

Australian Capital Territory

Dangerous Goods (Road Transport) Amendment Regulation 2024 (No 1)

Subordinate law SL2024–5

made under the

Dangerous Goods (Road Transport) Act 2009, s 196

EXPLANATORY STATEMENT

Overview

The *Dangerous Goods (Road Transport) Amendment Regulation 2024 (No 1)* (Regulation) amends the *Dangerous Goods (Road Transport) Regulation 2010* to bring the regulation of the transport of dangerous goods in the Territory into line with the [Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail](#) which provides for updates to the [Australian Code for the Transport of Dangerous Goods by Road and Rail – edition 7.8](#).

The *Dangerous Goods (Road Transport) Act 2009* and the Regulation are intended to be used in conjunction with the [Australian Dangerous Goods Code](#) (the ADG code), which in turn reflects the United Nations Model Regulations for the Transport of Dangerous Goods.

The Act and Regulation establish the formal mechanisms for giving legal effect and enforceability to the detailed provisions governing the transport of dangerous goods in the ADG code.

Every 2 years the National Transport Commission updates the model subordinate instrument (MSI) following a national consultative process.

All Australian jurisdictions then adopt the updated MSI into local law to give effect in accordance with the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport* (IGA) 2003.

National Transport Commission

The National Transport Commission (NTC) has responsibility for maintaining the model laws and is accountable to Infrastructure and Transport Ministers.

The model legislation provides a single national set of laws to reduce the risks of personal injury, death, property damage and environmental harm arising from the

transport of dangerous goods by road or rail. The laws consist of a model Act, model subordinate instrument (MSI) and the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code).

The model Act and the MSI are prepared by Parliamentary Counsels' Committee (on instruction from the NTC) and approved by Transport Ministers. Both documents are published on the PCC website and are intended to provide the basis for state and territory laws, which essentially give legal effect to the Code.

In the ACT, the Act is based on a nationally agreed *Model Act on the Transport of Dangerous Goods by Road or Rail 2007* (model laws) for regulating the transport of dangerous goods. This is pursuant to a commitment by the ACT under the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport*, signed October 2003. Importantly, the Dangerous Goods Transport Act only applies to transport by road in the ACT, noting the inclusion of light rail as road infrastructure for the purposes of that Act when considering risks, obstructions or damage caused by vehicles transporting dangerous goods.

The regulation establishes the following:

- Duties on parties involved in the transport of dangerous goods.
- Offences relating to the transport of dangerous goods; and
- A mechanism to give legal effect to the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code) 7th edition.

Dangerous Goods

Dangerous goods are substances that are corrosive, flammable, combustible, explosive, oxidising or water-reactive or have other hazardous properties. Dangerous goods can cause explosions or fires, serious injury, death They pose a risk to public safety, property, or the environment.

Examples of common dangerous goods:

- flammable liquids (petrol, kerosene, turpentine, flammable paints etc.)
- corrosives (hydrochloric acid)
- flammable gases (LP Gas)
- non-flammable non-toxic gases (CO₂)
- asbestos
- explosive

ADG Code

The purpose of the Australian Dangerous Goods Code (ADG Code) is to provide consistent technical requirements for the land transport of dangerous goods across Australia. The ADG Code adopts the structure, format, definitions, and concepts of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations while retaining some Australian specific provisions. It also incorporates

additional provisions for the transport of infectious substances. The ADG Code should be read in conjunction with relevant state or territory law.

The ADG Code lists provisions applicable to the transport of dangerous goods including:

- classification
- packaging and performance testing
- use of bulk containers, IBCs, freight containers and unit loads
- marking and placarding
- vehicle requirements
- segregation and stowage
- transfer of bulk dangerous goods
- documentation
- safety equipment
- procedures during transport emergencies; and
- the dangerous goods list with UN numbers.

ADG Edition 7.7 to 7.8

The ADG Code is reviewed by the National Transport Commission every 2 years, which results in amendments and the publication of a new edition of the MSI to incorporate changes made.

Edition 7.8 of the Australian Code for the Transport of Dangerous Goods by Road & Rail (the Code) includes UN and Australian based changes. As part of the biennial update to the Code, a full comparison of provisions in the Code was completed against the source wording in the UN Model Regulations (UN MR). This identified many translation and other discrepancies that have occurred over time. All identified differences were discussed by the maintenance advisory group and the provisions amended accordingly. Included in the translation errors were several definitions used throughout the UN MR.

