with the [ADG code](#), chapter 5.2 and chapter 5.3.
- (2) For this part, any other package of dangerous goods (other than an overpack) is *appropriately marked* if it is marked and labelled in accordance with the [ADG code](#), chapter 5.2.
- (3) For this part, an overpack is *appropriately marked* if it is marked and labelled in accordance with the [ADG code](#), section 5.1.2.
- (4) For this part, a package of dangerous goods that is packed in limited quantities is also *appropriately marked* if it is marked and labelled in accordance with the [ADG code](#), chapter 3.4.
- (5) For this part, a package of dangerous goods packed in an excepted quantity is also *appropriately marked* if it is marked and labelled in accordance with the [ADG code](#), chapter 3.5.

78 Offences—consign dangerous goods—package inappropriately marked or labelled

- (1) A person commits an offence if—
 - (a) the person consigns dangerous goods for transport in a package;
and

- (b) the package is not appropriately marked.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

- (2) A person commits an offence if—

- (a) the person consigns dangerous goods for transport in a package; and
- (b) a mark or label on the package about its contents is false or misleading in a material particular.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

- (3) An offence against this section is a strict liability offence.

79 Offence—consign goods—package marked or labelled as if contains dangerous goods

- (1) A person commits an offence if—

- (a) the person consigns goods for transport in a package; and
- (b) the package does not contain dangerous goods; and
- (c) the package is marked or labelled as if it contains dangerous goods.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

- (2) An offence against this section is a strict liability offence.

**80 Offences—pack dangerous goods—package
 inappropriately marked or labelled**

- (1) A person commits an offence if—
- (a) the person packs dangerous goods for transport in a package;
and
 - (b) the package is not, or will not be once the package is ready to be transported, appropriately marked; and
 - (c) the person knows, or ought reasonably to know, that the package is not, or will not be once the package is ready to be transported, appropriately marked.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

- (2) A person commits an offence if—
- (a) the person packs dangerous goods for transport in a package;
and
 - (b) the person marks or labels the package with a marking or label about its contents; and
 - (c) the mark or label is false or misleading in a material particular;
and
 - (d) the person knows, or ought reasonably to know, that the mark or label is false or misleading in a material particular.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

81 Offence—pack dangerous goods—mark or label as if contains dangerous goods

A person commits an offence if—

- (a) the person packs goods for transport in a package; and
- (b) the package does not contain dangerous goods; and
- (c) the person marks or labels the package as if it contains dangerous goods; and
- (d) the person knows, or ought reasonably to know, that the package does not contain dangerous goods.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

82 Offences—prime contractor transports dangerous goods—package inappropriately marked or labelled

(1) A prime contractor commits an offence if—

- (a) the contractor transports dangerous goods in a package; and
- (b) the package is not appropriately marked; and
- (c) the contractor knows, or ought reasonably to know, that—
 - (i) the goods are dangerous goods; and
 - (ii) the package is not appropriately marked.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

- (2) A prime contractor commits an offence if—
- (a) the contractor transports dangerous goods in a package; and
 - (b) a mark or label on the package about its contents is false or misleading in a material particular; and
 - (c) the contractor knows, or ought reasonably to know, that the mark or label is false or misleading in a material particular.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

83 Offence—prime contractor transports goods—package marked or labelled as if contains dangerous goods

A prime contractor commits an offence if—

- (a) the contractor transports goods in a package; and
- (b) the package is marked or labelled as if it contains dangerous goods; and
- (c) the contractor knows, or ought reasonably to know, that the package does not contain dangerous goods.

Maximum penalty:

- (a) if the package is large packaging or an overpack—20 penalty units; and
- (b) in any other case—10 penalty units.

Part 7.2 Placarding

84 Meaning of *placards* and *appropriately placarded*—pt 7.2

- (1) For this part, a person *placards* a load of dangerous goods if the person affixes, stencils, prints or places a label or an emergency information panel in relation to the load on any thing that is being, or that is to be, used to transport the load.
- (2) For this part, a placard load is *appropriately placarded* if it is placarded in accordance with the [ADG code](#), chapter 5.3.
- (3) In this section:
emergency information panel—see the [ADG code](#), section 5.3.1.3.
label—see the [ADG code](#), section 1.2.1.

85 When load must be placarded

- (1) A load of dangerous goods must be placarded if—
 - (a) it contains—
 - (i) dangerous goods in a receptacle with a capacity of more than 500L; or
 - (ii) more than 500kg of dangerous goods in a receptacle; or
 - (b) it contains an aggregate quantity of dangerous goods (other than specified goods) of 250 or more and those goods include—
 - (i) dangerous goods of UN division 2.1 that are not aerosols; or
 - (ii) dangerous goods of UN division 2.3; or
 - (iii) dangerous goods of packing group I; or
 - (c) it contains dangerous goods of UN division 6.2, category A; or
 - (d) it contains an aggregate quantity of dangerous goods of UN division 6.2 (other than category A) of 10 or more; or

- (e) it contains an aggregate quantity of dangerous goods (other than specified goods) of 1 000 or more.
- (2) For subsection (1) (a), dangerous goods in a receptacle does not include dangerous goods that are, or are part of, an article held in the receptacle.
- (3) A load of dangerous goods must be placarded if the load contains specified goods that—
 - (a) include articles or substances assigned to a UN serial number—
 - (i) with an aggregate quantity of 2 000 or more; and
 - (ii) from a single place of consignment; or
 - (b) have a total gross mass of 8t or more.
- (4) Also, a load of goods must be placarded if—
 - (a) the load contains specified goods and other dangerous goods; and
 - (b) if the load contains the kinds of dangerous goods mentioned in subsection (1) (b) (i), (ii) or (iii)—the aggregate quantity of the following is 250 or more:
 - (i) the dangerous goods mentioned in subsection (1) (b) (i), (ii) or (iii);
 - (ii) 10% of the total gross mass of the specified goods; and
 - (c) if the load does not contain the kinds of dangerous goods mentioned in subsection (1) (b) (i), (ii) or (iii)—the aggregate quantity of the following is 1 000 or more:
 - (i) dangerous goods in the load that are not specified goods;
 - (ii) 25% of the total gross mass of the specified goods.

(5) In this section:

specified goods means any of the following:

- (a) dangerous goods that are packed in limited quantities;
- (b) a bonbon, party popper or sparkler;
- (c) a domestic smoke detector containing radioactive material;
- (d) a lighter or lighter refill containing flammable gas;
- (e) a fire extinguisher containing compressed or liquefied gas with a net mass of not more than 23kg;
- (f) a combination of any 1 or more of the things mentioned in paragraphs (a) to (e).

86 Offences—consign placard load—load inappropriately placarded

(1) A person commits an offence if—

- (a) the person consigns a placard load for transport; and
- (b) the person knows, or ought reasonably to know, that the load is a placard load; and
- (c) the load is not appropriately placarded.

Maximum penalty: 40 penalty units.

(2) A person commits an offence if—

- (a) the person consigns a placard load for transport; and
- (b) the placarding of the load is false or misleading in a material particular; and
- (c) the person knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

Maximum penalty: 40 penalty units.

87 Offences—consign goods—cargo transport unit inappropriately placarded

- (1) A person commits an offence if—
- (a) the person consigns goods for transport in or on a cargo transport unit; and
 - (b) the cargo transport unit does not contain dangerous goods; and
 - (c) the person knows, or ought reasonably to know, that the cargo transport unit does not contain dangerous goods; and
 - (d) the cargo transport unit is placarded as if it were a placard load.

Maximum penalty: 40 penalty units.

- (2) Subsection (1) does not apply if the placarding of the cargo transport unit complies with requirements relating to contents of a cargo transport unit under—
- (a) the [ICAO technical instructions](#); or
 - (b) the [IMDG code](#).

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) A person commits an offence if—
- (a) the person consigns a load of dangerous goods for transport in or on a cargo transport unit; and
 - (b) the goods are not a placard load; and
 - (c) the load's placarding is false or misleading in a material particular; and
 - (d) the person knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

Maximum penalty: 40 penalty units.

88 Offences—load placard load—load inappropriately placarded

- (1) A person commits an offence if—
- (a) the person loads dangerous goods in a vehicle for transport; and
 - (b) the goods are a placard load; and
 - (c) the person knows, or ought reasonably to know, that the goods are a placard load; and
 - (d) the person fails to ensure that the load is appropriately placarded.

Maximum penalty: 40 penalty units.

- (2) A person commits an offence if—
- (a) the person loads a placard load in a vehicle for transport; and
 - (b) the person placards the load with placarding; and
 - (c) the placarding is false or misleading in a material particular; and
 - (d) the person knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

Maximum penalty: 40 penalty units.

89 Offences—load goods—load inappropriately placarded

- (1) A person commits an offence if—
- (a) the person loads goods in a vehicle for transport; and
 - (b) the person placards the load as if it were a placard load; and
 - (c) the load does not contain dangerous goods; and

- (d) the person knows, or ought reasonably to know, that the load does not contain dangerous goods.

Maximum penalty: 40 penalty units.

- (2) Subsection (1) does not apply if the placarding of the load complies with requirements relating to contents of a load under—
 - (a) the [ICAO technical instructions](#); or
 - (b) the [IMDG code](#).

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) A person commits an offence if—
 - (a) the person loads dangerous goods into or onto a cargo transport unit for transport in or on the cargo transport unit; and
 - (b) the goods are not a placard load; and
 - (c) the person placards the load with placarding that is false or misleading in a material particular; and
 - (d) the person knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

Maximum penalty: 40 penalty units.

90 Offences—prime contractor—placard load inappropriately placarded

- (1) A prime contractor commits an offence if—
 - (a) the contractor transports dangerous goods; and
 - (b) the goods are a placard load; and
 - (c) the load is not appropriately placarded; and
 - (d) the contractor knows, or ought reasonably to know, that—
 - (i) the goods are a placard load; and

- (ii) the load is not appropriately placarded.

Maximum penalty: 40 penalty units.

- (2) A prime contractor commits an offence if—
 - (a) the contractor transports a placard load; and
 - (b) the load's placarding is false or misleading in a material particular; and
 - (c) the contractor knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

Maximum penalty: 40 penalty units.

- (3) A prime contractor commits an offence if—
 - (a) the prime contractor transports a load of dangerous goods in or on a cargo transport unit; and
 - (b) the load—
 - (i) is not a placard load; and
 - (ii) is placarded; and
 - (c) the load's placarding is false or misleading in a material particular; and
 - (d) the prime contractor knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

Maximum penalty: 40 penalty units.

91 Offence—prime contractor—cargo transport unit inappropriately placarded

- (1) A prime contractor commits an offence if—
 - (a) the contractor uses a cargo transport unit that does not contain dangerous goods; and

- (b) the cargo transport unit is placarded as if it were a placard load; and
- (c) the contractor knows, or ought reasonably to know, that the cargo transport unit does not contain dangerous goods.

Maximum penalty: 40 penalty units.

- (2) Subsection (1) does not apply if the placarding of the cargo transport unit complies with requirements for contents of the cargo transport unit under—
 - (a) the [ICAO technical instructions](#); or
 - (b) the [IMDG code](#).

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

92 Offences—driver—placard load inappropriately placarded

- (1) A person commits an offence if—
 - (a) the person drives a vehicle transporting dangerous goods; and
 - (b) the goods are a placard load; and
 - (c) the load is not appropriately placarded; and
 - (d) the person knows, or ought reasonably to know, that—
 - (i) the goods are a placard load; and
 - (ii) the load is not appropriately placarded.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) the person drives a vehicle transporting a placard load; and
 - (b) the load's placarding is false or misleading in a material particular; and

- (c) the person knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

Maximum penalty: 20 penalty units.

93 Offence—driver—cargo transport unit inappropriately placarded

- (1) A person commits an offence if—
 - (a) the person drives a vehicle that is, or that incorporates, a cargo transport unit; and
 - (b) the cargo transport unit is placarded as if it were a placard load; and
 - (c) the person knows, or ought reasonably to know, that the vehicle does not contain dangerous goods.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) the person drives a vehicle that is, or that incorporates, a cargo transport unit; and
 - (b) the cargo transport unit is transporting a load of dangerous goods; and
 - (c) the load is not a placard load; and
 - (d) the load's placarding is false or misleading in a material particular; and
 - (e) the person knows, or ought reasonably to know, that the placarding is false or misleading in a material particular.

Maximum penalty: 20 penalty units.

Chapter 8 Safety standards—vehicles and equipment

94 Offence—owner—non-compliance with safety standards

- (1) A person commits an offence if—
- (a) the person owns a vehicle; and
 - (b) the person uses the vehicle, or permits it to be used, to transport dangerous goods; and
 - (c) the vehicle or its equipment does not comply with the [ADG code](#), chapter 4.4 and chapter 6.10.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

95 Offence—consignor—non-compliance with safety standards

A person commits an offence if—

- (a) the person consigns dangerous goods for transport in a vehicle; and
- (b) the vehicle or its equipment does not comply with the [ADG code](#), chapter 4.4 and chapter 6.10; and
- (c) the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with the chapters.

Maximum penalty: 40 penalty units.

96 Offence—loader—non-compliance with safety standards

A person commits an offence if—

- (a) the person loads dangerous goods in a vehicle for transport; and
- (b) the vehicle or its equipment does not comply with the [ADG code](#), chapter 4.4 and chapter 6.10; and
- (c) the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with the chapters.

Maximum penalty: 40 penalty units.

97 Offence—prime contractor—non-compliance with safety standards

- (1) A prime contractor commits an offence if—

- (a) the contractor uses a vehicle to transport dangerous goods; and
- (b) the vehicle or its equipment does not comply with the [ADG code](#), chapter 4.4 and chapter 6.10.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

98 Offence—driver—non-compliance with safety standards

A person commits an offence if—

- (a) the person drives a vehicle transporting dangerous goods; and
- (b) the vehicle or its equipment does not comply with the [ADG code](#), chapter 4.4 and chapter 6.10; and
- (c) the person knows, or ought reasonably to know, that the vehicle or its equipment does not comply with the chapters.

Maximum penalty: 20 penalty units.

Chapter 9 Transport operations—certain dangerous goods

Part 9.1 Self-reactive substances, organic peroxides and certain other substances

99 Application—pt 9.1

This part applies to the transport of the following types of dangerous goods:

- (a) gases of UN class 2;
- (b) self-reactive substances of UN division 4.1;
- (c) organic peroxides of UN division 5.2;
- (d) other substances for which—
 - (i) the proper shipping name contains the word ‘STABILIZED’; and
 - (ii) the self-accelerating decomposition temperature (as determined in accordance with the [ADG code](#), part 2) when presented for transport in a packaging is 50°C or lower;
- (e) toxic substances of UN division or subsidiary hazard 6.1;
- (f) infectious substances of UN division 6.2;
- (g) dangerous when wet substances of UN division 4.3.

100 Offence—consignor—non-compliance with ADG code

A person commits an offence if the person—

- (a) consigns dangerous goods to which this part applies for transport in or on a transport unit; and

- (b) knows, or ought reasonably to know, that the goods are not loaded or stowed, or cannot be transported or unloaded, in accordance with the [ADG code](#), chapter 7.1 or chapter 7.2.

Maximum penalty: 20 penalty units.

101 Offence—loader—non-compliance with ADG code

- (1) A person commits an offence if the person—
 - (a) loads dangerous goods to which this part applies that are in or on a transport unit in a vehicle; and
 - (b) loads the goods other than in accordance with the [ADG code](#), chapter 7.1 or chapter 7.2.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

102 Offences—prime contractor—non-compliance with ADG code

- (1) A prime contractor commits an offence if the contractor—
 - (a) transports dangerous goods to which this part applies; and
 - (b) knows, or ought reasonably to know, that the transport is not in accordance with the [ADG code](#), chapter 7.1 or chapter 7.2.

Maximum penalty: 20 penalty units.

- (2) A prime contractor commits an offence if the contractor—
 - (a) is responsible for the transport of 1 or more packages of infectious substances of UN division 6.2; and
 - (b) becomes aware of damage to, or leakage from, the package or any of the packages; and

- (c) fails to comply with the [ADG code](#), section 7.1.7.2.2.

Maximum penalty: 20 penalty units.

