

Transport of dangerous goods

Changes to the law

1 January 2009

On 1 January 2009, some new legal requirements come into effect in Victoria to improve the safety of dangerous goods transport. The changes are the result of a new, updated national framework for the transport of dangerous goods by road or rail.

Victoria's *Dangerous Goods Act 1985* (Dangerous Goods Act) 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 been made to the Dangerous Goods (Storage and Handling) Regulations 2000 and Dangerous Goods (Explosives) Regulations 2000.

This document provides a broad overview of the changes made to the Dangerous Goods Act and associated regulations.

Dangerous Goods Act 1985

1. Coverage of transport of dangerous goods by road or rail has been consolidated under the Dangerous Goods Act. The changes take effect from 1 January 2009.
2. The amended Dangerous Goods Act allows for a transition period for complying with either the 6th or 7th edition of the Australian Dangerous Goods Code from 1 January 2009 to 31 December 2009. After 1 January 2010, compliance must be with the 7th edition.
3. Changes to general definitions such as ADG Code, dangerous goods, combination, unit of rolling stock, transport documentation and vehicle.
4. Additional duties have been inserted into the Dangerous Goods Act in relation to goods too dangerous to be transported and the transport of dangerous goods by road or rail.
5. New court powers concerning the amending, suspending or revoking of a dangerous goods driver licence and forfeiture of containers.
6. Increased penalties and sanctions for those found guilty of general duty offences, especially serious offences involving the death or serious injury of a person.

7. The range of costs recoverable from a convicted person has been clarified to explicitly include costs involving the reconditioning and destroying of any dangerous goods containers seized and detained.

8. New WorkSafe powers that allow information to be provided to a corresponding authority and designated other parties.

Dangerous Goods (Transport by Road or Rail) Regulations 2008

1. The current distinction between 'packaged' and 'bulk' has generally been removed to be consistent with ADG7. The terms have been replaced with a new container based approach and/or new threshold levels for particular classes of dangerous goods.
2. Transport of small quantities - the Regulations do not apply to the transport of a load of dangerous goods if all the following requirements are met:
The load does not contain –
 - any designated goods, or
 - dangerous goods in a receptacle with a greater than 500L capacity, or
 - more than 500kg of dangerous goods in a receptacle.
3. Explosives continue to be excluded from the Dangerous Goods (Transport by Road or Rail) Regulations unless being transported with other dangerous goods. All aspects of explosives transport are regulated by the Dangerous Goods (Explosives) Regulations 2000.
4. New special provisions for tool of trade and dangerous goods for personal use. There are some concessions for these circumstances, however, dangerous goods must still be packaged and transported safely in accordance with the ADG Code.
5. New definitions. Some new definitions have been added such as overpack, large packaging, multiple element gas container and retail distribution load.

6. WorkSafe's powers to make determinations have been expanded to include circumstances when dangerous goods must not be transported.
7. Minor changes to the placard load threshold. The removal of the previous definition for 'dangerous goods in bulk' has not significantly affected the threshold for requiring an emergency information panel (EIP) placard. The threshold for the EIP continues to be linked to the capacity of a container.
8. New power for WorkSafe to approve a method of preparing an overpack for transport that does not comply with the relevant section of the ADG Code.
9. New duty for loaders of vehicles. A person must not load dangerous goods onto a vehicle for transport if the person knows or reasonably ought to know the vehicle or its equipment does not comply with chapter 4.4 of ADG7.
10. Driver and vehicle licences are required for any road vehicle transporting more than 500kg of dangerous goods in a receptacle or dangerous goods in a receptacle with a greater than 500L capacity (this is a simplification of the three-tiered approach under the old regulations). The exemption for the transport of dangerous goods up to a maximum of 3'000L in intermediate bulk containers is retained.
11. Some changes to evidence requirements that must accompany applications for a licence and applications for renewal of a licence. Updated prescribed forms include changes.
12. Dangerous goods licences are now issued for five years instead of three. Existing and current dangerous goods licences will be reissued for five years on renewal.
13. Persons applying for a drivers licence must now be a resident of Victoria.
14. Removal of age restriction that an applicant must be at least 21 years old to obtain a dangerous goods driver licence.

15. Minor changes to the disposal and transfer of vehicles licensed to transport dangerous goods.
16. A minimum of \$5 million insurance is required when a vehicle is carrying a placard load.
17. New duties on drivers of a road vehicle carrying dangerous goods regarding unloading, detaching a trailer and operating a road tank vehicle equipped with a burner. Must not undertake these activities except in accordance with relevant parts of the ADG Code.
18. Changes to requirements for prime contractors and rail operators where food and food packaging are in the vicinity of an incident involving a vehicle transporting dangerous goods.
19. Certain approvals, determinations and exemptions provided under previous laws regulating the transport of dangerous goods, remain in effect until the granted date of expiry (providing these are still relevant to circumstances that exist in Victoria).

Amendments to other regulations for consistency with new ADG7 requirements

These include minor changes to the:

- Dangerous Goods (Storage and Handling) Regulations 2000. [Click here to see amendments \(part 24, section 255 on page 175\).](#)
- Dangerous Goods (Explosives) Regulations 2000. [Click here to see amendments \(part 24, section 256 on page 175\).](#)

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 the Dangerous Goods (Transport by Road or Rail) Regulations 2008.