

# Changes to dangerous goods transport requirements

On 1 January 2009, some new legal requirements come into effect to improve the safety of dangerous goods transport by road and rail. This information will help you understand the key changes to Victoria's dangerous goods laws.

## Background

Dangerous goods can cause injury and death and significant damage to property and the environment if they are stored, handled or transported in an unsafe way.

To improve the safety of transporting dangerous goods, Victoria has updated its legislation to align with a revised national framework for the transport of dangerous goods by road or rail.

The framework, developed by the National Transport Commission (NTC), includes a model law package for adoption by all states and territories and a new seventh version of the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG7).

The framework, which aligns Australia with international standards and practices for the movement of dangerous goods, is expected to reduce compliance costs and improve operating efficiencies for business.

## Legislative changes

Victoria's *Dangerous Goods Act 1985* has been amended to adopt the new framework and introduce the new Dangerous Goods (Transport by Road or Rail) Regulations 2008.

As a result of these changes, minor amendments have also been made to the Dangerous Goods (Storage and Handling) Regulations 2000 and Dangerous Goods (Explosives) Regulations 2000.

## 12 month transition period

To allow industry time to fully implement the new dangerous goods requirements relating the ADG Code, a transition period will apply from 1 January 2009 to 31 December 2009.

During this time, industry can continue to comply with sections 5 and 6 of the *Road Transport (Dangerous Goods) Act 1995* and the sixth edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG6).

From 1 January 2010, all businesses must comply with ADG7.

## Broad overview of changes

For the majority of duty holders, compliance will not change with the transition from ADG6 to ADG7.

The majority of dangerous goods classifications, packing instructions, package specifications, package markings, labelling, vehicle placarding and operating rules don't change. Only a relatively small number of requirements have changed.

The changes mostly affect legal definitions, dangerous goods licences and insurance, some duties, WorkSafe powers, court powers and penalties. They include:

### General

- A number of changes to definitions such as dangerous goods, ADG Code, combination, unit of rolling stock, transport documentation and vehicle.
- The distinction between 'packaged dangerous goods' and 'dangerous goods in bulk' is replaced by an approach based upon the amount and type of dangerous goods being transported. The threshold for licensing is now based upon the quantity of dangerous goods and the container capacity.
- Quantities of dangerous goods can be transported without complying with the new regulations if certain requirements are met.
- There are new provisions for the transport of smaller quantities of dangerous goods required as tools of trade and used for personal use. These concessions reduce the legal requirements on duty holders if certain conditions are met.

### Duties

- Consigners must not consign dangerous goods if goods are classified as too dangerous to be transported.
- Vehicle loaders must not load dangerous goods onto a vehicle if they know or reasonably ought to know the vehicle or its equipment does not comply with ADG7.

- Drivers must not unload, detach a trailer or operate a road tank vehicle equipped with a burner, except in accordance with relevant parts of the ADG Code.

### Placarding

- The requirement for an emergency information panel (EIP) to be displayed depends on the amount of dangerous goods being transported.

### Licensing and insurance

- Licences are now issued for up to five years instead of three and the age restriction of 21 years has been removed.
- You must be a resident in Victoria to apply for a Victorian dangerous goods driver's licence. Where a person or business applies for a vehicle licence to transport dangerous goods in Victoria, the vehicles must be registered in Victoria and operate predominantly in Victoria.
- There is a fee of \$60 per vehicle to apply for a vehicle licence to transport dangerous goods.
- There are various changes to the disposal and transfer of licensed vehicles. For details refer to the new Dangerous Goods (Transport by Road or Rail) Regulations 2008.
- Vehicle insurance requirements have increased to a minimum of \$5 million when a vehicle is carrying a placard load of dangerous goods.

### Penalties, sanctions and WorkSafe powers

- Increased penalties and sanctions for those found guilty of general duty offences, especially serious offences involving the death or serious injury of a person.
- Increased court powers involving the amending, suspending or revoking of a dangerous goods driver licence and forfeiture of containers.
- The range of costs recoverable from a convicted person now explicitly includes costs involving the reconditioning and destroying of any dangerous goods containers seized and detained.
- WorkSafe's powers have been clarified and expanded to include the ability to provide information to a corresponding authority to facilitate the operation of the national scheme for transport of dangerous goods.

### Further information

If you already comply with Victoria's dangerous goods laws, you're well placed to comply with these new requirements. However, we do urge you to seek further information to make sure you fully understand your responsibilities.

ADG7 includes a comprehensive summary of the changes between the sixth and seventh editions of the Australian Dangerous Goods Code. The National Transport Commission ([ntc.gov.au](http://ntc.gov.au)) can assist you to obtain an electronic or printed copy of ADG7.

WorkSafe is also producing guidance material to help you understand and comply with the new requirements, so please continue to visit our website for new and updated information during the transition period.

*The information presented in this document is intended for general use only. It should not be viewed as a definitive guide to the law, and should be read in conjunction with the amended Dangerous Goods Act 1985 and Dangerous Goods (Transport by Road or Rail) Regulations 2008.*

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