103 Offence—driver—non-compliance with ADG code

A person commits an offence if the person—

- (a) drives a vehicle transporting dangerous goods to which this part applies; and
- (b) knows, or ought reasonably to know, that the goods are not being transported in accordance with the [ADG code](#), chapter 7.1 or chapter 7.2.

Maximum penalty: 15 penalty units.

Part 9.2 Goods too dangerous to be transported

Note The [Act](#), s 10 and s 30 provide for the duties of consignors of goods too dangerous to be transported, prescribes the people to be regarded as the consignors of the goods and provides for the offence and penalty for consigning them for transport.

104 Offence—loader—goods too dangerous to be transported

A person commits an offence if the person—

- (a) loads goods for transport in or on a transport unit; and
- (b) knows, or ought reasonably to know, that the goods are goods too dangerous to be transported.

Maximum penalty: 20 penalty units.

105 Offence—prime contractor—goods too dangerous to be transported

A prime contractor commits an offence if the contractor—

- (a) transports goods; and
- (b) knows, or ought reasonably to know, that the goods are goods too dangerous to be transported.

Maximum penalty: 20 penalty units.

106 Offence—driver—goods too dangerous to be transported

A person commits an offence if the person—

- (a) drives a vehicle transporting goods; and
- (b) knows, or ought reasonably to know, that the goods are goods too dangerous to be transported.

Maximum penalty: 15 penalty units.

Part 9.3 Nominally empty storage vessels

106A Meaning of *nominally empty storage vessel*—pt 9.3

In this part:

nominally empty storage vessel means a tank or hopper mentioned in the [ADG code](#), section 7.2.7.1.

106B Offence—consignor—nominally empty storage vessel

A person commits an offence if the person—

- (a) consigns a nominally empty storage vessel for transport in a cargo transport unit; and
- (b) knows, or ought reasonably to know, that the vessel—
 - (i) is not loaded or stowed in accordance with the [ADG code](#), chapter 7.2; or
 - (ii) cannot be transported or unloaded in accordance with the [ADG code](#), chapter 7.2.

Maximum penalty: 20 penalty units.

106C Offence—loader—nominally empty storage vessel

- (1) A person commits an offence if the person—
 - (a) loads a nominally empty storage vessel for transport in a cargo transport unit; and
 - (b) fails to load the vessel in accordance with the [ADG code](#), chapter 7.2.

Maximum penalty: 20 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

106D Offence—prime contractor—nominally empty storage vessel

A prime contractor commits an offence if the contractor—

- (a) transports a nominally empty storage vessel; and
- (b) the vessel is not transported in accordance with the [ADG code](#), chapter 7.2; and
- (c) knows, or ought reasonably to know, that the vessel is not transported in accordance with the [ADG code](#), chapter 7.2.

Maximum penalty: 20 penalty units.

106E Offence—driver—nominally empty storage vessel

A person commits an offence if the person—

- (a) drives a road vehicle transporting a nominally empty storage vessel; and
- (b) the vessel is not transported in accordance with the [ADG code](#), chapter 7.2; and
- (c) knows, or ought reasonably to know, that the vessel is not transported in accordance with the [ADG code](#), chapter 7.2.

Maximum penalty: 15 penalty units.

Chapter 10 Stowage, loading and restraint

107 Offences—consignor—unlawful stowage, loading and restraint

- (1) A person commits an offence if the person—
- (a) consigns for transport in a vehicle a placard load; and
 - (b) knows, or ought reasonably to know, that the dangerous goods or their packaging are not, or will not be, stowed, loaded and restrained in accordance with the [ADG code](#), chapter 8.1.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
- (a) consigns a load of dangerous goods for transport in or on a transport unit; and
 - (b) knows, or ought reasonably to know, that the transport unit is not, or will not be, restrained in accordance with the [ADG code](#), chapter 8.2.

Maximum penalty: 20 penalty units.

108 Offences—loader—unlawful stowage, loading and restraint

- (1) A person commits an offence if the person—
- (a) loads for transport in a vehicle a placard load ; and
 - (b) fails to ensure that the load is stowed, loaded and restrained in accordance with the [ADG code](#), chapter 8.1.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
- (a) loads for transport in a vehicle dangerous goods that are in or on a transport unit; and

- (b) fails to ensure that the transport unit is restrained in accordance with the [ADG code](#), chapter 8.2.

Maximum penalty: 20 penalty units.

- (3) An offence against subsection (1) is a strict liability offence.

109 Offences—prime contractor—unlawful stowage, loading and restraint

- (1) A prime contractor commits an offence if the contractor—

- (a) transports in a vehicle a placard load; and
- (b) knows, or ought reasonably to know, that the dangerous goods or their packaging have not been stowed or loaded, or are not restrained, in accordance with the [ADG code](#), chapter 8.1.

Maximum penalty: 20 penalty units.

- (2) A prime contractor commits an offence if the contractor—

- (a) transports dangerous goods in or on a transport unit; and
- (b) knows, or ought reasonably to know, that the transport unit is not restrained in accordance with the [ADG code](#), chapter 8.2.

Maximum penalty: 20 penalty units.

110 Offences—driver—unlawful stowage, loading and restraint

- (1) A person commits an offence if the person—

- (a) drives a vehicle transporting a placard load; and
- (b) knows, or ought reasonably to know, that the dangerous goods or their packaging have not been stowed or loaded, or are not restrained, in accordance with the [ADG code](#), chapter 8.1.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence if the person—
- (a) drives a vehicle transporting dangerous goods in or on a transport unit; and
 - (b) knows, or ought reasonably to know, that the transport unit is not restrained in accordance with the [ADG code](#), chapter 8.2.

Maximum penalty: 15 penalty units.

Chapter 11 Segregation

111 Application—ch 11

- (1) This chapter applies to—
 - (a) the transport of a placard load; and
 - (b) the transport of a load of dangerous goods that is not a placard load if the load contains dangerous goods of UN division 2.3, UN class 6 or UN class 8, or dangerous goods that have a subsidiary hazard of 6.1 or 8, that are being, or are to be, transported with food or food packaging.
- (2) However, this chapter does not apply in relation to dangerous goods packed in limited quantities.

112 Exception—certain goods for driver's personal use

Despite sections 113 to 116, food or food packaging may be transported on a vehicle with dangerous goods if it is in the vehicle's cabin and is for the driver's personal use.

113 Offence—consignor—incompatible goods

A person commits an offence if the person—

- (a) consigns dangerous goods for transport in a vehicle; and
- (b) knows, or ought reasonably to know, that—
 - (i) the vehicle is, in the same journey, transporting incompatible goods; and
 - (ii) the dangerous goods will not be segregated from the incompatible goods in accordance with—
 - (A) the [ADG code](#), part 9; or

- (B) any approval under section 118 (Approvals—methods of segregation).

Maximum penalty: 40 penalty units.

114 Offence—loader—incompatible goods

A person commits an offence if the person—

- (a) loads dangerous goods for transport in a vehicle; and
- (b) knows, or ought reasonably to know, that—
 - (i) the vehicle is, in the same journey, transporting incompatible goods; and
 - (ii) the dangerous goods will not be segregated from the incompatible goods in accordance with—
 - (A) the [ADG code](#), part 9; or
 - (B) any approval under section 118 (Approvals—methods of segregation).

Maximum penalty: 40 penalty units.

115 Offence—prime contractor—incompatible goods

A prime contractor commits an offence if the contractor—

- (a) uses a vehicle to transport dangerous goods; and
- (b) knows, or ought reasonably to know, that—
 - (i) the vehicle is, in the same journey, transporting incompatible goods; and
 - (ii) the dangerous goods are not segregated from the incompatible goods in accordance with—
 - (A) the [ADG code](#), part 9; or

- (B) any approval under section 118 (Approvals—methods of segregation).

Maximum penalty: 40 penalty units.

116 Offence—driver—incompatible goods

A person commits an offence if the person—

- (a) drives a vehicle transporting dangerous goods; and
- (b) knows, or ought reasonably to know, that—
 - (i) the vehicle is, in the same journey, transporting incompatible goods; and
 - (ii) the dangerous goods are not segregated from the incompatible goods in accordance with—
 - (A) the [ADG code](#), part 9; or
 - (B) any approval under section 118 (Approvals—methods of segregation).

Maximum penalty: 15 penalty units.

117 Approvals—segregation devices

- (1) An application for approval of a design for a type II segregation device for use in the transport of dangerous goods must include any information required under the [ADG code](#), chapter 6.11.

Note A fee may be determined under the [Act](#), s 194 for this provision.

- (2) The competent authority may, on application in accordance with subsection (1) and section 175, approve a design for a type II segregation device if the design complies with the [ADG code](#), chapter 6.11.

- (3) In this section:

type II segregation device means a device for the segregation of goods mentioned and described as a type II segregation device in the [ADG code](#), chapter 6.11.

118 Approvals—methods of segregation

- (1) The competent authority may, on application made in accordance with section 175, approve a method of segregation not complying with the [ADG code](#), part 9 for transporting dangerous and incompatible goods, if the authority considers that—
- (a) it is impracticable to segregate the goods by a segregation device, or method of segregation, complying with the part; and
 - (b) the risk involved in using the method to transport the goods is not greater than the risk involved in using a device or method complying with the part to transport the goods.
- (2) The competent authority may impose any condition on the approval it considers necessary for the safe transport of dangerous goods.

119 Offence—contravene condition of approval

- (1) A person commits an offence if the person—
- (a) is given an approval under section 118; and
 - (b) contravenes a condition of the approval.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

Chapter 12 Bulk transfer of dangerous goods

Part 12.1 Bulk transfer of dangerous goods—general

120 Meaning of *bulk transfer*—ch 12

In this chapter:

bulk transfer means the transfer by gravity, pump or pressure differential of liquid, solid or gaseous dangerous goods, by the use of pipework or hose, into or out of a tank vehicle, or into or out of a portable tank, demountable tank, bulk container, pressure drum, tube, MEGC or IBC that is in a vehicle.

Part 12.2 Equipment and transfer

121 Offences—transferor—damaged etc hose assembly

- (1) A person commits an offence if the person—
- (a) uses a hose assembly for the bulk transfer of dangerous goods;
and
 - (b) knows, or ought reasonably to know, that the hose assembly is
damaged or defective to the extent that it is not safe to use to
transfer the goods.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
- (a) uses a hose assembly for the bulk transfer of dangerous goods;
and
 - (b) knows, or ought reasonably to know, that the hose assembly—
 - (i) has not been constructed, assembled or maintained in
accordance with the [ADG code](#), chapter 10.1; or
 - (ii) has not been inspected or tested at the intervals, or in the
way, required under the chapter; or
 - (iii) did not satisfy a test under the chapter.

Maximum penalty: 40 penalty units.

122 Offences—transferor—duties in relation to bulk transfer

- (1) A person commits an offence if the person—
- (a) is engaged in the bulk transfer of dangerous goods; and
 - (b) fails to ensure that the goods are transferred—
 - (i) in accordance with the [ADG code](#), chapter 10.2; and

- (ii) in a way that—
 - (A) eliminates risk; and
 - (B) if it is not possible to eliminate risk—minimises risk to the maximum extent that is practicable.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if the person—
 - (a) is engaged in the bulk transfer of dangerous goods; and
 - (b) knows, or ought reasonably to know, that—
 - (i) the receiving receptacle or the transfer equipment is incompatible with the dangerous goods; or
 - (ii) the receptacle contains incompatible goods.

Maximum penalty: 20 penalty units.

- (3) A person commits an offence if—
 - (a) the person is engaged in the bulk transfer of dangerous goods; and
 - (b) during the transfer, dangerous goods leak, spill or accidentally escape; and
 - (c) the person fails to—
 - (i) immediately stop transferring the goods; or
 - (ii) take all practicable steps to avoid, eliminate or minimise risk; or
 - (iii) not start transferring the goods again until the conditions causing the leak, spill or escape have been rectified.

Maximum penalty: 20 penalty units.

- (4) An offence against subsection (1) or (3) is a strict liability offence.

- (5) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the defendant complied with the subsection as far as practicable.

123 Offence—occupier—duties in relation to hose assembly

- (1) A person commits an offence if the person—
- (a) is the occupier of premises where the bulk transfer of dangerous goods happens; and
 - (b) fails to ensure that any hose assembly on the premises that is used, or that is intended to be used, for the transfer (other than a hose assembly brought onto the premises on the vehicle involved in the transfer)—
 - (i) has been constructed, assembled and maintained in accordance with the [ADG code](#), chapter 10.1; and
 - (ii) has been inspected and tested at the intervals, and in the way, required under the chapter; and
 - (iii) satisfies each test under the chapter.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

124 Offence—occupier—duties in relation to bulk transfer

- (1) A person commits an offence if the person—
- (a) is the occupier of premises where the bulk transfer of dangerous goods happens; and
 - (b) fails to ensure that the goods are transferred—
 - (i) in accordance with the [ADG code](#), chapter 10.2; and

- (ii) in a way that avoids, eliminates or minimises risk.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant complied with the section as far as practicable.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

125 Offence—occupier—fail to keep records

- (1) A person commits an offence if the person—
 - (a) is the occupier of premises where the bulk transfer of dangerous goods happens; and
 - (b) fails to keep, in accordance with the [ADG code](#), section 10.1.3.4 accurate records of all maintenance work, and each inspection and test, carried out on any hose assembly on the premises that is used, or that is intended to be used, for the transfer (other than a hose assembly brought onto the premises on the vehicle involved in the transfer).

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

126 Offence—prime contractor—duties in relation to hose assembly

- (1) A prime contractor commits an offence if the contractor—
 - (a) is engaged in the bulk transfer of dangerous goods; and

- (b) fails to ensure that any hose assembly that is used, or that is intended to be used, for the transfer of the dangerous goods (other than a hose assembly for which the prime contractor is not responsible)—
 - (i) has been constructed, assembled and maintained in accordance with the [ADG code](#), chapter 10.1; and
 - (ii) has been inspected and tested at the intervals, and in the way, required under the chapter; and
 - (iii) satisfies each test under the chapter.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

127 Offence—prime contractor—duties in relation to bulk transfer

- (1) A prime contractor commits an offence if the contractor—
 - (a) is engaged in the bulk transfer of dangerous goods; and
 - (b) fails to ensure that the goods are transferred—
 - (i) in accordance with the [ADG code](#), chapter 10.2; and
 - (ii) in a way that avoids, eliminates or minimises risk.

Maximum penalty: 40 penalty units.

- (2) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant complied with the section as far as practicable.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

128 Offence—prime contractor—fail to keep records

- (1) A prime contractor commits an offence if the contractor—
- (a) is engaged in the bulk transfer of dangerous goods; and
 - (b) fails to keep, in accordance with the [ADG code](#), section 10.1.3.4 accurate records of all maintenance work, and each inspection and test, carried out on any hose assembly that is used, or that is intended to be used, for the transfer of dangerous goods (other than a hose assembly for which the prime contractor is not responsible).

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

Part 12.3 Filling ratio and ullage

129 Application—pt 12.3

This part applies in relation to bulk transfer into a tank vehicle.

130 Offence—transferor—filling ratio and ullage

- (1) A person commits an offence if the person—
 - (a) is engaged in the bulk transfer of dangerous goods into a tank vehicle; and
 - (b) fails to ensure that—
 - (i) for dangerous goods of UN class 2 that are not in the form of refrigerated liquid—the quantity of the goods in the tank to which the goods are transferred does not exceed the maximum permitted filling ratio set out in the [ADG code](#), section 10.3.2; and
 - (ii) in any other case—the ullage in the tank complies with the [ADG code](#), section 10.3.1.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) the person is engaged in the bulk transfer of goods to a tank (the *first tank*); and
 - (b) the goods are not dangerous goods (the *non-dangerous goods*); and
 - (c) the first tank is on, or part of, a vehicle; and
 - (d) while any amount of the non-dangerous goods is in the first tank, the vehicle is carrying, or is likely to carry, dangerous goods in another compartment of the first tank or in another tank; and
 - (e) the person knows, or ought reasonably to know, of the matter mentioned in paragraph (d); and

- (f) the person fails to ensure that the ullage in the first tank would comply with the [ADG code](#), section 10.3.1 if the non-dangerous goods were dangerous goods.

Maximum penalty: 15 penalty units.

- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant complied with the section as far as practicable.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

131 Offence—prime contractor—filling ratio and ullage

- (1) A prime contractor commits an offence if—
 - (a) the prime contractor transports dangerous goods in a tank; and
 - (b) either of the following applies:
 - (i) for dangerous goods of UN class 2 that are not in the form of refrigerated liquid—the quantity of goods in the tank exceeds the maximum permitted filling ratio set out in the [ADG code](#), section 10.3.2;
 - (ii) in any other case—the ullage in the tank does not comply with the [ADG code](#), section 10.3.1.

Maximum penalty: 20 penalty units.

- (2) A prime contractor commits an offence if—
 - (a) the prime contractor uses a vehicle to transport a tank; and
 - (b) the tank (the *first tank*) contains goods that are not dangerous goods; and
 - (c) the vehicle transports dangerous goods in another compartment of the first tank or another tank; and

- (d) the prime contractor fails to ensure that the ullage in the first tank would comply with the [ADG code](#), section 10.3.1 if the goods mentioned in paragraph (b) were dangerous goods.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that the defendant complied with the subsection as far as practicable.

Note The defendant has a legal burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 59).

132 Offence—driver—filling ratio and ullage

- (1) A person commits an offence if the person—
 - (a) drives a tank vehicle that is transporting dangerous goods; and
 - (b) knows, or ought reasonably to know, that—
 - (i) for dangerous goods of UN class 2 that are not in the form of refrigerated liquid—the quantity of goods in the tank exceeds the maximum permitted filling ratio set out in the [ADG code](#), section 10.3.2; or
 - (ii) in any other case—the ullage in the tank does not comply with the [ADG code](#), section 10.3.1.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
 - (a) the person drives a vehicle that has a tank (the *first tank*); and
 - (b) the first tank contains goods that are not dangerous goods; and
 - (c) another compartment of the first tank, or another tank on the vehicle, contains dangerous goods; and

- (d) the person knows, or ought reasonably to know, that the ullage in the first tank would not comply with the [ADG code](#), section 10.3.1 if the goods mentioned in paragraph (b) were dangerous goods.

Maximum penalty: 20 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that the defendant complied with the subsection as far as practicable.

Note The defendant has a legal burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 59).

Chapter 13 Documentation

Part 13.1 Transport documentation

133 Offence—false or misleading transport documentation

- (1) A person commits an offence if—
- (a) the person includes information in transport documentation for dangerous goods; and
 - (b) the documentation is false or misleading; and
 - (c) the person knows, or ought reasonably to know, that the documentation is false or misleading.

Maximum penalty: 40 penalty units.

- (2) Subsection (1) (b) and (c) does not apply if the document is not false or misleading in a material particular.

Example—false information

a person named as consignor of the dangerous goods if the person is not the consignor of the goods

Note Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

134 Offences—consignor—transport without proper documentation

- (1) A person commits an offence if—
- (a) the person consigns dangerous goods for transport in a vehicle; and

- (b) the prime contractor or driver of the vehicle does not have transport documentation that complies with the [ADG code](#), chapter 11.1 for the goods.

Maximum penalty: 15 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A person commits an offence if—
 - (a) the person consigns dangerous goods for transport; and
 - (b) the person knows, or ought reasonably to know, that the goods will be divided into, and transported in, separate loads; and
 - (c) the prime contractor, or the driver of each vehicle transporting the load, has not been given separate transport documentation for each load.

Maximum penalty: 15 penalty units.

- (4) Strict liability applies to subsection (3) (c).

135 Offence—prime contractor—transport without proper documentation

- (1) A prime contractor commits an offence if—
 - (a) the contractor fails to ensure that someone else does not drive a vehicle used by the prime contractor to transport dangerous goods; and
 - (b) the person has not been given transport documentation that complies with the [ADG code](#), chapter 11.1 for the goods.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

136 Offence—driver—fail to carry transport documentation

- (1) A person commits an offence if the person—
- (a) is the driver of a vehicle transporting dangerous goods; and
 - (b) fails to carry transport documentation that complies with the [ADG code](#), chapter 11.1 for the goods.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence if the person—
- (a) is the driver of a vehicle transporting dangerous goods; and
 - (b) fails to produce the transport documentation that complies with the [ADG code](#), chapter 11.1 for the goods when asked by an authorised person, or a member of an emergency service, to produce the documentation for inspection.

Maximum penalty: 15 penalty units.

- (3) An offence against this section is a strict liability offence.

136A Offence—prime contractor—fail to keep documents

- (1) This section applies if the Act, this regulation or the [ADG code](#) requires a prime contractor to create or use a document in relation to the transport of dangerous goods by the prime contractor.
- (2) The prime contractor commits an offence if, during the 3-month period after the day the dangerous goods are transported—
- (a) the prime contractor fails to keep the document or a copy of the document in paper form; or
 - (b) the document or the copy of the document in paper form is not readily legible; or

- (c) if requested by an authorised person to produce the document—
fails to produce the document, or a copy of the document, in
paper form to the authorised person.

Maximum penalty: 15 penalty units.

Part 13.1A Dangerous goods packed in limited quantities

136B Offence—consignor—fail to give prime contractor information

- (1) A person commits an offence if the person—
- (a) consigns dangerous goods that are packed in limited quantities for transport; and
 - (b) fails to give the prime contractor information—
 - (i) required to be given to the contractor under the [ADG code](#), section 3.4.12; or
 - (ii) in the form required under the [ADG code](#), section 3.4.12.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence if the person—
- (a) consigns dangerous goods that are packed in limited quantities for transport; and
 - (b) gives the prime contractor information under the [ADG code](#), section 3.4.12; and
 - (c) the information given is false or misleading in a material particular; and
 - (d) the person knows, or ought reasonably to know, that the information given is false or misleading in a material particular.

Maximum penalty: 40 penalty units.

136C Offence—prime contractor—fail to ensure information is readily ascertainable

A prime contractor commits an offence if the prime contractor—

- (a) receives, under the [ADG code](#), section 3.4.12, information in relation to dangerous goods packed in limited quantities; and
- (b) fails to ensure that, during the transport of the goods, the information is readily available to a person involved in the transport of the goods.

Maximum penalty: 15 penalty units.

Part 13.2 Emergency information

137 **Meaning of *required emergency information*—pt 13.2**

In this part:

required emergency information means—

- (a) emergency information that complies with the [ADG code](#), chapter 11.2; or
- (b) emergency information that is approved under section 141.

138 **Offence—consignor—missing required emergency information**

A person commits an offence if the person—

- (a) consigns a placard load for transport in a vehicle; and
- (b) knows, or ought reasonably to know, that the required emergency information for the dangerous goods in the load is not on the vehicle.

Maximum penalty: 15 penalty units.

139 **Offence—prime contractor—emergency information holder and required emergency information**

- (1) A prime contractor commits an offence if—
 - (a) the contractor uses a vehicle to transport a placard load; and
 - (b) either of the following applies:
 - (i) the vehicle is not equipped with an emergency information holder that complies with the [ADG code](#), chapter 11.2;

- (ii) the required emergency information for the dangerous goods in the load is not in the holder.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

140 Offences—driver—emergency information holder and required emergency information

- (1) A person commits an offence if—
 - (a) the person drives a vehicle transporting a placard load; and
 - (b) either of the following applies:
 - (i) the vehicle is not equipped with an emergency information holder that complies with the [ADG code](#), chapter 11.2;
 - (ii) the required emergency information for the dangerous goods in the load provided by the consignor of the goods, or by the prime contractor for the transport of the goods, is not in the holder.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence if the person—
 - (a) is the driver of a vehicle transporting a placard load; and
 - (b) fails to ensure that the vehicle's emergency information holder contains only—
 - (i) the required emergency information for the dangerous goods in the load; and
 - (ii) the transport documentation for the goods.

Maximum penalty: 15 penalty units.

- (3) A person commits an offence if the person—
 - (a) is the driver of a vehicle transporting a placard load; and

- (b) fails to produce the required emergency information for the dangerous goods in the load for inspection by an authorised person, or a member of an emergency service, if the person or member asks the driver to produce the information for inspection.

Maximum penalty: 15 penalty units.

- (4) An offence against this section is a strict liability offence.

141 Approvals—emergency information

The competent authority may, on application in accordance with section 175 or on the authority's own initiative, approve emergency information that does not comply with the [ADG code](#), chapter 11.2 if the authority considers that use of the information would be as accurate, and at least as convenient and efficient, as information that complies with the chapter.

Chapter 14 Safety equipment

142 Offence—owner—safety equipment

- (1) The owner of a road vehicle commits an offence if—
 - (a) the owner uses the vehicle, or permits the vehicle to be used, to transport a placard load; and
 - (b) the vehicle is not equipped with—
 - (i) fire extinguishers and portable warning devices that comply with the [ADG code](#), part 12; and
 - (ii) any other equipment required under the part.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

143 Offence—prime contractor—safety equipment

- (1) A prime contractor commits an offence if—
 - (a) the prime contractor uses a road vehicle to transport a placard load; and
 - (b) the vehicle is not equipped with—
 - (i) fire extinguishers and portable warning devices that comply with the [ADG code](#), part 12; and
 - (ii) any other equipment required under the part.

Maximum penalty: 40 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) A prime contractor commits an offence if the prime contractor—
 - (a) uses a road vehicle to transport a placard load; and

(b) knows, or ought reasonably to know, that the equipment mentioned in subsection (1) (b) for the vehicle—

(i) has not been inspected or tested in accordance with the [ADG code](#), part 12; or

(ii) is not in good repair or is not in proper working order.

Maximum penalty: 40 penalty units.

144 Offence—driver—safety equipment

(1) A person commits an offence if—

(a) the person drives a road vehicle transporting a placard load; and

(b) the vehicle is not equipped with—

(i) fire extinguishers and portable warning devices that comply with the [ADG code](#), part 12; and

(ii) any other equipment required under the part.

Maximum penalty: 15 penalty units.

(2) An offence against subsection (1) is a strict liability offence.

(3) A person commits an offence if the person—

(a) drives a road vehicle transporting a placard load; and

(b) knows, or ought reasonably to know, that the equipment mentioned in subsection (1) (b) for the vehicle—

(i) is not stowed in accordance with the [ADG code](#), part 12; or

(ii) has not been inspected or tested in accordance with the part; or

(iii) is not in good repair or is not in proper working order.

Maximum penalty: 15 penalty units.

Chapter 15 Procedures during transport

Part 15.1 Immobilised and stopped vehicles

145 Offence—driver—immobilised or stopped vehicle

- (1) This section applies if a road vehicle transporting a placard load—
 - (a) is broken down or otherwise immobilised, or has stopped, on a road; and
 - (b) is a traffic hazard.
- (2) The driver of the road vehicle must alert other road users of the hazard in accordance with the [ADG code](#), part 13.

Maximum penalty: 10 penalty units.

- (3) Subsection (2) does not apply if the driver of the road vehicle complies with the [Road Transport \(Road Rules\) Regulation 2017](#), section 227.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) An offence against this section is a strict liability offence.

146 Offences—prime contractor—immobilised or stopped vehicle

- (1) A prime contractor commits an offence if—
 - (a) the prime contractor knows, or ought reasonably to know, that a road vehicle transporting a placard load has broken down or is otherwise immobilised on a road; and

- (b) the prime contractor fails to ensure, as soon as practicable, that the vehicle is—
 - (i) repaired so that it can be driven safely off the road; or
 - (ii) towed to a place where it can be repaired.

Maximum penalty: 20 penalty units.

- (2) A prime contractor commits an offence if—
 - (a) the prime contractor knows, or ought reasonably to know, that a road vehicle transporting a placard load has broken down or is otherwise immobilised on a road; and
 - (b) the prime contractor fails to—
 - (i) remove the dangerous goods from the vehicle before the road vehicle is repaired or towed; and
 - (ii) transport the dangerous goods from the place of the breakdown or immobilisation.

Maximum penalty: 20 penalty units.

- (3) Subsection (2) does not apply if the risk involved in complying with subsection (2) (b) is greater than the risk involved in not complying with it.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) A prime contractor commits an offence if—
 - (a) the prime contractor knows, or ought reasonably to know, that a road vehicle transporting a placard load has broken down or is otherwise immobilised on a road; and
 - (b) the road vehicle is carrying dangerous goods that would require the driver of the road vehicle to hold a dangerous goods driver licence; and
 - (c) the road vehicle is towed by a tow truck; and

- (d) the prime contractor fails to ensure that the driver of the tow truck—
 - (i) holds a dangerous goods driver licence that would authorise the driver to drive a vehicle with the dangerous goods; or
 - (ii) is accompanied in the cabin of the tow truck by a person who holds a dangerous goods driver licence that would authorise the person to drive a vehicle with the dangerous goods.

Maximum penalty: 20 penalty units.

Part 15.1A General precautions

146A Offence—prime contractor—parking

A prime contractor commits an offence if—

- (a) the prime contractor directs, or offers an inducement to, the driver of a road vehicle to—
 - (i) park the road vehicle otherwise than in accordance with the [ADG code](#), part 13; or
 - (ii) leave the road vehicle standing otherwise than in accordance with the [ADG code](#), part 13; and
- (b) the road vehicle is transporting a placard load; and
- (c) the road vehicle is not parked or left standing in accordance with the [ADG code](#), part 13.

Maximum penalty: 15 penalty units.

146B Offence—prime contractor—unloading

A prime contractor commits an offence if—

- (a) the prime contractor directs, or offers an inducement to, the driver of a road vehicle to permit the dangerous goods to be unloaded other than in accordance with the [ADG code](#), part 13; and
- (b) the road vehicle is transporting a placard load; and
- (c) the dangerous goods are unloaded other than in accordance with the [ADG code](#), part 13.

Maximum penalty: 40 penalty units.

146C Offence—prime contractor—detaching trailer

A prime contractor commits an offence if—

- (a) the prime contractor directs, or offers an inducement to, the driver of a road vehicle with a trailer to detach the trailer, or permit the trailer to be detached, from the vehicle other than in accordance with the [ADG code](#), part 13; and
- (b) the direction or inducement results in the driver—
 - (i) detaching the trailer other than in accordance with the [ADG code](#), part 13; or
 - (ii) permitting another person to detach the trailer other than in accordance with the [ADG code](#), part 13.

Maximum penalty: 40 penalty units.

146D Offence—prime contractor—heating placard load

A prime contractor commits an offence if—

- (a) the prime contractor directs, or offers an inducement to, the driver of a road vehicle equipped with a burner to do any of the following, other than in accordance with the [ADG code](#), part 13:
 - (i) heat the placard load in the road vehicle;
 - (ii) operate the burner;
 - (iii) permit the burner to be operated; and
- (b) the road vehicle is transporting a placard load; and
- (c) either of the following applies:
 - (i) the placard load is heated other than in accordance with the [ADG code](#), part 13;

- (ii) the burner is operated other than in accordance with the [ADG code](#), part 13.

Maximum penalty: 40 penalty units.

Part 15.2 Vehicles—duties of drivers

147 Offence—allowing other person to ride

- (1) A person commits an offence if the person—
 - (a) is the driver of a road vehicle transporting a placard load; and
 - (b) allows someone else to ride in the vehicle other than in accordance with the [ADG code](#), part 13.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

148 Offence—parking

- (1) A person commits an offence if the person—
 - (a) is the driver of a road vehicle transporting a placard load; and
 - (b) parks the vehicle, or leaves the vehicle standing, in a public or private place other than in accordance with the [ADG code](#), part 13.

Maximum penalty: 15 penalty units.

- (2) An offence against this section is a strict liability offence.

149 Offence—ignition sources

- (1) This section applies to a road vehicle transporting—
 - (a) a load that contains—
 - (i) dangerous goods in a receptacle with a capacity of more than 500L; or
 - (ii) more than 500kg of dangerous goods in a receptacle; and
 - (b) the dangerous goods are UN division 2.1, UN class 3, 4 or 5 dangerous goods or dangerous goods that have a subsidiary hazard of 2.1, 3, 4 or 5.1.

- (2) The driver of the vehicle commits an offence if the driver has matches or a cigarette lighter in his or her possession in the road vehicle.

Maximum penalty: 40 penalty units.

- (3) The driver of the vehicle commits an offence if the driver smokes in the road vehicle.

Maximum penalty: 40 penalty units.

- (4) The driver of the vehicle must do everything practicable to ensure that anyone else in the road vehicle does not—

- (a) have matches or a cigarette lighter in his or her possession; or
- (b) smoke.