Where the definition in the ADG Code differed from that in the UN MR, these have been realigned to the UN MR. All attempts have been made to identify these changes and incorporate them into the ADG Code.

Amendments on MSI

As a consequence of the preparation of the updated draft of the Code and in consultation with states and territories, the NTC identified a number of amendments to the MSI.

MSI section 1.2.1 Definitions

The MSI defines terms that are used for the purpose of requirements relating to the transport of dangerous goods. The primary requirements and principles in the ADG Code reflect international requirements, as defined in the UN-MR.

Amendments to the ADG Code terminology to align with the UN MR has resulted in differences in terms used in the ADG Code and the MSI. As such, the draft amendments align MSI terminology with that contained in the ADG Code.

For example:

Definition for 'ADR approved' in clause 1.2.1 does not appear in the MSI other than in the definitions, proposed approach to omit the definition.

Transport and Infrastructure Council has been subsequently renamed to the Transport and Infrastructure Ministers Meeting.

Transition periods: versions of the ADG Code editions

Where an amendment package changes obligations under the ADG Code, a 12-month transition period is included to allow industry to adapt to the new compliance requirements in the ADG Code.

Whilst the ADG Code includes a 12-month transition period to comply with the new requirements, the MSI does not. Therefore, despite section 1.1.1.7 of the ADG Code, a person who transports goods in accordance with the previous requirements and not the current requirements, commits an offence under the MSI and is liable for the associated penalty.

An amendment to the MSI was made to address this issue and ensure consistency across jurisdictions by ensuring they adopt a 12-month transition period in their corresponding legislation. The amendment does not refer to a specific amendment package (unlike the ADG Code) to remove the need to update the section with each Amendment Package.

MSI section 11.1.8 – Paper and electronic record keeping requirements

Section 11.8 of the MSI relates to Prime Contractor's duties to retain documents that are required/used in relation to dangerous goods. The provision does not recognise modern uses of technology by industry, such as creating and using electronic copies of documents in their business systems. This issue has been addressed in the United Nations Model Regulations, where prime contractors are empowered to keep their documents electronically, with a condition that they can reproduce these documents in a printed form.

The amendment to the MSI recognises the importance and use of modern technology amongst prime contractors transporting dangerous goods, by enabling the prime contractor to retain documents in paper and electronic forms.

References to Chapter 6.9 of the ADG Code in the MSI

The United Nations Recommendations on the Transport of Dangerous Goods Model Regulations have been amended to insert a new Chapter 6.9. To reflect this change, the ADG Code Chapter 6.9 has been renumbered as 6.10. The MSI references to the

ADG Code Chapter 6.9 are uncoordinated with the ADG Code because of this new Chapter.

The MSI has been amended to replace references to in line with this structural amendment.

MSI section 4.5.2 Manufacturers – compliance plates – portable tanks, MEGCs and tank vehicles

Section 4.5.2 of the MSI requires manufacturers of portable tanks or MEGCs used to transport dangerous goods to attach a compliance template in accordance with chapter 6.7 of the ADG code. The introduction of the new Chapter 6.9 to the ADG Code, specifies marking requirements for fibre reinforced plastic (FRP) portable tanks.

MSI section 4.5.2 did not refer to the application of the new Chapter 6.9 (specifically 6.9.2.10) to FRP portable tanks but only Chapter 6.7 of the ADG Code, therefore a person seeking information on the requirements for compliance plates or markings of FRP portable tanks may assume that they must comply with the relevant requirements of Chapter 6.7, not considering the distinction made in section 6.9.2.10

MSI section 1.2.1 Correction to date in CAP or Competent Authorities Panel definition

The definition of CAP or Competent Authorities Panel in section 1.2.1 of the MSI incorrectly stated that the date that the Competent Authorities Panel Rules were made was 16 June 2008. This date was incorrect. Section 1.2.1 of the MSI was amended to correct the date in the definition of CAP or Competent Authorities Panel. The correct date of 13 June 2008 was inserted into the definition.

No provisions in the MSI dealing with the transport of nominally empty storage vessels.

Clause 7.2.7.1 of the Code contains provisions dealing with (in essence) the transport of used but empty storage tanks. However, with the removal of 7.1.1(3)(b) (see issue 5 above) the MSI will not contain any provisions dealing with these tanks. This is not the desired outcome.

