



Australian Capital Territory

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

Subordinate Law SL2024-5

The Australian Capital Territory Executive makes the following regulation under the *Dangerous Goods (Road Transport) Act 2009*.

Dated 24 April 2024.

ANDREW BARR
Chief Minister

MICK GENTLEMAN
Minister



Australian Capital Territory

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

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1 Name of regulation

This regulation is the *Dangerous Goods (Road Transport) Amendment Regulation 2024 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

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

4 New section 6 (d)

insert

- (d) to promote consistency between the standards, requirements and procedures applying to the transport of dangerous goods by road and other modes of transport.

5 Section 7 (4) (a)

substitute

- (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

6 New section 7 (4A)

insert

- (4A) This regulation does not apply to the transport of dangerous goods by a mobile processing unit.

7 Section 7 (5), new definition of *mobile processing unit*

insert

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 Section 9 (2)

substitute

- (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.

9 Section 12

substitute

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.

10 Sections 15 and 16

substitute

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

11 Section 17 (1)

before

the ADG code

insert

in

12 Section 19 (b)

omit

column 7

substitute

column 7a

13 Section 20

substitute

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.

14 Section 22 (2)

omit

15 Section 23

substitute

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)).

16 Section 27 (2) (b)

omit

him or her

substitute

the person

17 Section 27 (3) (b)

omit

he or she is

substitute

they are

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

insert

(da) handling a fumigated cargo transport unit;

19 Section 29 (1) (c)

omit

risk

substitute

hazard

20 Section 31

substitute

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.

21 Section 44

substitute

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.

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

insert

(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.

23 Section 56 (b)

omit

that goods

substitute

that the goods

24 Section 56 (c)

omit

them

substitute

the goods

25 Section 57 (2), except note

substitute

- (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.

26 Section 65 heading

substitute

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

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

substitute

- (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.

- (2A) 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.

28 Section 65 (3) (b)

omit

section 6.9.2.2

substitute

section 6.10.2.2

29 Chapter 7 heading, new note

insert

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

30 Section 77 (1)

omit

section 5.3.3

substitute

chapter 5.3

31 Section 77 (5)

substitute

- (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.

32 Section 84 (3), definition of *label*

substitute

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

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

after

aggregate quantity of dangerous goods

insert

(other than specified goods)

34 Section 85 (2)

substitute

- (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).

35 Section 87

substitute

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.

36 Section 89 heading

substitute

89 Offences—load goods—load inappropriately placarded

37 New section 89 (2) and (3)

insert

- (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.

38 New section 90 (3)

insert

- (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.

39 Section 91

before

transport unit

insert

cargo

40 New section 91 (2)

insert

- (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).

41 Section 93 heading

substitute

93 Offence—driver—cargo transport unit inappropriately placarded

42 Section 93

before

transport unit

insert

cargo

43 New section 93 (2)

insert

- (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.

44 Sections 94 to 98

omit

chapter 6.9

substitute

chapter 6.10

45 Section 99 (e)

omit

Subsidiary Risk

substitute

subsidiary hazard

46 Sections 100 to 103

after

chapter 7.1

insert

or chapter 7.2

47 New part 9.3

insert

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.

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

omit

the goods or their packaging are

substitute

the transport unit is

49 Section 111 (1) (b)

omit

subsidiary risk

substitute

subsidiary hazard

50 Section 122 (1) (b)

substitute

(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.

51 Section 122 (6) and (7)

omit

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

substitute

- (i) in accordance with the [ADG code](#), chapter 10.2; and

53 Section 124 (4) and (5)

omit

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

substitute

- (i) in accordance with the [ADG code](#), chapter 10.2; and

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

omit

56 Section 130 (2)

substitute

- (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.

57 New section 131 (1A)

insert

- (1A) 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.

58 New section 131 (3)

insert

- (3) It is a defence to a prosecution for an offence against subsection (1A) 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).

59 New section 132 (2) and (3)

insert

- (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).

60 Section 134 (3) (c)

omit

that complies with the [ADG code](#), chapter 11.1

61 New section 136A and part 13.1A

insert

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.

62 New section 145 (2A)

insert

- (2A) 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 (2A) (see [Criminal Code](#), s 58).

63 New section 146 (4) and part 15.1A

after the note, insert

- (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.

64 Section 149 (1) (b)

omit

subsidiary risk

substitute

subsidiary hazard

65 New section 157 (1A)

insert

- (1A) 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.

66 New section 157 (2A)

insert

- (2A) 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.

67 Section 157 (4)

substitute

- (4) 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](#).

68 New section 168A

in part 17.3, insert

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.

69 New section 182 (3A)

after the note, insert

- (3A) 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.

70 New part 19.1A*insert***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.

71 Sections 196 and 197

substitute

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

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

72 Section 201 (2) (b)

omit

Assessing Fitness to Drive—Medical Standards for Licensing and Clinical Management Guidelines published by Austroads and the National Road Transport Commission in September 2003, as in force at the time of the examination

substitute

the [AFG guidelines](#)

73 Section 207 (1) (b)

omit

Assessing Fitness to Drive—Medical Standards for Licensing and Clinical Management Guidelines published by Austroads and the National Road Transport Commission in September 2003, as in force at the time of the examination

substitute

the [AFG guidelines](#)

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

omit

chapter 6.9

substitute

chapter 6.10

75 Section 218

substitute

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).

76 Section 220

omit

77 Section 222 heading

substitute

222 Replacement licences**78 Section 222 (2)**

substitute

- (2) The licensing authority must issue a replacement licence to a licensee if the authority is satisfied that the licence has been defaced, destroyed, lost or stolen.

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

omit

or licence label

80 Dictionary, definition of *ADG code*

substitute

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.

81 Dictionary, new definitions

insert

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.

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.

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.

82 Dictionary, definition of *Australian Transport Council*

omit

83 Dictionary, definition of *bulk container*

substitute

bulk container—see section 16.

84 Dictionary, new definition of *cargo transport unit*

insert

cargo transport unit means—

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

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

omit

13 June 2008 and approved by the Australian Transport Council

substitute

16 June 2008 and approved by the Ministerial council

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

insert

(c) plastic wrapping intended for the packaging of food.

87 Dictionary, definition of *freight container*

substitute

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.

88 Dictionary, new definitions

insert

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.

89 Dictionary, definition of *inner packaging*

substitute

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

90 Dictionary, new definition of *intermediate packaging*

insert

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

91 Dictionary, definition of *large packaging*

substitute

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.

92 Dictionary, definition of *licence label*

omit

93 Dictionary, new definition of *Ministerial council*

insert

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).

94 Dictionary, definition of *multimodal*

omit

mode

substitute

kind

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

insert

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

96 Dictionary, definitions of *outer packaging* and *overpack*

substitute

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

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

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

insert

packed in excepted quantities—see section 19A.

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

insert

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

99 Dictionary, definition of *portable tank*

substitute

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*.

100 Dictionary, new definitions

insert

road includes a road related area.

subsidiary hazard—see section 12.

101 Dictionary, definition of *subsidiary risk*

omit

102 Dictionary, definition of *tube*

substitute

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

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 26 April 2024.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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