Maximum penalty: 40 penalty units.

- (5) An offence against this section is a strict liability offence.

150 Offence—unloading

- (1) A person commits an offence if the person—

- (a) drives a road vehicle transporting a placard load; and
- (b) allows dangerous goods to be unloaded from the vehicle other than in accordance with the [ADG code](#), part 13.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

151 Offence—detaching trailer

- (1) A person commits an offence if the person—

- (a) is the driver of a road vehicle that has attached to it a trailer transporting a placard load; and

- (b) detaches the trailer or allows the trailer to be detached from the vehicle other than in accordance with the [ADG code](#), part 13.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

152 Offence—road tank vehicle with burner

- (1) A person commits an offence if—
 - (a) the person drives a road tank vehicle transporting a placard load; and
 - (b) the vehicle is equipped with a burner to heat the load; and
 - (c) the person operates the burner or allows the burner to be operated other than in accordance with the [ADG code](#), part 13.

Maximum penalty: 40 penalty units.

- (2) An offence against this section is a strict liability offence.

Chapter 16 Emergencies

Part 16.1 Emergencies generally

153 Offence—driver—dangerous situation

- (1) This section applies if a road vehicle transporting dangerous goods is involved in an incident resulting in a dangerous situation.
- (2) The driver of the vehicle must tell the prime contractor, the competent authority, and the police or fire service, about the incident as soon as practicable.

Maximum penalty: 15 penalty units.

- (3) The driver of the vehicle must give the reasonable assistance required by an authorised person, or a member of an emergency service, to deal with the situation.

Maximum penalty: 15 penalty units.

- (4) An offence against this section is a strict liability offence.

154 Offence—prime contractor—food or food packaging

- (1) This section applies if—
 - (a) an incident involving a vehicle transporting dangerous goods results in the leakage, spillage or accidental escape of the dangerous goods, or in a fire or explosion; and
 - (b) there is food or food packaging in the vicinity of the incident that is within the control of a prime contractor.
- (2) The prime contractor commits an offence if—
 - (a) the food or food packaging is transported from the site of the incident; and

- (b) the competent authority has not given permission to the prime contractor to transport the food or food packaging from the site.

Maximum penalty: 40 penalty units.

- (3) For subsection (2) (b), the competent authority may give permission to a prime contractor to transport food or food packaging from the site.
- (4) The permission—
 - (a) must be in writing; and
 - (b) must state the name of the prime contractor; and
 - (c) must identify the incident; and
 - (d) must identify the food or food packaging to which it relates; and
 - (e) must take into consideration any requirements of the appropriate food and health authorities; and
 - (f) may contain any other information that the competent authority considers necessary.
- (5) An offence against this section is a strict liability offence.

155 Offence—prime contractor—fail to tell competent authority

- (1) This section applies if a vehicle transporting dangerous goods is involved in an incident resulting in a dangerous situation.
- (2) The prime contractor responsible for the transport of the goods commits an offence if the prime contractor fails to give the competent authority the following details about the incident, as soon as practicable after becoming aware of the incident:
 - (a) where the incident happened;
 - (b) the time and date of the incident;
 - (c) the nature of the incident;

(d) the dangerous goods being transported when the incident happened;

(e) any other details that the competent authority requires.

Maximum penalty: 20 penalty units.

(3) The prime contractor responsible for the transport of the goods commits an offence if the prime contractor fails to give the competent authority a written report about the incident, stating the following information, not later than 21 days after the day when the incident happens:

(a) where the incident happened;

(b) the time and date of the incident;

(c) the nature of the incident;

(d) what the driver believes to be the likely cause of the incident;

(e) what the prime contractor believes to be the likely cause of the incident;

(f) the dangerous goods being transported when the incident happened;

(g) the measures taken to control any leak, spill or accidental escape of dangerous goods and any fire or explosion, arising out of the incident;

(h) the measures taken after the incident in relation to the dangerous goods involved in the incident.

Maximum penalty: 20 penalty units.

(4) An offence against this section is a strict liability offence.

Part 16.2 Emergencies involving placard loads

156 Offences—telephone advisory service

- (1) A prime contractor commits an offence if—
 - (a) the prime contractor transports a load that contains—
 - (i) dangerous goods in a receptacle with a capacity of more than 500L; or
 - (ii) more than 500kg of dangerous goods in a receptacle; and
 - (b) a telephone advisory service for the transport of dangerous goods is not available during the journey.

Maximum penalty: 40 penalty units.

- (2) A person commits an offence if—
 - (a) the person consigns a load that contains—
 - (i) dangerous goods in a receptacle with a capacity of more than 500L; or
 - (ii) more than 500kg of dangerous goods in a receptacle; and
 - (b) a telephone advisory service for the transport of dangerous goods is not available during the journey.

Maximum penalty: 40 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) To remove any doubt, a telephone advisory service may be provided by the prime contractor or consignor, or someone else.

(5) In this section:

telephone advisory service, for the transport of dangerous goods, means a service providing access by a continuously monitored telephone not located on the carrying vehicle to a person competent to give advice about—

- (a) the construction and properties of the receptacles in which the dangerous goods are being transported; and
- (b) the use of equipment on vehicles on which the dangerous goods are being transported; and
- (c) the properties of the dangerous goods; and
- (d) methods of safely handling the dangerous goods; and
- (e) methods of safely containing and controlling the dangerous goods in a dangerous situation.

157 Offences—emergency plans

- (1) A prime contractor commits an offence if the prime contractor—
- (a) transports a placard load; and
 - (b) does not have an emergency plan for the transport of the load.

Maximum penalty: 40 penalty units.

- (2) A prime contractor commits an offence if the prime contractor—
- (a) transports a placard load; and
 - (b) becomes aware of a dangerous situation involving the placard load; and
 - (c) fails to comply with the emergency plan, to the extent that it relates to the dangerous situation.

Maximum penalty: 40 penalty units.

- (3) A person commits an offence if the person—
- (a) consigns a placard load for transport; and
 - (b) does not have an emergency plan for the transport of the load.
- Maximum penalty: 40 penalty units.
- (4) A person commits an offence if the person—
- (a) consigns a placard load; and
 - (b) becomes aware of a dangerous situation involving the placard load; and
 - (c) fails to comply with the emergency plan, to the extent that it relates to the dangerous situation.
- Maximum penalty: 40 penalty units.
- (5) An offence against this section is a strict liability offence.
- (6) In this section:
- emergency plan***, for the transport of a placard load, means a written plan that—
- (a) includes, or substantially includes, information stated in the [ANZ-ERG](#) to the extent that it is relevant to the load; but
 - (b) does not include any information that is inconsistent with the [ANZ-ERG](#).

158 Offence—consignor—information and resources

- (1) This section applies if a vehicle transporting a placard load is involved in an incident resulting in a dangerous situation.
- (2) As soon as practicable after being asked by an authorised person or a member of an emergency service, the consignor of the goods must—
 - (a) give to the person or member the information that he or she requires about—
 - (i) the properties of the dangerous goods being transported; and
 - (ii) safe methods of handling the goods; and
 - (iii) safe methods of containing and controlling the goods in a dangerous situation; and
 - (b) provide the equipment and other resources necessary—
 - (i) to control the dangerous situation; and
 - (ii) to contain, control, recover and dispose of dangerous goods that have leaked, spilled or accidentally escaped.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) If the prime contractor and the consignor of the dangerous goods are asked to give the same information or provide the same resources for the incident, it is sufficient if the consignor or the prime contractor gives the information or provides the resources.

159 Offence—prime contractor—information and resources

- (1) This section applies if a vehicle transporting a placard load is involved in an incident resulting in a dangerous situation.
- (2) As soon as practicable after being asked by an authorised person or a member of an emergency service, the prime contractor must give to the person or member the information that he or she requires about the vehicle's construction, properties and equipment.

Maximum penalty: 20 penalty units.

- (3) As soon as practicable after being asked by an authorised person or a member of an emergency service, the prime contractor must provide the equipment and other resources necessary—
 - (a) to control the dangerous situation; and
 - (b) to recover a vehicle involved in the situation or its equipment.

Maximum penalty: 20 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) If the prime contractor and the consignor of the dangerous goods are asked to give the same information or provide the same resources for the incident, it is sufficient if the consignor gives the information or provides the resources.

Chapter 17 Mutual recognition

Part 17.1 Registers of determinations, exemptions, approvals and licences

160 Registers

For this regulation, each of the following is a *register*:

- (a) the register of determinations kept under section 35;
- (b) the register of exemptions kept under section 170;
- (c) the register of approvals kept under section 183;
- (d) the register of dangerous goods driver licences kept under section 225;
- (e) the register of dangerous goods vehicle licences kept under section 225.

161 Registers may be kept electronically

A register may be kept electronically.

Example

A register may be kept in the form of, or as part of, 1 or more computer databases.

162 Inspection of registers

- (1) The competent authority must ensure that each register is available for inspection by corresponding authorities and the public.
- (2) The competent authority is taken to comply with subsection (1) in relation to a register by ensuring that there is reasonable access to—
 - (a) copies of information in the register; or
 - (b) a computer terminal to inspect the register.

Part 17.2 Recommendations by competent authority and corresponding authorities

163 Recommendations by competent authority

- (1) This section applies if the competent authority considers that a ground exists for a corresponding authority to do any of the following (the *proposed action*):
 - (a) revoke or vary a corresponding determination that is not a corresponding administrative determination;
 - (b) cancel or vary a corresponding administrative determination;
 - (c) cancel or vary a corresponding approval or exemption;
 - (d) cancel, suspend or vary a corresponding dangerous goods driver licence or dangerous goods vehicle licence.
- (2) The competent authority may recommend, in writing, that the corresponding authority take the proposed action.
- (3) The competent authority must give to the corresponding authority written reasons for the recommendation.
- (4) If the recommendation is about a determination (except an administrative determination), approval or exemption that has effect in 1 or more other participating jurisdictions, the competent authority must also refer the recommendation to CAP.

164 Recommendations by corresponding authorities

- (1) This section applies if a corresponding authority recommends to the competent authority in writing that the competent authority do any of the following:
 - (a) revoke or vary a determination that is not an administrative determination;

- (b) cancel or vary an administrative determination;
 - (c) cancel or vary an approval or exemption;
 - (d) cancel, suspend or vary a dangerous goods driver licence or dangerous goods vehicle licence.
- (2) If the recommendation is about a determination (except an administrative determination), approval or exemption that has effect in 1 or more other participating jurisdictions, the competent authority need not take any action on the recommendation until CAP has considered the recommendation.
- (3) In any other case the competent authority must have regard to the recommendation.

Part 17.3 Mutual recognition of determinations, exemptions, approvals and licences

165 Corresponding determinations

- (1) This section applies to a determination made by a corresponding authority if—
 - (a) the determination is made under a provision of the law of the other jurisdiction corresponding to 1 of the following (the *relevant provision*):
 - (i) section 29 (Determinations—dangerous goods and packaging);
 - (ii) section 30 (Determinations—vehicles, routes, areas and times); and
 - (b) the determination has effect in the other jurisdiction; and
 - (c) either of the following applies:
 - (i) CAP has decided that the determination should have effect in all participating jurisdictions or participating jurisdictions including the ACT and CAP has not reversed the decision;
 - (ii) the determination is an administrative determination.
- (2) The determination has effect in the ACT as if it were a determination made by the competent authority under the relevant provision.
- (3) The determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).
- (4) Subsection (3) does not apply to an administrative determination.

166 Corresponding exemptions

- (1) This section applies to an exemption granted by a corresponding authority if—
 - (a) the exemption is granted for a provision of the law of the other jurisdiction corresponding to a provision (the *relevant provision*) of this regulation; and
 - (b) the exemption has effect in the other jurisdiction; and
 - (c) CAP has decided that the exemption should have effect in all participating jurisdictions or participating jurisdictions including the ACT, and CAP has not reversed the decision.
- (2) The exemption has effect in the ACT as if it were an exemption granted by the competent authority for the relevant provision for 10 years after the day on which CAP made its decision unless—
 - (a) the decision is sooner reversed by CAP; or
 - (b) the exemption is sooner cancelled or varied by the corresponding authority; or
 - (c) the exemption sooner expires or otherwise ceases to have effect.

167 Corresponding approvals

- (1) This section applies to an approval given in another jurisdiction by a corresponding authority if—
 - (a) the approval is given under a provision of the law of the other jurisdiction corresponding to a provision (the *relevant provision*) of any of the following:
 - (i) section 28 (Approvals—tests and training courses for drivers);
 - (ii) section 50 (Approvals—packaging designs);
 - (iii) section 53 (Approvals—overpack preparation method);

- (iv) section 117 (Approvals—segregation devices);
 - (v) section 118 (Approvals—methods of segregation);
 - (vi) section 141 (Approvals—emergency information);
 - (vii) section 239 (Approvals—insurance); and
 - (b) the approval has effect in the other jurisdiction; and
 - (c) CAP has decided that the approval should have effect in all participating jurisdictions or participating jurisdictions including the ACT, and CAP has not reversed the decision.
- (2) The approval has effect in the ACT as if it were an approval given by the competent authority under the relevant provision.

168 Corresponding licences

- (1) This section applies to a licence granted for road transport in another jurisdiction if—
- (a) the licence is a licence granted under a provision of the law of the other jurisdiction corresponding to section 202 (Grant of dangerous goods driver licences), or section 213 (Grant of dangerous goods vehicle licences), (the **relevant provision**); and
 - (b) the licence has effect in the other jurisdiction.
- (2) Except for circumstances that do not exist in the ACT, the licence has effect in the ACT as if it were a licence granted by the competent authority under the relevant provision.

168A Referring corresponding determinations etc to CAP for mutual recognition

The competent authority may refer to CAP a determination, exemption or approval made by a corresponding authority if the competent authority considers that the determination, exemption or approval should have effect, under section 165, section 166 or section 167 in—

- (a) all participating jurisdictions; or
- (b) the ACT and 1 or more participating jurisdictions.

Chapter 18 Exemptions

Part 18.1 Exemptions—general

169 Applications for exemptions

- (1) An application for an exemption must—
- (a) be made in writing to the competent authority; and
 - (b) be signed and dated by or for the applicant; and
 - (c) state the applicant's name and address; and
 - (d) state the name of the person to whom, or the name, or a description, of the class of persons to which, the application relates; and
 - (e) state the provisions of this regulation and of the [ADG code](#), to which the application relates; and
 - (f) state the dangerous goods to which the application relates; and
 - (g) state why, in the applicant's opinion, compliance with the provisions is not reasonably practicable; and
 - (h) state why, in the applicant's opinion, the exemption is not likely to involve a greater risk than the risk involved in complying with the provisions; and
 - (i) if the application relates to a vehicle, equipment, packaging or other thing—describe the thing; and
 - (j) state the period for which the exemption is sought; and
 - (k) state the geographical area within which the exemption is to have effect.

Note A fee may be determined under the [Act](#), s 194 for this provision.

- (2) The competent authority may, by written notice, require the applicant to give to the authority any additional information necessary for a proper consideration of the application.

170 Register of exemptions

- (1) The competent authority must keep a register of exemptions.
- (2) The register may have separate divisions for different kinds of exemptions.
- (3) The competent authority must record in the register—
 - (a) each exemption granted by the authority; and
 - (b) each corresponding exemption.
- (4) The competent authority must note in the register—
 - (a) the cancellation or variation of an exemption granted by the authority; and
 - (b) a decision of CAP reversing a decision that a corresponding exemption should have effect in all participating jurisdictions or participating jurisdictions including the ACT.

171 Records of exemptions

The record of an exemption in the register must include—

- (a) the terms of the exemption; or
- (b) the following information:
 - (i) if the exemption was published in a participating jurisdiction (including the ACT)—details of the publication including the date of publication;
 - (ii) the name of the person to whom, or the name, or a description, of the class of persons to which, the exemption applies;

- (iii) the date when the exemption was granted;
- (iv) the provisions of this regulation, and of the [ADG code](#), to which the exemption relates;
- (v) the period for which the exemption has effect;
- (vi) the dangerous goods, equipment, packaging, vehicle or other thing to which the exemption relates.