It is proposed to insert provisions in Part 7 of the MSI that specifically deal with nominally empty storage vessels.

CONSULTATION ON THE PROPOSED APPROACH ACT

The ACT Parliamentary Counsel's Office, WorkSafe ACT, the ACT Work Health and Safety Council, and the Justice and Community Safety Directorate have been consulted in the development of this Regulation.

The model laws have been the subject of national consultation through the NTC and was endorsed by Transport Ministers in December 2022.

CONSISTENCY WITH HUMAN RIGHTS

All amendment regulations must be compatible with the *Human Rights Act 2004* (HRA). The compatibility of this Amendment Regulation with the HRA was considered during its development.

Rights Promoted

The Regulation engages and promotes the following rights under the HR Act:

- Section 9 - Right to life

The Regulation engages and promotes the right to life of workers and members of the public in the ACT.

The right to life imposes duties on the ACT Government to protect life and to take reasonable measures to protect individuals and prevent future injury in workplaces and places of work where members of the public may be present.

Through the Regulation, the ACT Government is taking positive steps to satisfy its duty to protect life and prevent future injury and ensure safe and healthy working conditions by ensuring the legal framework under the Dangerous Goods Road Transport Act has appropriate sanctions for unlawful behaviour and unsafe work practices. This will protect the lives of workers and people at a workplace and prevent future injury.

Rights limited - retain strict liability to duty element

The Regulation engages and limits the following rights under the HR Act:

- Section 22 - Rights in criminal proceedings.

Section 22 (1) of the HR Act provides that everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The amendment engages and limits this right insofar that it maintains the existing MSI offence provisions which apply strict liability to one element of the offence provisions.

Strict liability provisions generally engage and limit the right to be presumed innocent as they remove the need for the prosecution to prove an accused person's fault (i.e. the mental element of intent or recklessness) in relation to an offence generally or for particular elements of an offence.

As a result, these provisions reverse the onus in criminal proceedings and requires an accused to prove a defence for that element for the offence to which strict liability applies.

Noting that the Regulation does not amend the application of strict liability, the legitimate purpose of the limitation is to protect the health and safety of workers and the community, and act as a deterrent from providing unsafe workplaces/work practices in transporting dangerous goods.

Strict liability arises in a regulatory context where, for reasons such as public safety, the public interest in ensuring that regulatory schemes are observed, requires the sanction of criminal penalties. The rationale for maintaining its use in this Regulation is that people who owe work safety duties such as ensuring the packaging, transport and storage of dangerous goods, as opposed to members of the general public, can be expected to be aware of their duties and obligations. In particular, where an accused can reasonably be expected, because of his or her professional involvement, to know what the requirements of the law are, the mental (or fault) element can justifiably be excluded. Accordingly, strict liability offences are applied so that every relevant person complies with their obligations at all times and acts appropriately to secure the health and safety of workers and other at the workplace.

In addition, without adoption of the national model legislation, it is likely that the ACT would be seen as reducing the relative value of safety in the Territory as compared to other jurisdictions.

The offences are essentially of a regulatory nature and are expressly intended to reduce the risks to public health and safety that may arise in the course of transporting dangerous goods by road. The use of strict liability offences will substantially assist in protecting the efficiency and integrity of the regulatory scheme for transporting dangerous goods and is consistent with the approach taken in the national model legislation.

Dangerous Goods (Road Transport) Amendment Regulation 2024 (No 1)

CLAUSE NOTES

Part 1 Preliminary

Clause 1 Name of regulation

This clause provides the name of the regulation as the Dangerous Goods (Road Transport) Amendment Regulation 2024 (No 1).

Clause 2 Commencement

This clause provides for commencement of the Regulation; noting the regulation commences the day after Notification.

Clause 3 Legislation amended

This clause provides that the regulation amends the Dangerous Goods (Road Transport) Regulation 2010.

Clause 4 New section 6 (d)

This clause inserts provisions relating to the consistency of standards, requirements and procedures applying to the transport of dangerous goods by road and other modes of transport.

Clause 5 Section 7(4)(a)

This clause provides an additional exemption provision to the application of the regulation - including where the goods are not UN division 6.2 (infectious substances) and the goods are assigned to a class in the ADG code table 1.1.1.2 where the aggregate quantity of the goods in consignment is not more than the quantity stated.

