

South Australia

Dangerous Substances (Dangerous Goods Transport) (Miscellaneous) Variation Regulations 2021

under the *Dangerous Substances Act 1979*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of regulation 3—Scope of Act and regulations
 - 5 Variation of regulation 4—Interpretation
 - 6 Insertion of regulation 49A
 - 49A Packing of dangerous goods in limited or excepted quantities
 - 7 Variation of regulation 50—Suitability of packaging for transport
 - 8 Variation of regulation 54—Seller's and supplier's duties
 - 9 Substitution of heading to Part 6
 - Part 6—Signage
 - 10 Insertion of heading to Part 8 Division 1
 - Division 1—Self reactive substances, organic peroxides and certain other substances
 - 11 Variation of regulation 91—Interpretation
 - 12 Variation of regulation 93—Consignor's duties
 - 13 Variation of regulation 94—Loader's duties
 - 14 Variation of regulation 95—Prime contractor's and rail operator's duties
 - 15 Variation of regulation 96—Driver's duties
 - 16 Insertion of Part 8 Division 2
 - Division 2—Nominally empty storage vessels
 - 96A Application of Division
 - 96B Consignor's duties
 - 96C Loader's duties
 - 96D Prime contractor's and rail operator's duties
 - 96E Driver's duties
 - 17 Insertion of Part 12 Division 3
 - Division 3—Dangerous goods packed in limited quantities
 - 129A Consignor's duties
 - 129B Prime contractor's duties
 - 129C False or misleading information
 - 18 Substitution of heading to Part 13 Division 1
 - Division 1—General precautions—driver's duties
 - 19 Insertion of Part 13 Division 1A
-

Division 1A—General precautions—prime contractor's duties

135A	Parking
135B	Unloading
135C	Detaching trailer
135D	Road tank equipped with burner

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dangerous Substances (Dangerous Goods Transport) (Miscellaneous) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 October 2021.

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 3—Scope of Act and regulations

Regulation 3(5)(g)—after "Chapter 3.4" insert:
or 3.5

5—Variation of regulation 4—Interpretation

- (1) Regulation 4(1), definition of *ADR approved*—delete "*European*"
- (2) Regulation 4(1), definition of *placard load*, (c)—after "aggregate quantity of dangerous goods" insert:
(other than specified goods)
- (3) Regulation 4(1), definition of *placard load*, (f)—after "aggregate quantity of dangerous goods" insert:
(other than specified goods)
- (4) Regulation 4(1), definition of *placard load*—delete "but does not include a load containing an aggregate quantity of dangerous goods of less than 2 000 that consists only of the following dangerous goods:"
- (5) Regulation 4(1), definition of *placard load*, (g), (h) and (i)—delete paragraphs (g), (h) and (i) and substitute:
or
(g) contains specified goods if—
 - (i) the specified goods include an aggregate of 2 000 or more of any 1 UN Number from a single place or consignment; or

- (ii) the total gross mass of the specified goods is 8 tonnes or more; or
 - (h) contains a mixture of specified goods and dangerous goods that do not otherwise constitute a placard load under paragraphs (a) to (g) (inclusive) with a combined quantity as follows:
 - (i) if the load contains dangerous goods referred to in subparagraphs (c)(i), (ii) or (iii)—the aggregate quantity of those goods plus 10% of the total gross mass of the specified goods is 250 or more;
 - (ii) in any other case—the aggregate quantity of dangerous goods that are not specified goods plus 25% of the total gross mass of the specified goods is 1 000 or more;
- (6) Regulation 4(1)—after the definition of *Special Provision* insert:

specified goods means—

- (a) dangerous goods that are packed in limited quantities; and
- (b) the following dangerous goods:
 - (i) fireworks that are bon bons, party poppers or sparklers;
 - (ii) domestic smoke detectors containing radioactive material;
 - (iii) lighters or lighter refills containing flammable gas;
 - (iv) fire extinguishers with compressed or liquefied gas, up to a net mass of 23 kilograms; and
- (c) a combination of the dangerous goods referred to in paragraphs (a) and (b);

Note—

See Note 5 to Table 5.3 of the ADG Code.

6—Insertion of regulation 49A

Before regulation 50 insert:

49A—Packing of dangerous goods in limited or excepted quantities

- (1) This Part does not apply to dangerous goods that are—
 - (a) goods packed in limited quantities; or
 - (b) goods packed in excepted quantities within the meaning of regulation 74(5).
- (2) To avoid doubt, this Part (including regulation 50 and the offence provisions) applies to dangerous goods that—
 - (a) are purported to be packed in limited quantities but do not comply with the requirements of subregulation (3); or
 - (b) are purported to be packed in excepted quantities but do not comply with the requirements of regulation 74(5).