Examples—par (i)

- notification on the ACT legislation register
- publication in the government gazette of a participating jurisdiction

Part 18.2 Reference of matters to CAP

172 References to CAP—applications

- (1) The competent authority must refer an application for an exemption to CAP if the Authority considers that the exemption should have effect in all participating jurisdictions or participating jurisdictions including the ACT.
- (2) The competent authority must refer to CAP an exemption having effect in the ACT and 1 or more other participating jurisdictions if—
 - (a) the authority considers that the exemption should be cancelled or varied; or
 - (b) a corresponding authority recommends to the competent authority in writing that the exemption should be cancelled or varied.

173 Effect of CAP decisions about applications

- (1) This section applies if—
 - (a) an application for an exemption is referred to CAP under section 172 (1); and
 - (b) CAP decides—
 - (i) that the exemption should be granted, what the terms of the exemption should be, and that the exemption should have effect in all participating jurisdictions or participating jurisdictions including the ACT; or
 - (ii) that the exemption should not have effect in the ACT.
- (2) The competent authority must have regard to CAP's decision.

174 Effect of CAP decisions about cancelling or varying exemptions

- (1) This section applies if—
 - (a) an exemption is referred to CAP under section 172 (2); and
 - (b) CAP decides that the exemption—
 - (i) should, or should not, be cancelled; or
 - (ii) should be varied (whether or not CAP’s decision is the same as the variation proposed by the authority), and should have effect as varied in all participating jurisdictions or participating jurisdictions including the ACT; or
 - (iii) should not be varied (whether or not CAP’s decision is the same as the variation proposed by the authority).
- (2) The competent authority must have regard to CAP’s decision.

Chapter 19 Administrative determinations and approvals

Part 19.1 Administrative determinations and approvals—general

175 Applications

- (1) An application for an administrative determination or approval, or for the variation of an administrative determination or approval, must be made to the competent authority in writing.

Note A fee may be determined under the [Act](#), s 194 for this provision.

- (2) An application for the variation of an administrative determination or approval must have the determination or approval with it.
- (3) The competent authority may, in writing, require an applicant to give to the authority any additional information necessary for a proper consideration of the application.

176 Form of administrative determinations and approvals

An administrative determination, or an approval given on application, must be in writing.

177 When administrative determinations and approvals not to be made

The competent authority must not make an administrative determination on the application of, or give an approval under this regulation to, a person who is prohibited by a court order from involvement in the transport of dangerous goods.

178 Reasons for refusal of applications

- (1) This section applies if the competent authority refuses an application to—
 - (a) make or vary an administrative determination; or
 - (b) give or vary an approval.
- (2) The competent authority must tell the applicant in writing about the refusal and give reasons for the refusal.

179 Periods and conditions

- (1) An administrative determination or approval under this regulation has effect for the period stated in the determination or approval.
- (2) A condition to which an administrative determination, or approval, is subject must be stated in the determination or approval.

180 Replacement administrative determinations and approvals

The competent authority must issue to a person to whom an administrative determination applies, or an approval is given, a replacement determination or approval if—

- (a) the determination or approval is varied; or
- (b) the authority is satisfied that the determination or approval has been defaced, destroyed, lost or stolen.

181 Grounds for cancelling administrative determinations and approvals

- (1) An administrative determination or approval may be cancelled if the application for the determination or approval—
 - (a) did not comply with this regulation; or

(b) was false or misleading in a material respect.

Note Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

- (2) An administrative determination or approval may be cancelled if—
- (a) a relevant change has happened since the determination was made or the approval was given; and
 - (b) if the change had happened earlier—
 - (i) the determination would not have been made; or
 - (ii) the approval would not have been given.
- (3) An administrative determination or approval may be cancelled if the person on whose application the determination was made, or to whom the approval was given, is unsuitable to continue to be a person to whom the determination applies, or the approval was given, because the person has contravened—
- (a) a provision of the Act; or
 - (b) a provision of the law in force in another participating jurisdiction corresponding to a provision of the Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including this regulation (see [Legislation Act](#), s 104).

- (4) In this section:

relevant change, for a determination or approval, means a change about something that the competent authority may or must consider in deciding whether to make the determination or give the approval.

182 Grounds for varying administrative determinations and approvals

- (1) An administrative determination or approval may be varied if the application for the determination or approval—
- (a) did not comply with this regulation; or
 - (b) was false or misleading in a material respect.

Note Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

- (2) An administrative determination or approval may be varied if—
- (a) a relevant change has happened since the determination was made or the approval was given; and
 - (b) if the change had happened earlier—
 - (i) the determination would have been made in the way in which it is proposed to be varied; or
 - (ii) the approval would have been given in the way in which it is proposed to be varied.
- (3) An administrative determination or approval may be varied if the person on whose application the determination was made, or to whom the approval was given, is unsuitable to continue to be a person to whom the determination applies, or the approval was given, without variation because the person has contravened—
- (a) a provision of the Act; or
 - (b) a provision of the law in force in another participating jurisdiction corresponding to a provision of the Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including this regulation (see [Legislation Act](#), s 104).

- (4) For subsection (3), an administrative determination applying to 2 or more people may be varied by removing the name of the person who is unsuitable under that subsection, even if the person applied for the determination under section 31.
- (5) In this section:
- relevant change*, for a determination or approval, means a change about something that the competent authority may or must consider in deciding whether to make the determination or give the approval.

Part 19.1A Referring determinations to CAP

182A Referrals—determinations should apply to participating jurisdictions

The competent authority must refer to CAP a determination, or application for a determination, under chapter 3 if the authority considers that the determination should have effect in—

- (a) all participating jurisdictions; or
- (b) the ACT and 1 or more other participating jurisdictions.

182B Referrals—determinations should be cancelled or varied

The competent authority must refer to CAP a determination having effect in the ACT and at least 1 other participating jurisdiction if—

- (a) the authority considers that the determination should be cancelled or varied; or
- (b) a corresponding authority recommends to the authority, in writing, that the determination should be cancelled or varied.

182C Taking into account CAP's decisions—referrals under s 182A

If a determination, or application for a determination, is referred to CAP under section 182A, the competent authority must take into account a decision of CAP that—

- (a) the determination—
 - (i) should be made on stated terms; and
 - (ii) should have effect in—
 - (A) all participating jurisdictions; or
 - (B) the ACT and 1 or more other participating jurisdictions; or

- (b) the determination should not have effect in the ACT.

182D Taking into account CAP's decisions—referrals under s 182B

If a determination is referred to CAP under section 182B, the competent authority must take into account a decision of CAP that—

- (a) the determination should or should not be cancelled; or
- (b) the determination—
 - (i) should be varied, whether or not as proposed by the authority; and
 - (ii) should have effect, as varied, in—
 - (A) all participating jurisdictions; or
 - (B) the ACT and 1 or more other participating jurisdictions; or
- (c) the determination should not be varied.

Part 19.2 Register of approvals

183 Register

- (1) The competent authority must keep a register of approvals.
- (2) The register may have separate divisions for different kinds of approvals.
- (3) The competent authority must record in the register—
 - (a) each approval given in writing under this regulation; and
 - (b) each corresponding approval.
- (4) The competent authority must note in the register—
 - (a) the cancellation or variation of a written approval; and
 - (b) a decision of CAP reversing a decision that a corresponding approval should have effect in all participating jurisdictions or participating jurisdictions including the ACT.

184 Records of approvals

The record of an approval in the register must include—

- (a) the terms of the approval; or
- (b) the following information:
 - (i) the name of the person to whom the approval was given;
 - (ii) the date when the approval was given;
 - (iii) the provisions of this regulation, and of the [ADG code](#), to which the approval relates;
 - (iv) the period for which the approval has effect;
 - (v) the dangerous goods, equipment, packaging, vehicle or other thing to which the approval relates.

Part 19.3

Reference of approval matters to CAP

185 **References to CAP—approvals**

- (1) The competent authority must refer an application for an approval to CAP if the authority considers that the approval should have effect in all participating jurisdictions or participating jurisdictions including the ACT.
- (2) The competent authority must refer to CAP an approval having effect in the ACT, and at least 1 other participating jurisdiction, if—
 - (a) the authority considers that the approval should be cancelled or varied; or
 - (b) a corresponding authority recommends to the competent authority in writing that the approval should be cancelled or varied.

186 **Effect of CAP decisions about applications**

- (1) This section applies if—
 - (a) an application for an approval is referred to CAP under section 185 (1); and
 - (b) CAP decides—
 - (i) that the approval should be given, what the terms of the approval should be, and that the approval should have effect in all participating jurisdictions or participating jurisdictions including the ACT; or
 - (ii) that the approval should not have effect in the ACT.
- (2) The competent authority must have regard to the decision.

187 Effect of CAP decisions about cancelling or varying approvals

- (1) This section applies if—
 - (a) an approval is referred to CAP under section 185 (2); and
 - (b) CAP decides that the approval—
 - (i) should, or should not, be cancelled; or
 - (ii) should be varied (whether or not CAP's decision is the same as the variation proposed by the authority), and should have effect as varied in all participating jurisdictions or in participating jurisdictions including the ACT; or
 - (iii) should not be varied.
- (2) The competent authority must have regard to the decision.

Part 19.4 Cancellation and variation

188 Cancellation and variation in dangerous situations

The competent authority must cancel or vary an administrative determination or an approval if the competent authority reasonably believes that—

- (a) a ground exists to cancel or vary the determination or approval; and
- (b) it is necessary to do so to avoid, eliminate or minimise a dangerous situation.

189 Cancellation giving effect to court orders

- (1) The competent authority must cancel an administrative determination or an approval if the person to whom the determination or approval applies is prohibited by a court order from involvement in the transport of dangerous goods.
- (2) If an approval applies to more than 1 person, subsection (1) only requires the competent authority to ensure that the approval no longer applies to the person who is the subject of the prohibition.

190 Variation of administrative determinations and approvals on application

- (1) This section applies if—
 - (a) an application is made to vary an administrative determination or an approval; and
 - (b) the application is made in accordance with section 175 by the person to whom the determination applies or to whom the approval is given.
- (2) The competent authority may vary the determination or approval in accordance with the application.

191 Cancellation and variation in other circumstances

- (1) This section applies if—
 - (a) the competent authority considers that a ground exists to cancel or vary an administrative determination or an approval (the *proposed action*); and
 - (b) section 188, section 189 and section 190 do not apply to the proposed action.
- (2) The competent authority must give to the person to whom the determination applies or the approval was given a written notice that—
 - (a) states what the proposed action is; and
 - (b) if the proposed action is to vary the determination or approval—sets out the proposed variation; and
 - (c) sets out the ground for the proposed action; and
 - (d) outlines the facts and other circumstances forming the basis for the ground; and
 - (e) invites the person to state in writing, within a stated period of at least 28 days after the day when the notice is given to the person, why the proposed action should not be taken.
- (3) If, after considering any written statement made within the stated period, the competent authority reasonably believes that a ground exists to take the proposed action, the authority may—
 - (a) cancel or vary the determination or approval; or
 - (b) if the proposed action is to vary the determination or approval in a stated way—vary the determination or approval in that way.

192 When cancellation or variation takes effect

The cancellation or variation of an administrative determination or an approval by the competent authority takes effect on—

- (a) the day when the person to whom the determination applies, or the approval is given, is given written notice by the authority of the cancellation or variation and of the reasons for the cancellation or variation; or
- (b) if a later day is stated in the notice—the later day.

Chapter 20 Licences

Part 20.1 Licences—general

193 **Meaning of *licensing authority*—ch 20**

In this chapter:

licensing authority means—

- (a) the competent authority; or
- (b) a person or body authorised by the competent authority to issue licences under this chapter.

194 **Application—ch 20**

Despite anything else in this chapter, this chapter does not apply to the transport by road of dangerous goods on a vehicle if—

- (a) the goods are transported in an IBC; and
- (b) the IBC is not filled or emptied on the vehicle; and
- (c) the total capacity of IBCs containing dangerous goods on the vehicle is not more than 3 000L.

195 **Relationship to other laws—ch 20**

This chapter is in addition to any other law in force in the Territory about—

- (a) the licensing of drivers; or
- (b) the employment or engaging of drivers; or
- (c) the registration of vehicles; or
- (d) the transport of goods by road.

Part 20.2 Vehicles and drivers to be licensed

196 Vehicles transporting certain kinds of dangerous goods to be licensed

- (1) A person contravenes this regulation if the person uses a vehicle to transport—
 - (a) dangerous goods in a receptable with a capacity of more than 500L; or
 - (b) dangerous goods of more than 500kg in a receptable.
- (2) Subsection (1) does not apply if the vehicle—
 - (a) is licensed under this chapter to be used as described in subsection (1); or
 - (b) is, under an administrative determination, not required to be licensed to be used as described in subsection (1).

Note A dangerous goods driver licence may be cancelled or varied because the licensee has contravened this regulation (see s 208 (2) (a) (i)).

197 Drivers of vehicles transporting certain kinds of dangerous goods to be licensed

A person contravenes this regulation if the person drives a vehicle transporting any of the following goods unless the person holds a dangerous goods driver licence that authorises the person to drive the vehicle transporting the goods:

- (a) dangerous goods in a receptable with a capacity of more than 500L; or
- (b) dangerous goods of more than 500kg in a receptable.

Note A dangerous goods driver licence may be cancelled or varied because the licensee has contravened this regulation (see s 208 (2) (a) (i)).

Part 20.3 Dangerous goods driver licences

Note For the carriage of security sensitive substances under the [Dangerous Substances \(General\) Regulation 2004](#), a carrying licence under that regulation is also required.

198 Application for licence

- (1) A person resident in the Territory who is not the holder of a dangerous goods driver licence or a corresponding dangerous goods driver licence may apply to the licensing authority for a dangerous goods driver licence.
- (2) The application must be accompanied by—
 - (a) the driver licence evidence required under section 199; and
 - (b) the competency evidence required by section 200; and
 - (c) the medical fitness evidence required by section 201; and
 - (d) 2 photographs of the applicant of a size suitable for passports that were taken not more than 6 months before the day when the application is made.

Note A fee may be determined under the [Act](#), s 194 for this provision.

199 Driver licence—evidence

- (1) The following documents are required as driver licence evidence for an application for the grant or renewal of a dangerous goods driver licence:
 - (a) a current certified extract of entries about the applicant in the driving licences register kept by the driver licensing authority in each jurisdiction where the applicant has held a licence to drive;
 - (b) either—
 - (i) the document mentioned in subsection (3); or
 - (ii) the authorisation mentioned in subsection (4).

- (2) For subsection (1) (a), a current certified extract is an extract certified by the driver licensing authority not more than 6 months before the day when the application is made.
- (3) For subsection (1) (b) (i), the document is a copy, certified by the appropriate authority of the jurisdiction where the applicant was convicted, of the records of any conviction of the applicant for a driving offence.
- (4) For subsection (1) (b) (ii), the authorisation is the authorisation by the applicant for the licensing authority to have access to—
 - (a) entries about the applicant in the driver licences register of any State or Territory; and
 - (b) records of any conviction of the applicant for a driving offence in any State or Territory.

200 Required competency evidence

- (1) A document mentioned in subsection (2) is required as competency evidence for an application for the grant or renewal of a dangerous goods driver licence.
- (2) The document must be either—
 - (a) a certificate issued, not more than 6 months before the day when the application is made, by a person who conducted an approved test or approved training course stating that the applicant passed the test or completed the course; or
 - (b) other written evidence that the applicant passed an approved test or completed an approved training course not more than 6 months before the day when the application is made.

201 Required medical fitness evidence

- (1) The certificate mentioned in subsection (2) is required as medical fitness evidence for an application for the grant or renewal of a dangerous goods driver licence.
- (2) The certificate must be—
 - (a) about the medical fitness of the applicant to drive a road vehicle; and
 - (b) issued by a registered medical practitioner who, not more than 6 months before the day when the application is made, examined and passed the applicant in accordance with the standards in the [AFG guidelines](#).

202 Grant of dangerous goods driver licences

- (1) The licensing authority must grant a dangerous goods driver licence if—
 - (a) an application is made to the authority for the licence; and
 - (b) the application complies with section 198.
- (2) However, the licensing authority must not grant the licence if—
 - (a) in the 5 years before the day when the application is made—
 - (i) the applicant has been found guilty by a court in Australia of an offence that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or
 - (ii) the applicant's driver licence has been cancelled or suspended on a ground that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or
 - (b) the applicant is subject to a court order prohibiting the applicant from involvement in the transport of dangerous goods by road.