Clause 6 New section 7 (4A)

This clause provides that this regulation does not apply to the transport of dangerous goods by a mobile processing unit.

Clause 7 Section 7(5)

The clause inserts a new definition of mobile processing unit which provides that a 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; and
- to the place with the explosive is manufactured and used.

Clause 8 Section 9(2)

This clause provides that goods that satisfy the criteria mentioned in the ADG code are not dangerous goods including to establish a special provision as defined by the ADG code at section 1.2.1.

Clause 9 section 12

This clause provides that a subsidiary hazard is determined where a determination is made under section 29(1)(c) by the competent authority that the goods have a stated subsidiary hazard, or, in the absence of such a determination - the subsidiary hazard determined for the goods in accordance with the ADG code.

Clause 10 Sections 15 and 16

This clause provides updated definitions of ‘packaging’ and ‘bulk container’ for the purposes of the Act and the Regulation.

Clause 11 Section 17(1)

This clause provides a minor technical correction to include ‘in’ before ‘the ADG code’.

Clause 12 Section 19(b)

This clause provides a minor technical correction to update the column identifier.

Clause 13 Section 20

This clause updates the definition of ‘packed in excepted quantities’ and ‘tank’ as per the MSI which includes updates to assigned codes to the dangerous goods list as per the ADG code chapter 3.5, and includes where a receptacle or thing is not a tank for the purposes of the Regulation.

Clause 14 Section 22(2)

This clause omits provision relating to the incorporation of instruments with reference to as amended from time to time - the instruments in the Regulation relating to dangerous goods or to transport by road are referenced in the Regulation as in force at a stated time (edition).

Clause 15 Section 23

This clause provides that the Legislation Act section 47(5) (requirement to notify)- does not apply to the AGD code, the AFG guidelines, the ANZ-ERG, the ICAO technical instructions of the IMDG code.

Clause 16 Section 27(2)(b)

This clause provides for a minor technical correction use of gender pronouns.

Clause 17 Section 27(3)(b)

The clause provides for a minor technical correction to use of gender pronouns.

Clause 18 Section 27(4) definition of transport of dangerous goods activity, new paragraph (da)

This clause inserts ‘handling a fumigated cargo transport unit’ for the purposes of the definition of transport of dangerous goods activity.

Clause 19 Section 29(1)(c)

This clause provides for a minor technical correction to ‘hazard’.

Clause 20 Section 31

This clause provides for arrangements for administrative determinations including where a determination is made on the application of a person and applies only to the person, where a determination is made at the initiative of the competent authority and applies to a person stated in the determination and does not impose any obligations on a person, and where a competent authority amends a determination that is an administrative determination.

Clause 21 Section 44

This clause provides a technical update to the packing of dangerous goods in limited or excepted quantities that do not need to be packed as required by the Chapter (Packaging).

Clause 22 New section 47(1)(g) and (h)

This clause provides for the goods purportedly packed in limited or excepted quantities where the packaging of goods does not comply with the ADG code chapter 3.4 or 3.5 respectively.

Clause 23 Section 56(b)

This clause provides a minor technical correction to insert that ‘the’ goods.

Clause 24 Section 56(c)

This clause provides a minor technical correction to insert that ‘the’ goods.

Clause 25 Section 57(2), except note

This clause provides that a person does not commit an offence if the person sells, supplies or offers to sell or supply, packaging for use in the transport of dangerous goods in circumstances including where packaging has been approved under

section 50, or is marked in accordance with ADG requirements as provided, including where the packaging is appropriate for the goods.

Clause 26 Section 65 heading

This clause amends the section heading in line with amendments in clause 27.

Clause 27 Section 65(1) and (2) and (2A) and note

This clause provides for the marking of a portable tank that is made of fire reinforced plastic on the basis that the marking is in accordance with the ADG code requirements, including at chapter 6.7 and section 6.9.2.10 where a compliance plate cannot be permanently attached to the portable tank.

Clause 28 Section 65(3)(b)

This clause corrects references to the ADG code.

Clause 29 Chapter 7 heading, new note

This clause provides for a new note referencing ADG code s 5.1.3.3 relating to the unused pre-labelled dangerous goods packaging.

Clause 30 Section 77(1)

This clause corrects references to the ADG code.