- (3) For the purposes of this Part, dangerous goods are *packed in limited quantities* if—
- (a) the goods are packed in accordance with Chapter 3.4 of the ADG Code; and
 - (b) the quantity of dangerous goods in each inner packaging or each article does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods.

7—Variation of regulation 50—Suitability of packaging for transport

Regulation 50(1)—after paragraph (i) insert:

or

- (j) for goods purported to be packed in limited quantities—it fails to comply with Chapter 3.4 of the ADG Code; or
- (k) for goods purported to be packed in excepted quantities—it fails to comply with Chapter 3.5 of the ADG Code.

8—Variation of regulation 54—Seller's and supplier's duties

Regulation 54—after "Chapter 3.4" wherever occurring insert:

or 3.5

9—Substitution of heading to Part 6

Part 6, heading—delete the heading and substitute:

Part 6—Signage

Note—

Section 5.1.3.3 of the ADG Code provides for unused pre-labelled dangerous goods packagings to be identified in order to avoid inappropriate emergency response.

10—Insertion of heading to Part 8 Division 1

Part 8—after the heading to Part 8 insert:

Division 1—Self reactive substances, organic peroxides and certain other substances

11—Variation of regulation 91—Interpretation

Regulation 91(2) and (3)—delete subregulations (2) and (3)

12—Variation of regulation 93—Consignor's duties

Regulation 93—delete "or 7.2"

13—Variation of regulation 94—Loader's duties

Regulation 94—delete "or 7.2"

14—Variation of regulation 95—Prime contractor's and rail operator's duties

Regulation 95(1)—delete "or 7.2"

15—Variation of regulation 96—Driver's duties

Regulation 96—delete "or 7.2"

16—Insertion of Part 8 Division 2

After regulation 96 insert:

Division 2—Nominally empty storage vessels

96A—Application of Division

This Division applies to tanks or hoppers specified in section 7.2.7.1 of the ADG Code (*nominally empty storage vessels*).

96B—Consignor's duties

A person must not consign nominally empty storage vessels for transport in a cargo transport unit if the person knows, or reasonably ought to know, that the storage vessels are not loaded or stowed, or cannot be transported or unloaded, in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of a natural person—\$400.

96C—Loader's duties

A person must not load nominally empty storage vessels for transport by road or rail in a cargo transport unit other than in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of a natural person—\$400.

96D—Prime contractor's and rail operator's duties

A prime contractor or rail operator must not transport nominally empty storage vessels if the contractor or rail operator knows, or reasonably ought to know, that the transport does not comply with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of a natural person—\$400.

96E—Driver's duties

A person must not drive a road vehicle transporting nominally empty storage vessels if the person knows, or reasonably ought to know, that the storage vessels are not being transported in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

17—Insertion of Part 12 Division 3

Part 12—after Division 2 insert:

Division 3—Dangerous goods packed in limited quantities

129A—Consignor's duties

A person must not consign dangerous goods that are packed in limited quantities for transport unless the person has provided the prime contractor with the information required by section 3.4.12.1 of the ADG Code in the form required by that section.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of a natural person—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of a natural person—\$260.

129B—Prime contractor's duties

A prime contractor who receives information under section 3.4.12.1 of the ADG Code must ensure that the information is readily ascertainable during transport of the dangerous goods.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of a natural person—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of a natural person—\$260.

129C—False or misleading information

In providing information under section 3.4.12.1 of the ADG Code, a person must not include information that the person knows, or reasonably ought to know, 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.

18—Substitution of heading to Part 13 Division 1

Heading to Part 13 Division 1—delete the heading and substitute:

Division 1—General precautions—driver's duties

19—Insertion of Part 13 Division 1A

Part 13—after Division 1 insert:

Division 1A—General precautions—prime contractor's duties

135A—Parking

A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to park the road vehicle, or leave the road vehicle standing, in a public or private place except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of a natural person—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of a natural person—\$260.

135B—Unloading

A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to permit the dangerous goods to be unloaded from the vehicle except in accordance with Part 13 of the ADG Code.

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.

135C—Detaching trailer

A prime contractor must not direct or induce the driver of a road vehicle that has attached to it a trailer transporting a placard load to detach the trailer or permit it to be detached from the vehicle except in accordance with Part 13 of the ADG Code.

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.

135D—Road tank equipped with burner

A prime contractor must not direct or induce the driver of a road vehicle that is transporting a placard load, and that is equipped with a burner to heat the load, to operate the burner or permit it to be operated except in accordance with Part 13 of the ADG Code.

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.

Made by the Governor

with the advice and consent of the Executive Council
on 27 January 2021

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