- (3) If the licensing authority refuses to grant a dangerous goods driver licence, it must tell the applicant in writing of the refusal and of the reasons for the refusal.

203 Applications for renewal of licences

- (1) A person who holds a dangerous goods driver licence may apply to the licensing authority for the renewal of the licence.
- (2) The application must be accompanied by—
- (a) the driver licence evidence required under section 199; and
 - (b) the competency evidence required by section 200; and
 - (c) the medical fitness evidence required by section 201; and
 - (d) 2 photographs of the applicant of a size suitable for passports that were taken not more than 6 months before the day when the application is made.

Note A fee may be determined under the [Act](#), s 194 for this provision.

204 Renewal of driver licences

- (1) The licensing authority must renew a dangerous goods driver licence if—
- (a) an application is made to it for renewal of the licence; and
 - (b) the application complies with section 203.
- (2) However, the licensing authority must not renew the licence if—
- (a) while the licence had effect—
 - (i) the applicant was found guilty by a court in Australia of an offence that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or

- (ii) the applicant's driver licence has been cancelled or suspended on a ground that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods; or
- (b) the applicant is subject to a court order prohibiting the applicant from involvement in the transport of dangerous goods by road.
- (3) If the licensing authority refuses to renew a dangerous goods driver licence, it must tell the applicant in writing of the refusal and of the reasons for the refusal.

205 Driver licence periods

- (1) A dangerous goods driver licence is granted for the period specified in the licence, being a period not longer than 5 years.
- (2) A dangerous goods driver licence takes effect on the day when the licence is granted or a later day specified in the licence.
- (3) A dangerous goods driver licence is renewed for the period specified in the renewed licence, being a period not longer than 5 years.

206 Driver licence conditions

- (1) The licensing authority may grant or renew a dangerous goods driver licence subject to conditions mentioned in subsections (3) and (4).
- (2) A condition to which the licence is subject must be stated in the licence.
- (3) The licence may be subject to conditions about—
 - (a) the dangerous goods that may or may not be transported in a road vehicle driven by the licensee; and
 - (b) the packaging that may or may not be used to transport dangerous goods in a road vehicle driven by the licensee; and
 - (c) the road vehicles that may be driven by the licensee in transporting dangerous goods; and

- (d) the areas where the licensee may or may not drive a road vehicle transporting dangerous goods or particular dangerous goods; and
- (e) the supervision of the licensee when driving a road vehicle transporting dangerous goods.

Note **In** a vehicle includes on the vehicle (see [Act](#), dict).

- (4) The licence may be subject to any other condition necessary for the safe transport of dangerous goods by road.

207 Additional condition

- (1) It is a condition of a dangerous goods driver licence that the licensing authority may, by written notice given to the licensee, require the licensee to produce to the authority a certificate—
 - (a) about the medical fitness of the licensee to drive a road vehicle; and
 - (b) issued by a registered medical practitioner who, not more than 6 months before the day when the certificate is given to the authority, examined and passed the licensee in accordance with the standards in the [AFG guidelines](#).
- (2) The written notice must state a period of at least 2 months after the day when the notice is received by the licensee within which the licensee must produce the certificate.
- (3) The licensing authority must not give written notice under this section if the period of validity of the dangerous goods driver licence is less than 4 months.

208 Grounds for cancelling, suspending or varying licence

- (1) A dangerous goods driver licence may be cancelled, suspended or varied if the application for the licence or an application for its renewal—
 - (a) did not comply with this regulation; or

(b) was false or misleading in a material respect.

Note Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

(2) A dangerous goods driver licence may be cancelled or varied if the licensee is unsuitable to continue to be the driver of a road vehicle transporting dangerous goods because—

(a) the licensee has contravened—

(i) the Act; or

(ii) a provision of the law in force in another participating jurisdiction corresponding to a provision of the Act; or

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including this regulation (see [Legislation Act](#), s 104).

(b) the licensee has been found guilty by a court in Australia of an offence; or

(c) the licensee's driver licence is cancelled; or

(d) the licensee is suffering from a medical condition, or has a physical or mental disability.

209 Offence—licence to be carried

(1) The holder of a dangerous goods driver licence must carry his or her dangerous goods driver licence when driving a road vehicle transporting dangerous goods that are in a receptacle with a capacity of more than 500L or 500kg.

Maximum penalty: 10 penalty units.

(2) An offence against this section is a strict liability offence.

Part 20.4 Dangerous goods vehicle licences

210 Meaning of *vehicle*—pt 20.4

- (1) In this part:

vehicle does not include—

- (a) a prime mover; or
- (b) a converter dolly.

- (2) In this section:

converter dolly—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), dictionary.

Note *Converter dolly* is defined as a trailer with 1 axle group or single axle and a fifth wheel coupling, designed to convert a semi-trailer into a dog trailer.

prime mover means a road vehicle that is designed to tow a trailer but does not include a vehicle that has a load carrying capacity in addition to a trailer.

211 Applications for licences

- (1) A person may apply to the licensing authority for a dangerous goods vehicle licence for a road vehicle—
- (a) used, or intended to be used, in transporting dangerous goods; and
 - (b) for which the person does not hold a dangerous goods vehicle licence.
- (2) The application must include the following information:
- (a) the registration number, make and type of the road vehicle;

- (b) the type of dangerous goods intended to be transported in the vehicle;
- (c) if the applicant holds a dangerous goods vehicle licence for another vehicle—the number of the other licence.

Note 1 **In** a vehicle includes on the vehicle (see [Act](#), dict).

Note 2 A fee may be determined under the [Act](#), s 194 for this provision.

212 Additional information and inspections

- (1) The licensing authority may, by written notice, require an applicant for a dangerous goods vehicle licence, or for the renewal of a dangerous goods vehicle licence, for a vehicle—
 - (a) to give to the authority, or to someone nominated by the authority, any additional information necessary for a proper consideration of the application; and
 - (b) to make the vehicle available for inspection by the authority, or by someone nominated by the authority, at a stated place and time.
- (2) A person who inspects a vehicle for the licensing authority must give a report of the inspection to the authority as soon as practicable after the inspection.
- (3) The licensing authority must give a copy of any report of an inspection to the applicant if the applicant asks for it.

213 Grant of dangerous goods vehicle licences

- (1) The licensing authority must grant a dangerous goods vehicle licence for a road vehicle if—
 - (a) an application is made to the authority for the licence; and
 - (b) the application complies with section 211; and
 - (c) the applicant has complied with any requirement made under section 212 in relation to the application; and

- (d) the vehicle is suitable to transport each type of dangerous goods intended to be transported in the vehicle.

Note **In** a vehicle includes on the vehicle (see [Act](#), dict).

- (2) Without limiting subsection (1) (d), if a road vehicle is intended for use in the transport of dangerous goods in the form of a liquid or gas using a tank that will form part of the vehicle or be attached to it, the vehicle is suitable only if—
 - (a) the tank is an approved tank; and
 - (b) the vehicle complies with the [ADG code](#), chapter 4.4 and chapter 6.10 applying to road vehicles for use in transporting dangerous goods in the form of a liquid or gas.
- (3) However, the licensing authority must not grant the licence if the applicant is subject to a court order prohibiting the applicant from involvement in the transport of dangerous goods by road.
- (4) The licensing authority may issue a single dangerous goods vehicle licence for more than 1 road vehicle.
- (5) If the licensing authority refuses to grant a dangerous goods vehicle licence, the authority must tell the applicant in writing of the refusal and of the reasons for the refusal.

214 Applications for renewal of licences

- (1) A person who holds a dangerous goods vehicle licence for a road vehicle may apply to the licensing authority for the renewal of the licence.
- (2) The application must include the information required under section 211 (2) for an application for the grant of a dangerous goods vehicle licence for the road vehicle.

Note A fee may be determined under the [Act](#), s 194 for this provision.

215 Renewal of vehicle licences

- (1) The licensing authority must renew a dangerous goods vehicle licence for a road vehicle if—
 - (a) an application is made to the authority for the renewal of the licence; and
 - (b) the application complies with section 214; and
 - (c) the applicant has complied with any requirement made under section 212 in relation to the application; and
 - (d) the vehicle is suitable to transport each type of dangerous goods intended to be transported in the vehicle.

Note **In** a vehicle includes on the vehicle (see [Act](#), dict).

- (2) Without limiting subsection (1) (d), if a road vehicle is intended for use in the transport of dangerous goods in the form of a liquid or gas using a tank that will form part of the vehicle or be attached to it, the vehicle is suitable only if—
 - (a) the tank is an approved tank; and
 - (b) the vehicle complies with the [ADG code](#), chapter 4.4 and chapter 6.10 applying to road vehicles for use in transporting dangerous goods in the form of a liquid or gas.
- (3) However, the licensing authority must not renew the licence if the applicant is subject to a court order prohibiting the applicant from involvement in the transport of dangerous goods by road.
- (4) The licensing authority may issue a single dangerous goods vehicle licence for more than 1 road vehicle.
- (5) If the licensing authority refuses to renew a dangerous goods vehicle licence, the authority must tell the applicant in writing of the refusal and of the reasons for the refusal.

216 Vehicle licence periods

- (1) A dangerous goods vehicle licence is granted for the period of not longer than 5 years stated in the licence.
- (2) A dangerous goods vehicle licence takes effect on the day when the licence is granted or a later day stated in the licence.
- (3) A dangerous goods vehicle licence is renewed for the period stated in the renewed licence, being a period not longer than 5 years.

217 Vehicle licence conditions

- (1) The licensing authority may grant or renew a dangerous goods vehicle licence subject to conditions.
- (2) A condition to which the licence is subject must be stated in the licence.
- (3) The licence may be subject to conditions about—
 - (a) the dangerous goods that may or may not be transported in the vehicle; and
 - (b) the areas where the vehicle may or may not be used to transport dangerous goods or particular dangerous goods; and
 - (c) the inspections of the vehicle (if any) that are required.

Note **In** a vehicle includes on the vehicle (see [Act](#), dict).

- (4) The licence may be subject to any other condition necessary for the safe transport of dangerous goods by road.

218 Offences—transferring or disposing of licensed vehicles other than through business transfer

- (1) This section applies in relation to the transfer of possession, or any other action for disposal, of a licensed vehicle (the *disposed vehicle*), other than through a business transfer.

- (2) The person holding the licence for the disposed vehicle must, within 21 days after the day of transfer or disposal, give the licensing authority written notice of the transfer or disposal (the *written notice*).

Maximum penalty: 10 penalty units.

- (3) If the licence for the disposed vehicle also relates to another vehicle, the person holding the licence for the disposed vehicle must attach the licence to the written notice.

Maximum penalty: 10 penalty units.

- (4) If the licence for the disposed vehicle does not also relate to another vehicle, the person holding the licence for the disposed vehicle—

(a) must attach the licence to the written notice; or

(b) must—

(i) destroy the licence; and

(ii) if requested by the licensing authority—give the authority sufficient evidence that shows the licence has been destroyed.

Maximum penalty: 10 penalty units.

- (5) If the licensing authority receives a licence for a disposed vehicle, the authority must—

(a) if the licence also relates to another vehicle—

(i) amend the licence by omitting the reference to the disposed vehicle; and

(ii) return the licence to the person who gives the licence to the authority; and

(b) in any other case—cancel the licence.

- (6) An offence against this section is a strict liability offence.

- (7) In this section:

business transfer, in relation to the transfer or disposal of a licensed vehicle, means a transfer of the vehicle's title as part of a transfer in ownership of the business in which the vehicle is used and is continued to be used.

218A Offence—transferring licensed vehicles through business transfer

- (1) This section applies in relation to the transfer of a vehicle—
- (a) for which a dangerous goods vehicle licence is granted; and
 - (b) through a business transfer.
- (2) The person to whom the vehicle is transferred must, within 21 days after the day the vehicle is transferred—
- (a) apply to the licensing authority for the transfer of the licence to the person; and
 - (b) give the authority the licence; and
 - (c) pay the fee prescribed for the application.

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) If the licensing authority receives an application with the licence and fee under subsection (2), the authority must—
- (a) amend the licence to record the change in the holder of the licence; and
 - (b) return the amended licence to the new holder of the licence.
- (5) However, subsection (4) does not apply if the person to whom the licence is to be transferred is not eligible to hold the licence.

- (6) In this section:

business transfer—see section 218 (7).

219 Grounds for cancelling, suspending or varying licences

- (1) A dangerous goods vehicle licence may be cancelled, suspended or varied if the application for the licence or an application for its renewal—

- (a) did not comply with this regulation; or
- (b) was false or misleading in a material respect.

Note Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

- (2) A dangerous goods vehicle licence for a road vehicle may be cancelled, suspended or varied if the vehicle does not comply with the Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including this regulation (see [Legislation Act](#), s 104).

Part 20.5 Licences generally

221 Meaning of *licence* and *licensee*—pt 20.5

In this part:

licence means a dangerous goods driver licence or dangerous goods vehicle licence.

licensee means the holder of a licence.

222 Replacement licences

- (1) The licensing authority may issue a replacement licence to a licensee if—
- (a) the licence is renewed; or

- (b) the licence is varied; or
 - (c) a period of suspension of the licence ends or a suspension is withdrawn.
- (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.

223 Offence—fail to comply with licence condition

- (1) A licensee commits an offence if the licensee fails to comply with a condition of his or her licence.
- Maximum penalty: 40 penalty units.
- (2) An offence against this section is a strict liability offence.

224 Surrender of licences

- (1) A licensee may surrender his or her licence by giving notice of surrender to the licensing authority and returning the licence to the authority.
- (2) A licence ceases to have effect on its surrender.

225 Registers of licences

- (1) The licensing authority must keep a register of dangerous goods driver licences.
- (2) The licensing authority must keep a register of dangerous goods vehicle licences.
- (3) A register may have separate divisions for different kinds of licences.
- (4) The licensing authority must record each licence granted under this regulation in the appropriate register.
- (5) The licensing authority must note in the register the cancellation, surrender, suspension or variation of a licence.

226 Records of licences

The record of a licence in the register must include the following information:

- (a) the name of the licensee;
- (b) the date when the licence was granted or renewed;
- (c) either—
 - (i) the period for which the licence was granted or renewed;
or
 - (ii) the expiry date of the licence;
- (d) for a dangerous goods driver licence—the licensee's date of birth;
- (e) for a dangerous goods vehicle licence—the registration number, make and type of each road vehicle to which the licence relates;
- (f) the classes of dangerous goods for which the licence is valid;
- (g) any condition to which the licence is subject.

227 Offence—fail to correct information given in licence applications

- (1) This section applies if a licensee becomes aware that information given by the licensee to the licensing authority in, or in relation to, an application for the grant or renewal of a licence is or has become incorrect in a material respect.
- (2) Within 14 days after becoming aware of the matter, the licensee must tell the licensing authority about the matter and give the correct information to the authority.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

228 Offence—fail to produce licence to licensing authority

- (1) The licensing authority may, by written notice, require a person to whom a licence has been granted to produce the licence to the authority.
- (2) The person must produce the licence to the licensing authority within 14 days after the day when the notice is given to the person.

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

229 Return of licences

- (1) This section applies if a licence is produced to the licensing authority or given to the authority by an authorised person.
- (2) If the licence has not been cancelled or varied and is not suspended, the licensing authority must return the licence after inspecting it.
- (3) If the licence has been suspended, the suspension has ended and a replacement licence is not issued, the licensing authority must return the licence to the licensee.
- (4) If the licence has been varied, the variation is recorded on the licence and a replacement licence is not issued, the licensing authority must return the licence to the licensee.
- (5) However, if the licence period has ended, the licensing authority is not required to return the licence to the licensee.

Part 20.6 Cancellation, suspension and variation

230 Meaning of *licence* and *licensee*—pt 20.6

In this part:

licence means a dangerous goods driver licence or dangerous goods vehicle licence.

licensee means the holder of a licence.

231 Cancellation, suspension and variation in dangerous situations

The licensing authority must cancel, suspend or vary any licence granted by it, if the licensing authority reasonably believes that—

- (a) a ground exists to cancel, suspend or vary the licence; and
- (b) it is necessary to do so to avoid, eliminate or minimise a dangerous situation.

232 Cancellation and suspension giving effect to court orders

The licensing authority must cancel or suspend a licence if the licensee is prohibited by a court order from involvement in the transport of dangerous goods by road.