Clause 31 Section 77(5)

This clause provides for the packaging of dangerous goods that are packed in an excepted quantity that is appropriately marked as provided in accordance with the AGD code chapter 3.5.

Clause 32 Section 84(3), definition of label

This clause corrects references to the ADG code.

Clause 33 Section 85(1)(b) and (e)

This clause inserts provision for specified goods for the purposes of when a load must be placarded.

Clause 34 Section 85(2)

This clause establishes provision where a dangerous good in a receptacle does not include dangerous goods that are, or are part of, an article held in the receptacle, including whether a load of dangerous goods must be placarded in accordance with the MSI. This includes specified goods that includes a bonbon, party popper or sparkler, a domestic smoke detector containing radioactive material and a lighter or lighter refill containing flammable gas as an example of the provisions.

Clause 35 Section 87

This clause provides for an offence in relation to the consignment of goods for transport in or on a cargo transport unit where the person knows or ought to reasonably know, that the cargo transport unit does not contain dangerous goods.

Clause 36 Section 89 heading

This clause provides a minor update to the heading at section 89 for offences for load goods inappropriately placarded.

Clause 37 New section 89(2) and (3)

This clause provides circumstances where a person does not commit an offence for an appropriately placard including where the load complies with the requirements relating to the contents under the ICAO technical instructions or the IMDG code.

Clause 38 New Section 90(3)

This clause provides an offence provision where a prime contractor transports a load of dangerous goods in or on a cargo transport unit and the load is not a placard load and is placarded and the load's placarding is false or misleading in a material particular, and the prime contractor knows or ought reasonably to know that the placarding is false or misleading.

Clause 39 Section 91

This clause provides a minor technical adjustment to insert 'cargo' for the purposes of the transport unit.

Clause 40 Section 91(2)

This clause provides the circumstances where a person does not commit an offence where the placarding of the cargo transport unit compliance with requirements under the ICAO technical instructions or the IMDG code.

Clause 41 Section 93 heading

This clause provides for the minor amendment of the heading.

Clause 42 Section 93

This clause provides for the minor technical insertion of cargo before transport unit.

Clause 43 New section 93(2)

This clause provides the circumstances that a person commits an offence wither the person drives a vehicle that is or incorporates a cargo transport unit and that cargo transport unit is transporting a load of dangerous goods that is not a placard load.

Clause 44 Sections 94 to 98

This clause provides a technical correction to the chapter numbering.

Clause 45 Section 99(e)

This clause provides a minor technical update to subsidiary hazard.

Clause 46 Sections 100 to 103

This clause provides a technical correction to the chapter numbering.

Clause 47 New part 9.3

This clause provides for provisions relating to nominally empty storage vessels including where nominally empty storage vessels are used for transport in a cargo transport unit, duties for prime contractor in relation to the use and transport of nominal empty storage vessels and related offence provisions.

Empty storage vessels that have yet to be properly cleaned can be even more dangerous than if the vessels were full of dangerous goods – these vessels are known as nominally empty storage vessels. Vehicles transporting nominally empty vessels are required to be placarded in accordance with the ADG code chapter 5.3 and ensure required documentation is maintained. Provisions for load restraint,

segregation and safety equipment also applies when transporting nominally empty storage vessels.

Clause 48 Sections 109(2)(b) and 110(2)(b)

This clause amends grammar to specify the entire transport unit, rather than the goods or their packaging.

Clause 49 Section 111(1)(b)

This clause provides for the minor technical update to subsidiary hazard.

Clause 50 Section 122(1)(b)

This clause provides that a person who fails to ensure that the bulk transfer of dangerous goods are transferred in accordance with the ADG code in a way that eliminates risk, or where that is not possible, to minimise risk to the maximum extent that is practicable, commits an offence.

Clause 51 Section 122(6) and (7)

This clause provides for the removal of sections 122(6) and (7) from the Regulation which relate to prescribed way for bulk transfer of dangerous goods as part of transferors' duties consistent with the MSI.

Clause 52 Section 124(1)(b)(i)

This clause corrects references to the ADG code.

Clause 53 Section 124 (4) and (5)

This clause provides for the removal of sections 124(4) and (5) from the Regulation.

Clause 54 Section 127(1)(b)(i)

This clause provides for the minor technical correction to references to the ADG code.

Clause 55 Section 127(2), (4) and (5)

This clause provides for the removal of sections 127(2), (4) and (5) from the Regulation.

