

South Australia

## **Dangerous Substances (Dangerous Goods Transport) Variation Regulations 2016**

under the *Dangerous Substances Act 1979*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Dangerous Substances (Dangerous Goods Transport) Variation Regulations 2016*.

#### **2—Commencement**

These regulations will come into operation on 11 November 2016.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Dangerous Substances (Dangerous Goods Transport) Regulations 2008***

### **4—Variation of regulation 4—Interpretation**

Regulation 4(1), definition of *MEGC*—delete "tubes and bundles" and substitute:  
tubes or bundles

### **5—Variation of regulation 79—Consignor's duties**

Regulation 79—after subregulation (4) insert:

- (5) A person must not consign a load of dangerous goods that is not a placard load for transport in or on a cargo transport unit if—
- (a) the load is placarded as if it were a placard load; and
  - (b) the placarding of the load is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of a natural person—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of a natural person—\$800.

### **6—Variation of regulation 80—Loader's duties**

Regulation 80—after subregulation (4) insert:

- (5) A person who loads dangerous goods on to a vehicle for transport that is not a placard load must not—
- (a) placard the load as if it were a placard load; and
  - (b) placard the load in a way that is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of a natural person—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of a natural person—\$800.

## **7—Variation of regulation 81—Prime contractor's and rail operator's duties**

Regulation 81—after subregulation (4) insert:

- (5) A prime contractor or rail operator must not transport a load of dangerous goods that is not a placard load if—
  - (a) the load is placarded as if it were a placard load; and
  - (b) the placarding is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of a natural person—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of a natural person—\$800.

## **8—Variation of regulation 82—Driver's duties**

Regulation 82—after subregulation (3) insert:

- (4) A person must not drive a road vehicle carrying a load of dangerous goods that is not a placard load if—
  - (a) the load is placarded as if it were a placard load; and
  - (b) the placarding is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of a natural person—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of a natural person—\$800.

## **9—Variation of regulation 114—Transferor's duties**

Regulation 114(2)—delete subregulation (2) and insert:

- (2) If—
  - (a) a person is engaged in the bulk transfer of goods that are not dangerous goods to a tank (*tank A*); and
  - (b) tank A is on, or part of, a vehicle; and
  - (c) the person knows, or reasonably ought to know, that the vehicle—
    - (i) is carrying dangerous goods in another tank or in another compartment of tank A; or
    - (ii) is likely to carry dangerous goods in another tank, or in another compartment of tank A before tank A is emptied of the non-dangerous goods,

the person must ensure that the ullage in tank A in respect of the non-dangerous goods complies with section 10.3.1 of the ADG Code as if the goods were dangerous goods.

Maximum penalty: \$2 000.

Expiation fee: \$400.

#### **10—Variation of regulation 115—Prime contractor's and rail operator's duties**

- (1) Regulation 115(2)(a)—after "a tank" insert:

*(tank A)*

- (2) Regulation 115(2)(b)—after "dangerous goods" insert:

in another tank or in another compartment of tank A

- (3) Regulation 115(2)—delete "the tank" and substitute:

tank A

#### **11—Variation of regulation 139—Driver's duties**

Regulation 139—after subregulation (2) insert:

- (3) Subregulation (2) does not apply if the driver complies with the requirements of the Australian Road Rules to place warning triangles on the road.

#### **12—Variation of regulation 170—References to CAP**

Regulation 170—after subregulation (2) insert:

- (3) The Competent Authority may refer to CAP any determination, exemption or approval that has been made by a corresponding authority that the Competent Authority considers to be a determination, exemption or approval that should be given effect in all participating jurisdictions, or participating jurisdictions including this jurisdiction, for the purposes of regulations 156, 158 and 169.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 3 November 2016

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