233 Variation of licence on application

- (1) This section applies if—
 - (a) an application is made to vary a licence; and
 - (b) the application is made by the licensee and has the licence with it.
- (2) The licensing authority may vary the licence in accordance with the application.

234 Cancellation, suspension and variation in other circumstances

- (1) This section applies if—
 - (a) the licensing authority considers that a ground exists to cancel, suspend or vary a licence (the *proposed action*); and
 - (b) section 231, section 232 and section 233 do not apply to the proposed action.
- (2) The licensing authority must give to the licensee a written notice that—
 - (a) states what the proposed action is; and
 - (b) if the proposed action is to suspend the licence—states what the proposed suspension period is; and
 - (c) if the proposed action is to vary the licence—sets out the proposed variation; and
 - (d) sets out the ground for the proposed action; and
 - (e) outlines the facts and other circumstances forming the basis for the ground; and
 - (f) invites the licensee to state in writing, within a stated period of at least 28 days after the day when the notice is given to the licensee, why the proposed action should not be taken.
- (3) If, after considering any written statement made within the stated period, the licensing authority reasonably believes that a ground exists to take the proposed action, the licensing authority may—
 - (a) cancel or vary the licence; or
 - (b) suspend the licence for a period not longer than 12 months (except if the suspension is to give effect to a court order stating a longer period of suspension); or

- (c) if the proposed action is to vary the licence in a stated way—
vary the licence in that way.
- (4) The licensing authority may withdraw a suspension before the suspension is due to end if it reasonably believes that it is appropriate to do so.

235 When cancellation, suspension and variation take effect

The cancellation, suspension or variation of a licence by the licensing authority takes effect on—

- (a) the day when the licensee is given written notice by the licensing authority of the cancellation, suspension or variation and of the reasons for the cancellation, suspension or variation; or
- (b) if a later day is stated in the notice—the later day.

236 When licences taken to be suspended

- (1) A person's dangerous goods driver licence is taken to be suspended if the person's driver licence has no effect.
- (2) A person's dangerous goods vehicle licence for a road vehicle is taken to be suspended in relation to the vehicle if the vehicle is not registered.

Chapter 21 Insurance

237 Requiring evidence of insurance etc

- (1) The competent authority may, by written notice, require the owner of a road vehicle used to transport a placard load to give to the competent authority—
 - (a) written evidence that the vehicle is covered by a policy of insurance or other form of indemnity mentioned in the [Act](#), section 36 (1) (b) (Offence—vehicle not insured or approved—owner); or
 - (b) an approval under section 239 in relation to the vehicle.
- (2) The competent authority may, by written notice, require a prime contractor responsible for the condition of a road vehicle used to transport a placard load, to give to the competent authority—
 - (a) written evidence that the vehicle is covered by a policy of insurance or other form of indemnity mentioned in the [Act](#), section 37 (1) (b) (Offence—vehicle not insured or approved—prime contractor); or
 - (b) an approval under section 239 in relation to the vehicle.

238 Offence—fail to comply with notice

- (1) A person commits an offence if the person—
 - (a) is given a notice under section 237; and
 - (b) fails to comply with the notice within 14 days after the day when the notice is given to the person.

Maximum penalty: 15 penalty units.

- (2) An offence against this section is a strict liability offence.

239 Approvals—insurance

- (1) The owner of a road vehicle used to transport placard loads may make an application under section 175 to use the vehicle even if the vehicle is not covered by a policy of insurance or other form of indemnity mentioned in the [Act](#), section 36 (1) (b) (Offence—vehicle not insured or approved—owner).
- (2) A prime contractor responsible for the condition of a vehicle used to transport placard loads may make an application in accordance with section 175 to use the vehicle even if the vehicle is not covered by a policy of insurance or other form of indemnity mentioned in the [Act](#), section 37 (1) (b) (Offence—vehicle not insured or approved—prime contractor).
- (3) If the competent authority is satisfied that the owner or prime contractor is adequately capable of self-insurance for the purposes of the [Act](#), section 36 (1) (b) or section 37 (1) (b), the competent authority may give written approval for the use of the vehicle.
- (4) An approval may be given—
 - (a) for a single use or for a period not longer than 5 years; and
 - (b) subject to any other condition.

Chapter 22 Notification and review of decisions

240 Internally reviewable decisions—Act, s 169, def *internally reviewable decision*

A decision mentioned in schedule 1, part 1.1 or part 1.2, column 3 under a provision mentioned in column 2 in relation to the decision is prescribed.

241 Internally reviewable decisions—notice and right of review—Act, s 170 and s 171

A person mentioned in schedule 1, part 1.1 or part 1.2, column 4 is prescribed in relation to a decision mentioned in column 3.

Schedule 1 Reviewable decisions

(see ch 22)

Part 1.1 Internally reviewable decisions under Act

column 1 item	column 2 provision	column 3 decision	column 4 person
1	109 (1)	give improvement notice	person given improvement notice
2	110 (2)	refuse to extend date and time for improvement notice	person given improvement notice
3	112	amend improvement notice	person given improvement notice
4	114	refuse to issue clearance certificate	person given improvement notice
5	119 (2)	give prohibition notice	person given prohibition notice
6	124 (3)	amend prohibition notice	person given prohibition notice
7	125 (1)	refuse to withdraw prohibition notice	person given prohibition notice
8	151 (2)	refuse to grant exemption	applicant
9	151 (3)	put condition on exemption	person granted exemption
10	155 (1)	cancel exemption	person granted exemption
11	155 (2)	amend or cancel condition of exemption put new condition on exemption	person granted exemption

Part 1.2

Internally reviewable decisions under this regulation

column 1 item	column 2 provision	column 3 decision	column 4 person
1	28 (1) (a)	refuse to approve test of competence	applicant
2	28 (1) (b)	refuse to approve training course	applicant
3	29 (1) or (2)	refuse to make administrative determination about dangerous goods	applicant
4	30 (1)	refuse to make administrative determination about vehicle, route, area or time	applicant
5	32	make administrative determination subject to condition	applicant
6	50 (1)	refuse to approve packaging design	applicant
7	50 (3)	put condition on approval of packaging design	applicant
8	53 (1)	refuse to approve method of preparing overpack	applicant
9	53 (2)	put condition on approval of method or preparing overpack	applicant
10	117 (2)	refuse to approve design for segregation device	applicant

Schedule 1
Part 1.2

Reviewable decisions
Internally reviewable decisions under this regulation

column 1 item	column 2 provision	column 3 decision	column 4 person
11	118 (1)	refuse to approve method of segregation	applicant
12	118 (2)	put condition on approval of segregation device	applicant
13	141	refuse to approve emergency information	applicant
14	188	cancel or vary administrative determination or approval	person to whom determination or approval applies
15	190 (2)	refuse to vary administrative determination or approval	applicant
16	191 (3)	cancel or vary administrative determination or approval	person to whom determination or approval applies
17	202	refuse to issue dangerous goods driver licence	applicant
18	204	refuse to renew dangerous goods driver licence	applicant
19	206	grant or renew dangerous goods driver licence subject to condition	applicant
20	208	cancel, suspend or vary dangerous goods driver licence	licensee

column 1 item	column 2 provision	column 3 decision	column 4 person
21	213	refuse to issue dangerous goods vehicle licence	applicant
22	215	refuse to renew dangerous goods vehicle licence	applicant
23	217	grant or renew dangerous goods vehicle licence subject to condition	applicant
24	219	cancel, suspend or vary dangerous goods vehicle licence	licensee
25	222	refuse to issue replacement licence	licensee
26	239 (3)	refuse to give approval for use of uninsured vehicle	applicant

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- entity
- State.

Note 3 Terms used in this regulation have the same meaning that they have in the [Dangerous Goods \(Road Transport\) Act 2009](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Dangerous Goods \(Road Transport\) Act 2009](#), dict:

- another jurisdiction
- authorised person
- consignor
- consigns
- corresponding authority
- corresponding law
- dangerous situation
- driver licence
- exemption
- in, a vehicle
- involvement in the transport of dangerous goods
- jurisdiction
- loader
- loads
- owner, of a vehicle
- package
- packaging
- packer
- packs
- placard load
- premises
- prime contractor

- tank vehicle
- trailer
- transport
- vehicle.

ADG code means the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, edition 7.8.

Note The ADG code does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 23). The code is accessible at www.ntc.gov.au.

administrative determination—see section 31.

ADR approved means approved in accordance with the *European Agreement Concerning the International Carriage of Dangerous Goods by Road* published by the Inland Transport Committee of the Economic Commission for Europe.

AFG guidelines means the *Assessing Fitness to Drive for Commercial and Private Vehicle Drivers—Medical Standards for Licensing and Clinical Management Guidelines*, 2022 edition, published by Austroads Limited ABN 16 245 787 323.

Note The AFG guidelines does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 23). The guidelines are accessible at www.austroads.com.au.

aggregate quantity, for a load containing dangerous goods, means the total of—

- (a) the number of kilograms of the following in the load—
 - (i) solid dangerous goods; and
 - (ii) articles (including aerosols); and
- (b) the number of litres or kilograms (as used in the transport documentation for the load to describe the goods) of liquid dangerous goods in the load; and
- (c) the total capacity in litres of receptacles in the load containing dangerous goods of UN class 2 (except aerosols).

ANZ-ERG means the 2021 *Australian & New Zealand Emergency Response Guide Book* published by CAP.

Note The ANZ-ERG does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 23). The guide book is accessible at www.ntc.gov.au.

appropriately marked, for part 7.1 (Marking and labelling)—see section 77.

appropriately placarded, for part 7.2 (Placarding)—see section 84.

approval means an approval by the competent authority or an authorised body that is in effect.

approved packaging means—

- (a) packaging of a design that is approved under section 50; or
- (b) foreign approved packaging.

approved tank means—

- (a) a tank of a design that is approved under section 50; or
- (b) a foreign approved tank.

approved test means a test that is approved under section 28.

approved training course means a training course that is approved under section 28.

article—

- (a) means a manufactured item, other than a fluid or particle—
 - (i) formed into a particular shape or design during manufacture; and
 - (ii) that has a hazard property and function wholly or partly dependent on that shape or design; and
- (b) includes any of the following:
 - (i) a battery;

- (ii) an aerosol;
- (iii) a gas-filled lighter;
- (iv) a seatbelt pretensioner;
- (v) a refrigerating machine.

authorised body means an entity authorised to issue approvals under section 55.

bulk container—see section 16.

bulk transfer, for chapter 12 (Bulk transfer of dangerous goods—general)—see section 120.

CAP—see *competent authorities panel*.

capacity means the total internal volume of packaging at a temperature of 15° celsius, expressed in litres or cubic metres.

cargo transport unit means—

- (a) a freight container; or
- (b) an MEGC; or
- (c) a tank; or
- (d) a transport unit.

competent authorities panel (or **CAP**) means the body established by the competent authorities panel rules made by the National Transport Commission on 16 June 2008 and approved by the Ministerial council.

competent authority means the entity declared to be the competent authority for this regulation under the [Act](#), section 20.

compliance plate means a plate that must be attached to a portable tank, MEGC or tank vehicle under the [ADG code](#), part 6 and includes identification plates.

corresponding approval means an approval to which section 167 applies.

corresponding dangerous goods driver licence means a licence to which section 168 applies that has effect in the ACT as a dangerous goods driver licence.

corresponding dangerous goods vehicle licence means a licence to which section 168 applies that has effect in the ACT as a dangerous goods vehicle licence.

corresponding determination means a determination to which section 165 applies.

corresponding exemption means an exemption to which section 166 applies.

dangerous goods—see section 9.

dangerous goods driver licence means a licence that is in force under part 20.3.

dangerous goods list means the list set out in the [ADG code](#), section 3.2.3.

Note The [ADG code](#), s 3.2.3 lists goods that are dangerous goods because they satisfy the criteria mentioned in the [ADG code](#), pt 2.

dangerous goods vehicle licence means a licence that is in force under part 20.4.

demountable tank means a tank, other than a portable tank, that is designed to be carried on a vehicle but that does not form part of and is not permanently attached to the vehicle and is designed to be removable.

determination means a determination that is made by the competent authority under chapter 3 that is in effect.

emergency service means—

- (a) an ambulance, fire, police or other emergency service of a participating jurisdiction; or
- (b) a unit of the defence force corresponding to a service mentioned in paragraph (a).

food includes—

- (a) a substance prepared or intended for human or animal consumption; and
- (b) a substance (except dangerous goods) intended to be an ingredient of food.

food packaging means—

- (a) a receptacle that contains, or is designed or intended to contain, food; or
- (b) material designed or intended to be used in a receptacle that is designed or intended to contain food; or
- (c) plastic wrapping intended for the packaging of food.

foreign approved, in relation to packaging, means packaging that has the markings required by the [ADG code](#), part 6 for packaging of its type, in confirmation that the packaging is ADR, ICAO, IMO, RID or UN approved.

Note Types of foreign approved packaging include, but are not limited to bulk containers, IBCs, large packagings, MEGCs, portable tanks, pressure drums and tubes that are ADR, ICAO, IMO, RID or UN approved.

freight container means a permanent container that—

- (a) is suitable for repeated use; and
- (b) is designed to facilitate—
 - (i) the transport of goods by 1 or more kinds of transport so the goods do not need to be unloaded and reloaded if the container is transferred from 1 kind to another; and
 - (ii) the ease of loading and unloading of goods from the container; and
- (c) is fitted with a device that allows the container to be stowed and handled, particularly when transferring the container from 1 kind of transport to another; and

- (d) if the container is used to transport goods other than radioactive material—has an internal volume of at least 1m³.

general packaging, for part 6.3 (Offences—general packaging)—see section 58.

goods too dangerous to be transported—see section 10.

hose assembly means a hose, or hoses connected together, for use in the transfer of dangerous goods to or from a tank on a vehicle, portable tank or storage receptacle and includes—

- (a) if there are 2 or more hoses connected together—the connections between the hoses; and
- (b) the attachment connecting the hose or hoses to the tank; and
- (c) anything else (except the vehicle, portable tank or storage receptacle) attached to the hose or hoses.

IBC—see *intermediate bulk container*.

ICAO approved means approved in accordance with the Technical Instructions for the Safe Transport of Dangerous Goods by Air published by the International Civil Aviation Organisation.

ICAO technical instructions means the *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, 2023-2024 edition published by the International Civil Aviation Organization.

Note The ICAO technical instructions do not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 23). The instructions may be purchased at store.icao.int.

IMDG code means the *International Maritime Dangerous Goods Code*, 2022 edition published by the International Maritime Organization.

Note The IMDG code does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 23). The code may be purchased at imo.org.

IMO approved means approved in accordance with the International Maritime Dangerous Goods Code published by the International Maritime Organisation.

incompatible—see section 14.

inner packaging—see the [ADG code](#), section 1.2.1.

intermediate bulk container (or **IBC**)—see section 17.

intermediate packaging—see the [ADG code](#), section 1.2.1.

journey means the transport of dangerous goods from where the goods are consigned to where the goods are delivered to the consignee.

large packaging means outer packaging that—

- (a) contains an article or inner packaging; and
- (b) is designed for mechanical handling; and
- (c) has—
 - (i) a net mass of more than 400kg; or
 - (ii) a capacity of more than 450L; or
 - (iii) a volume of not more than 3m³.

licence—

- (a) for part 20.5 (Licences generally)—see section 221; and
- (b) for part 20.6 (Cancellation, suspension and variation)—see section 230.

licensed vehicle means a vehicle for which a dangerous goods vehicle licence is in force.

licensee—

- (a) for part 20.5 (Licences generally)—see section 221; and
- (b) for part 20.6 (Cancellation, suspension and variation)—see section 230.

licensing authority, for chapter 20 (Licences)—see section 193.

load (noun)—see section 21.

Note **Load** (verb) and **loader**—see the [Act](#), s 13.

MEGC—see **multiple-element gas container**.

Ministerial council means the body (however described) made up of each Minister responsible, or principally responsible, for infrastructure and transport for the Commonwealth, a State or the Territory.

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

multimodal means applicable to, or suitable for use on, more than 1 kind of transport.

multiple-element gas container (or **MEGC**)—see section 18.

