

# Fact sheet

## Australian Dangerous Goods Laws – Frequently Asked Questions

June 2014

### What are dangerous goods?

Dangerous goods, due to their physical, chemical and toxicological properties, can present an acute risk to life, health, property and the environment especially when being transported.

Items classified as Dangerous Goods can range from everyday household goods such as cosmetics and cleaning products, to pesticides and industrial chemicals.

### What are the Transport of Dangerous Goods laws?

The Transport of Dangerous Goods laws provide a single national set of laws to reduce the risks of personal injury, death, property damage and environmental harm arising from the transport of dangerous goods by road or rail.

The laws include the Australian Code for the Transport of Dangerous Goods by Road and Rail, seventh edition (ADG7), a Model Law on the Transport of Dangerous Goods by Road or Rail and a Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail.

The model laws are used as a guide for states and territories to create their own laws, however they have no legislative force of their own. Therefore you should read this code in conjunction with the specific dangerous goods legislation that applies to your state or territory.

They are heavily based on the UN Model Regulations which are internationally accepted and form the framework for the regulation of the transport of dangerous goods in Australia.

### Why has the NTC changed the Transport of Dangerous Goods laws?

The National Transport Commission (NTC) is responsible for monitoring the Transport of Dangerous Goods laws in Australia and has identified changes needed to ensure the laws continue to reflect the needs of users and continue to meet best practice.

The changes remove previous inconsistencies with air and sea transport, improve the clarity of some existing rules and update the laws so they are consistent with the latest editions of the UN Model Regulations.

The current Transport of Dangerous Goods laws were introduced in 2007 and are based on the 15th edition of the UN Model Regulations for the Transportation of Dangerous Goods. The changes incorporate amendments from the 16th and 17th editions of UN Model Regulations for the Transportation of Dangerous Goods, and the regular NTC maintenance process.

The changes are outlined in the Transport of Dangerous Goods Laws – Amendment Package No. 2, which is available from the NTC website.

### What are the amendments?

The key amendments remove the current inconsistencies between transport modes and bring Australia in line with international best practice.

Some of the amendments include:

- better clarifying the description of a dangerous good
- adding additional dangerous goods to the list of dangerous goods
- requiring minimum sized markings on large packages of dangerous goods
- ensuring the transport of infectious substances comply with the law
- providing clear requirements around how and where transport documents are kept on a vehicle transporting dangerous goods
- ensuring appropriate ventilation is on a vehicle that is transporting flammable gasses so as to prevent the build-up of vapours
- ensuring compliance plates on tankers contain essential legible information for inspectors
- clarifying the need for a tow-truck driver to have a dangerous goods licence or be accompanied by a licensed dangerous goods driver when towing a vehicle transporting dangerous goods
- requiring that an emergency must plan be activated or emergency procedures followed if a dangerous situation occurs.

These amendments do not represent significant policy changes and as such are not expected to have significant cost implications for industry or governments.

#### **What areas do the amendments relate to?**

There are four schedules of changes:

Schedule 1 amends the Model Law on the Transport of Dangerous Goods by Road or Rail to make a minor amendment to update references to the now defunct Australian Transport Council to its successor, the Standing Council on Transport and Infrastructure.

Schedule 2 amends the Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail in relation to such things as:

- administrative determinations
- the marking and labelling of goods that are only dangerous in some modes of transport
- the location and retention of transport documents
- the towing of vehicles containing dangerous goods
- the activation of emergency plans
- the referral of determinations to the Competent Authorities Panel

Schedule 3 makes miscellaneous amendments to ADG7 in relation to such things as:

- clarifying the tank approval process
- clarifying requirements concerning the transport of clinical waste, compliance plates, the ventilation of transport units, the maintenance of load restraint devices, underslung segregation devices, the hydrostatic pressure testing of hoses, transport documentation and the maintenance and location of fire extinguishers
- enshrining exemptions granted

The key amendments remove the current inconsistencies between transport modes and bring Australia in line with international best practice. These amendments deal with matters such as:

- the transport of substances which are toxic by inhalation
- requirements for metal hydride storage systems
- fuel cell engines
- use of open cryogenic receptacles

- classification criteria for environmentally hazardous substances
- chemicals under pressure
- dangerous goods used as coolants
- flexible bulk containers
- salvage pressure receptacles
- lithium batteries.

### **What are the likely impacts on industry of these amendments?**

The amendments are expected to help improve Australia's competitiveness in the global market.

It is expected that the cost implications of the amendments will be minor and will be outweighed by the cost savings associated with the elimination of inconsistencies between the different transport modes.

### **Are you incorporating all changes from the UN Model Regulations?**

The NTC is recommending that Australian law reflects the UN Model Regulations in the majority of cases.

However, the UN amendments relating to reserved provisions listed in ADG7 have not been included as they are not considered relevant to Australia. There are also a number of changes that require further examination to assess their appropriateness in the Australian context, such as those regarding transporting limited quantities of dangerous goods. The National Transport Commission will undertake additional research and consultation and release a separate discussion paper on the issue, for public consultation.

### **What consultation has taken place in preparing the changes?**

The NTC has developed the proposed amendments in consultation with key industry representatives and the NTC Maintenance Group, which includes road agencies and police from each of the state and territories across Australia, as well as a representative from the Commonwealth.

The NTC released the amendment package for public consultation in August 2013 and received formal feedback from stakeholders which informed the final recommendations delivered to Ministers. The Standing Council on Transport and Infrastructure (SCOTI) approved the changes in November 2013.

### **Who will approve the proposed changes?**

The NTC is seeking formal comment on the proposed amendments prior to the final recommendations which will be presented to SCOTI for approval in November 2013.

### **When do the updated laws come into effect?**

A voluntary transition period will commence on 1 July 2014. From this date, industry can voluntarily comply with the new code. It is proposed that the updated laws will become mandatory on 1 July 2015.

### **For more information, please contact:**

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