Clause 56 Section 130(2)

This clause provides for the bulk transfer of dangerous goods into a tank where the tank is on, or part of, a vehicle and dangerous goods are carried in another compartment of the first tank or in another tank and the person fails to ensure that the ullage complies with the ADG code.

Clause 57 New section 131(1A)

This clause provides an offence for the driving or using of a tank vehicle to transport a tank that contains goods that are not dangerous goods, while also transporting dangerous goods and fails to comply with the ADG code.

Clause 58 New section 131(3)

This clause provides a defence provision for prosecution for an offence by a prime contactor transporting dangerous goods that are either of a UN class 2 and not in the form of refrigerated liquid that exceeds the maximum permitted filling ration set out in the ADG code section 10.3.2 or, the ullage in the tank does not comply with the ADG code section 10.3.1 on the basis that the defendant complied with the subsection as far as practicable.

Clause 59 New section 132(2) and (3)

This clause establishes an offence if a person drives a vehicle that has a tank that contains goods that are not dangerous goods for the purposes of the Regulation and uses another compartment of the tank or vehicle to transport dangerous goods and knows or reasonably ought to know that the ullage would not comply with the ADG code section 10.3.1.

Clause 60 Section 134(3)(c)

This clause updates references to the ADG code.

Clause 61 New section 136A and part 13.1A

This clause provides for requirements for prime contractors to keep and maintain documents in relation to the transport of dangerous goods and produce those documents to an authorised person on request.

The clause also establishes provisions relating to dangerous goods packed in limited quantities consistent with the MSI, which include offence provisions for a person

that consigns dangerous goods that are packed in limited quantities and fails to give the prime contractor required information as per the ADG code.

Clause 62 New section 145(2A)

This clause provides that the driver of a road vehicle that has not alerted other road users of a hazard in accordance with the ADG code, does not commit an offence if the driver complies with the *ACT Road Transport (Road Rules) Regulation 2017*.

Clause 63 New section 146(4) and part 15.1A

This clause establishes an offence provision for a prime contractor where the prime contractor knows or ought reasonably to know, that a road vehicle transporting a placard load has broken down or is otherwise immobilised and the vehicle is carrying dangerous goods which would require the driver to hold a dangerous goods driver licence and the prime contractor fails to ensure that the driver of a tow truck holds such a licence or is accompanied by a person who holds such a licence.

The clause further establishes an offence provisions for a prime contractor that directs or offers an inducement to, the driver of a road vehicles that is transporting a placard load, that is unloaded or results in the detachment of the trailer or the heating of a placard or operation of the burner other than in accordance with the ADG code.

Clause 64 Section 149(1)(b)

This clause provides the minor technical correction to subsidiary hazard.

Clause 65 New section 157(1A)

This clause provides an offence provision for a prime contractor if the prime contractor transports a placard load and becomes aware of a dangerous situation involving the placard load and fails to comply with the emergency plan as it relates to the situation.

Clause 66 New section 157(2A)

This clause provides an offence provision for a consigner of a placard load that becomes aware of a dangerous situation involving the placard load and fails to comply with the emergency plan as it relates to the situation.

Clause 67 Section 157(4)

This section updates references to the ANZ- ERG for the purposes of an emergency plan for a placard load.

Clause 68 New section 168A

This clause establishes arrangements for referring corresponding determinations to the CAP for mutual recognition.

Clause 69 New section 182(3A)

This clause establishes provisions for the competent authority to refer to the CAP a determination or application for a determination where the determination should have effect in all participating jurisdictions, or the ACT and 1 or more participating jurisdiction, including where determinations should be cancelled or varied.

Clause 70 New Part 19.1A

This clause provides details on when a competent authority must refer a determination to CAP, and what considerations must be taken into account to vary a determination.

Clause 71 Section 196 and 197

This clause provides for amendment to the transporting of certain kinds of dangerous goods and the necessity for vehicles to be licensed.

Clause 72 Section 201(2)(b)

This clause provides for updated reference to the AFG guidelines - the Assessing Fitness to Drive - Medical Standards for Licensing and Clinical Management Guidelines.

Clause 73 Section 207(1)(b)

This clause provides for updated reference to the AFG guidelines - the Assessing Fitness to Drive - Medical Standards for Licensing and Clinical Management Guidelines.

Clause 74 Sections 213(2)(b) and 215(2)(b)

This clause updates chapter references.