NATA means the [National Association of Testing Authorities](#).

nominally empty storage vessel, for part 9.3 (Nominally empty storage vessels)—see section 106A.

other packaging, for part 6.4 (Offences—other packaging)—see section 64.

outer packaging—see the [ADG code](#), section 1.2.1.

overpack—see the [ADG code](#), section 1.2.1.

packaging—see section 15.

Note **Package**, **packs** and **packer**—see the [Act](#), dict.

packed in excepted quantities—see section 19A.

packed in limited quantities—see section 19.

packing group—see section 13.

participating jurisdiction means—

(a) this jurisdiction; or

- (b) another State that has a corresponding law.

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

placard means a label or emergency information panel that is displayed in accordance with the [ADG code](#), chapter 5.3 on—

- (a) a transport unit; or
- (b) a container having 1 or more receptacles with a capacity of more than 500kg or 500L.

placards, for part 7.2 (Placarding)—see section 84.

portable tank—

- (a) means a tank used for the transport of a solid, liquid or gas that—
 - (i) includes a shell fitted with service equipment and structural equipment necessary for the transport of the solid, liquid or gas; and
 - (ii) can be loaded and unloaded without removing its structural equipment; and
 - (iii) has stabilising components outside its shell; and
 - (iv) can be lifted when full; and
 - (v) is designed primarily to be loaded onto a vehicle or vessel; and
 - (vi) is equipped with skids, mountings or other accessories to facilitate mechanical handling; and
 - (vii) is—
 - (A) if transporting a UN class substance other than substances of UN class 2—a multimodal tank; or
 - (B) if transporting non-refrigerated, liquefied gases of UN class 2—a multimodal tank with a capacity of more than 450L; and

(C) if transporting refrigerated, liquefied gases of UN class 2—is a thermally insulated tank with a capacity of more than 450L; but

(b) does not include a thing that is not considered a portable tank under the [ADG code](#), section 1.2.1, definition of *portable tank*.

pressure drum means a welded transportable pressure receptacle of a water capacity exceeding 150L and of not more than 1 000L.

Examples—transportable receptacle

- cylindrical receptacles equipped with rolling hoops
- spheres on skids

receptacle, for a substance or article, means a container that is—

- (a) for receiving and holding the substance or article (including anything that enables the container to be closed); and
- (b) in contact with the substance or article.

recognised testing facility, for part 5.2 (Suitability and design of packaging)—see section 46.

register—see section 160.

registered means registered under a Commonwealth, State or Territory law.

required emergency information, for part 13.2 (Emergency information)—see section 137.

RID approved means approved in accordance with the *International Regulations Concerning the Carriage of Dangerous Goods by Rail* published by the Inland Transport Committee of the Economic Commission for Europe.

risk means risk of personal injury, death, property damage or harm to the environment.

road includes a road related area.

service equipment, for a tank or MEGC, has the meaning given in the [ADG code](#), section 6.7.2.1, 6.7.3.1, 6.7.4.1 or 6.7.5.1 for the tank or MEGC.

structural equipment, for a tank or MEGC, has the meaning given in the [ADG code](#), section 6.7.2.1, 6.7.3.1, 6.7.4.1 or 6.7.5.1 for the tank or MEGC.

subsidiary hazard—see section 12.

tank—see section 20.

transport unit means—

- (a) a vehicle; or
- (b) a portable tank; or
- (c) a bulk container; or
- (d) a freight container.

tube—see the [ADG code](#), section 1.2.1.

UN approved means approved outside Australia under the United Nations Model Regulations for the Transport of Dangerous Goods published by the United Nations.

UN category—see section 11.

UN class—see section 11.

UN division—see section 11.

vehicle, for part 20.4 (Dangerous goods vehicle licences)—see section 210.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Dangerous Goods (Road Transport) Regulation 2010 SL2010-12

notified LR 1 April 2010

s 1, s 2 commenced 1 April 2010

remainder commenced 2 April 2010 (s 2 and see [Dangerous Goods \(Road Transport\) Act 2009](#) A2009-34 s 2, [CN2010-5](#) and LA s 77 (3))

as amended by

[Road Transport \(Road Rules\) \(Consequential Amendments\) Regulation 2017 \(No 1\) SL2017-44 sch 1 pt 1.1](#)

notified LR 21 December 2017

s 1, s 2 commenced 21 December 2017 (LA s 75 (1))

sch 1 pt 1.1 commenced 30 April 2018 (s 2 and see [Road Transport \(Road Rules\) Regulation 2017 SL2017-43](#) s 2)

[Employment and Workplace Safety Legislation Amendment Act 2020 A2020-30 sch 1 pt 1.1](#)

notified LR 9 July 2020

s 1, s 2 commenced 9 July 2020 (LA s 75 (1))

sch 1 pt 1.1 commenced 9 July 2021 (s 2 (4))

[Dangerous Goods \(Road Transport\) Amendment Regulation 2024 \(No 1\) SL2024-5](#)

notified LR 26 April 2024

s 1, s 2 commenced 26 April 2024 (LA s 75 (1))

remainder commenced 27 April 2024 (s 2)

Endnotes

4 Amendment history

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Objects of regulation

s 6 am [SL2024-5](#) s 4

Application of regulation—exemptions

s 7 am [SL2024-5](#) ss 5-7; ss renum R6 LA

Dangerous goods—Act, dict

s 9 am [SL2024-5](#) s 8

Subsidiary hazard

s 12 sub [SL2024-5](#) s 9

Meaning of *packaging*—Act, s 11

s 15 sub [SL2024-5](#) s 10

Meaning of *bulk container*

s 16 sub [SL2024-5](#) s 10

Meaning of *intermediate bulk container (or IBC)*

s 17 am [SL2024-5](#) s 11

Meaning of dangerous goods *packed in limited quantities*

s 19 am [SL2024-5](#) s 12

Meaning of *packed in excepted quantities*

s 19A ins [SL2024-5](#) s 13

Meaning of *tank*

s 20 sub [SL2024-5](#) s 13

References to codes, standards and rules

s 22 am [SL2024-5](#) s 14; ss renum R6 LA

Disapplication of Legislation Act, s 47 (5)

s 23 sub [SL2024-5](#) s 15

Offence—instruction and training

s 27 am [SL2024-5](#) ss 16-18; pars renum R6 LA

Determinations—dangerous goods and packaging

s 29 am [SL2024-5](#) s 19

Administrative determinations

s 31 sub [SL2024-5](#) s 20

Packing of dangerous goods in limited or excepted quantities

s 44 sub [SL2024-5](#) s 21

Suitability of packaging for transport

s 47 am [SL2024-5](#) s 22

Offence—goods suspected of being dangerous goodss 56 am [SL2024-5](#) s 23, s 24**Offence—sell or supply non-compliant packaging**s 57 am [SL2024-5](#) s 25**Offences—manufacturer fails to attach compliance plate etc to portable tank, MEGC or tank vehicle**s 65 hdg sub [SL2024-5](#) s 26s 65 am [SL2024-5](#) s 27, s 28; ss renum R6 LA**Consignment procedures**ch 7 hdg note ins [SL2024-5](#) s 29**Meaning of *appropriately marked*—pt 7.1**s 77 am [SL2024-5](#) s 30, s 31**Meaning of *placards* and *appropriately placarded*—pt 7.2**s 84 am [SL2024-5](#) s 32**When load must be placarded**s 85 am [SL2024-5](#) s 33, s 34**Offences—consign goods—cargo transport unit inappropriately placarded**s 87 sub [SL2024-5](#) s 35**Offences—load goods—load inappropriately placarded**s 89 hdg sub [SL2024-5](#) s 36s 89 am [SL2024-5](#) s 37**Offences—prime contractor—placard load inappropriately placarded**s 90 am [SL2024-5](#) s 38**Offence—prime contractor—cargo transport unit inappropriately placarded**s 91 hdg am [SL2024-5](#) s 39s 91 am [SL2024-5](#) s 39, s 40**Offence—driver—cargo transport unit inappropriately placarded**s 93 hdg sub [SL2024-5](#) s 41s 93 am [SL2024-5](#) s 42, s 43**Offence—owner—non-compliance with safety standards**s 94 am [SL2024-5](#) s 44**Offence—consignor—non-compliance with safety standards**s 95 am [SL2024-5](#) s 44**Offence—loader—non-compliance with safety standards**s 96 am [SL2024-5](#) s 44**Offence—prime contractor—non-compliance with safety standards**s 97 am [SL2024-5](#) s 44

Endnotes

4 Amendment history

Offence—driver—non-compliance with safety standards

s 98 am [SL2024-5](#) s 44

Application—pt 9.1

s 99 am [SL2024-5](#) s 45

Offence—consignor—non-compliance with ADG code

s 100 am [SL2024-5](#) s 46

Offence—loader—non-compliance with ADG code

s 101 am [SL2024-5](#) s 46

Offences—prime contractor—non-compliance with ADG code

s 102 am [SL2024-5](#) s 46

Offence—driver—non-compliance with ADG code

s 103 am [SL2024-5](#) s 46

Nominally empty storage vessels

pt 9.3 hdg ins [SL2024-5](#) s 47

Meaning of *nominally empty storage vessel*—pt 9.3

s 106A ins [SL2024-5](#) s 47

Offence—consignor—nominally empty storage vessel

s 106B ins [SL2024-5](#) s 47

Offence—loader—nominally empty storage vessel

s 106C ins [SL2024-5](#) s 47

Offence—prime contractor—nominally empty storage vessel

s 106D ins [SL2024-5](#) s 47

Offence—driver—nominally empty storage vessel

s 106E ins [SL2024-5](#) s 47

Offences—prime contractor—unlawful stowage, loading and restraint

s 109 am [SL2024-5](#) s 48

Offences—driver—unlawful stowage, loading and restraint

s 110 am [SL2024-5](#) s 48

Application—ch 11

s 111 am [SL2024-5](#) s 49

Offences—transferor—duties in relation to bulk transfer

s 122 am [SL2024-5](#) s 50, s 51

Offence—occupier—duties in relation to bulk transfer

s 124 am [SL2024-5](#) s 52, s 53

Offence—prime contractor—duties in relation to bulk transfer

s 127 am [SL2024-5](#) s 54, s 55; ss renum R6 LA

Offence—transferor—filling ratio and ullage	
s 130	am SL2024-5 s 56
Offence—prime contractor—filling ratio and ullage	
s 131	am SL2024-5 s 57, s 58; ss renum R6 LA
Offence—driver—filling ratio and ullage	
s 132	am SL2024-5 s 59
Offences—consignor—transport without proper documentation	
s 134	am SL2024-5 s 60
Offence—prime contractor—fail to keep documents	
s 136A	ins SL2024-5 s 61
Dangerous goods packed in limited quantities	
pt 13.1A hdg	ins SL2024-5 s 61
Offence—consignor—fail to give prime contractor information	
s 136B	ins SL2024-5 s 61
Offence—prime contractor—fail to ensure information is readily ascertainable	
s 136C	ins SL2024-5 s 61
Offence—driver—immobilised or stopped vehicle	
s 145	am SL2024-5 s 62; ss renum R6 LA
Offences—prime contractor—immobilised or stopped vehicle	
s 146	am SL2024-5 s 63
General precautions	
pt 15.1A hdg	ins SL2024-5 s 63
Offence—prime contractor—parking	
s 146A	ins SL2024-5 s 63
Offence—prime contractor—unloading	
s 146B	ins SL2024-5 s 63
Offence—prime contractor—detaching trailer	
s 146C	ins SL2024-5 s 63
Offence—prime contractor—heating placard load	
s 146D	ins SL2024-5 s 63
Offence—ignition sources	
s 149	am SL2024-5 s 64
Offences—emergency plans	
s 157	am SL2024-5 ss 65-67; ss renum R6 LA
Referring corresponding determinations etc to CAP for mutual recognition	
s 168A	ins SL2024-5 s 68

Endnotes

4 Amendment history

Applications

s 175 am [A2020-30](#) amdt 1.1

Grounds for varying administrative determinations and approvals

s 182 am [SL2024-5](#) s 69; ss renum R6 LA

Referring determinations to CAP

pt 19.1A hdg ins [SL2024-5](#) s 70

Referrals—determinations should apply to participating jurisdictions

s 182A ins [SL2024-5](#) s 70

Referrals—determinations should be cancelled or varied

s 182B ins [SL2024-5](#) s 70

Taking into account CAP's decisions—referrals under s 182A

s 182C ins [SL2024-5](#) s 70

Taking into account CAP's decisions—referrals under s 182B

s 182D ins [SL2024-5](#) s 70

Vehicles transporting certain kinds of dangerous goods to be licensed

s 196 sub [SL2024-5](#) s 71

Drivers of vehicles transporting certain kinds of dangerous goods to be licensed

s 197 sub [SL2024-5](#) s 71

Required medical fitness evidence

s 201 am [SL2024-5](#) s 72

Additional condition

s 207 am [SL2024-5](#) s 73

Grant of dangerous goods vehicle licences

s 213 am [SL2024-5](#) s 74

Renewal of vehicle licences

s 215 am [SL2024-5](#) s 74

Offences—transferring or disposing of licensed vehicles other than through business transfer

s 218 sub [SL2024-5](#) s 75

Offence—transferring licensed vehicles through business transfer

s 218A ins [SL2024-5](#) s 75

Offences—licence labels

s 220 om [SL2024-5](#) s 76

Replacement licences

s 222 hdg sub [SL2024-5](#) s 77

s 222 am [SL2024-5](#) s 78

Transitional	
ch 23 hdg	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Lawful conduct under previous law	
s 242	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Continuing effect of certain determinations	
s 243	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Continuing effect of corresponding determinations	
s 244	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Continuing effect of certain exemptions	
s 245	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Continuing effect of corresponding exemptions	
s 246	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Continuing effect of certain approvals	
s 247	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Continuing effect of corresponding approvals	
s 248	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Continuing effect of certain licences	
s 249	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Continuing effect of corresponding licences	
s 250	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Transitional—authorised people	
s 251	exp 2 July 2010 (s 251 (2) (LA s 88 declaration applies))
Expiry—ch 23	
s 252	exp 5 April 2015 (s 252 (1) (LA s 88 declaration applies))
Internally reviewable decisions under this regulation	
sch 1 pt 1.2	am SL2024-5 s 79
Dictionary	
dict	am SL2017-44 amdt 1.1 def ADG code sub SL2024-5 s 80 def AFG guidelines ins SL2024-5 s 81 def ANZ-ERG ins SL2024-5 s 81 def article ins SL2024-5 s 81 def Australian Transport Council om SL2024-5 s 82 def bulk container sub SL2024-5 s 83 def cargo transport unit ins SL2024-5 s 84 def competent authorities panel (or CAP) am SL2024-5 s 85 def food packaging am SL2024-5 s 86 def freight container sub SL2024-5 s 87 def ICAO technical instructions ins SL2024-5 s 88 def IMDG code ins SL2024-5 s 88

Endnotes

4 Amendment history

def **inner packaging** sub [SL2024-5](#) s 89
def **intermediate packaging** ins [SL2024-5](#) s 90
def **large packaging** sub [SL2024-5](#) s 91
def **licence label** om [SL2024-5](#) s 92
def **Ministerial council** ins [SL2024-5](#) s 93
def **multimodal** am [SL2024-5](#) s 94
def **nominally empty storage vessel** ins [SL2024-5](#) s 95
def **outer packaging** sub [SL2024-5](#) s 96
def **overpack** sub [SL2024-5](#) s 96
def **packed in excepted quantities** ins [SL2024-5](#) s 97
def **participating jurisdiction** am [SL2024-5](#) s 98
def **portable tank** sub [SL2024-5](#) s 99
def **road** ins [SL2024-5](#) s 100
def **subsidiary hazard** ins [SL2024-5](#) s 100
def **subsidiary risk** om [SL2024-5](#) s 101
def **tube** sub [SL2024-5](#) s 102

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 (RI) 6 Apr 2010	2 Apr 2010– 2 July 2010	not amended	new regulation and reissued for republication correction
R2 3 July 2010	3 July 2010– 5 Apr 2015	not amended	commenced expiry
R3 6 Apr 2015	6 Apr 2015– 29 Apr 2018	not amended	expiry of transitional provisions (ch 23)
R4 30 Apr 2018	30 Apr 2018– 8 July 2021	SL2017-44	amendments by SL2017-44
R5 9 July 2021	9 July 2021– 26 April 2024	A2020-30	amendments by A2020-30

Endnotes

6 Expired transitional or validating provisions

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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