Clause 75 Section 218

This clause establishes offences for the transferring or disposal of licensed vehicles other than through business transfer. 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.

Clause 76 Section 220

This clause provides for the removal of section 220 - licence labels - which are not issued in the ACT.

Clause 77 Section 222 heading

This clause provides for the update to the heading of section 222 for replacement licences.

Clause 78 Section 222(2)

This clause updates the terminology removing references to a licence label which are not issued in the ACT.

Clause 79 Schedule 1, part 1.2, item 25, column 3

This clause removes a reference to a licence label, which is not issued in the ACT.

Clause 80 Dictionary, definition of *ADG code*

This clause replaces a reference to the 7th edition of the ADG Code, to the current version, edition 7.8.

Clause 81 Dictionary, new definitions

This clause inserts references to three new items:

- defining the Austroads' guidelines for assessing fitness to drive commercial and private vehicles in the dictionary rather than within section 201 of the Regulation;
- defining the Emergency Response Guidebook for Australia and New Zealand; and
- definitions of an 'article' and included items, for clarity.

Clause 82 Dictionary, definition of *Australian Transport Council*

This clause removes references to the Australian Transport Council as this has been replaced by the National Transport Commission.

Clause 83 Dictionary, definition of *bulk container*

This clause updates an incorrect reference to section 15, with a reference to section 16.

Clause 84 Dictionary, new definition of *cargo transport unit*

This clause defines ‘cargo transport units’.

Clause 85 Dictionary, definition of *competent authorities panel (or CAP)*

This clause replaces an older reference to the Australian Transport Council, with a new reference to the appropriate Ministerial council, as the ATC has been replaced.

Clause 86 Dictionary, definition of *food packaging*, new paragraph (c)

This clause expands the definition of ‘food packaging’ items.

Clause 87 Dictionary, definition of *freight container*

This clause defines a ‘freight container’ within this Regulation rather than referring to external documentation under Australian/New Zealand Standards.

Clause 88 Dictionary, new definitions

This clause inserts reference to the International Civil Aviation Organization’s technical instructions for safe transport of dangerous goods by air, and the International Maritime Organization’s dangerous goods code.

Clause 89 Dictionary, definition of *inner packaging*

This clause amends the definition of ‘inner packaging’ to keep it in line with the current ADG code.

Clause 90 Dictionary, new definition of *intermediate packaging*

This clause amends the definition of ‘intermediate packaging’ to keep it in line with the current ADG code.

Clause 91 Dictionary, definition of *large packaging*

This clause amends the definition of ‘large packaging’ to make the definition easier to understand.

Clause 92 Dictionary, definition of *licence label*

This clause removes a reference to licence labels, which are not issued in the ACT.

Clause 93 Dictionary, new definition of *Ministerial council*

This clause defines a Ministerial council, which replaces the Australian Transport Council.

Clause 94 Dictionary, new definition of *multimodal*

This clause amends the language used in defining the term ‘multimodal’ for clearer description.

Clause 95 Dictionary, new definition of *nominally empty storage vessel*

This clause refers to the added content of part 9.3, defining and referencing a nominally empty storage vessel for the purposes of the Regulation.

Clause 96 Dictionary, definition of *outer packaging and overpack*

This clause substitutes references to the ADG code for both of the affected terms, rather than defining them separately within this Regulation.

Clause 97 Dictionary, new definition of *packed in excepted quantities*

This clause updates the definition of ‘packed in excepted quantities’ as per the MSI which refers to updates to assigned codes to the dangerous goods list as per the ADG code chapter 3.5, and includes where a receptacle or thing is not a tank for the purposes of the Regulation.

Clause 98 Dictionary, definition of *participating jurisdiction*, new note

This clause updates the definition to include the Northern Territory, which had previously not been considered under the terms of the Regulation.

Clause 99 Dictionary, definition of *portable tank*

This clause updates the definitions of what is considered a 'portable tank' in line with the ADG code.

Clause 100 Dictionary, new definitions

This clause provides new definitions for terms used within the Regulation.

Clause 101 Dictionary, definition of *subsidiary risk*

This clause removes references to 'subsidiary risk' which has been replaced by 'subsidiary hazard' in the updated Regulation.

Clause 102 Dictionary, definition of *tube*

This clause updates the definition of 'tube' to keep it in line with the ADG code.