VOLUME 1 | seventh edition

Australian Code for the Transport of Dangerous Goods by Road And Rail

(ADG Code)

Endorsed by the Australian Transport Council

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Foreword

The National Transport Commission (NTC) is a body established under an Inter-Governmental Agreement with a charter to develop, monitor, and maintain uniform or nationally consistent regulatory and operational reforms relating to road, rail and inter-modal transport. The National Transport Commission is funded jointly by the Australian Government, States and Territories. It is responsible for maintaining regulations on the transport of dangerous goods by land within Australia.

The transport of dangerous goods is a high risk activity involving heavy vehicles on the public road and rail network. The review of the 6th Edition of the Australian Dangerous Code was aimed at improving and maintaining land transport safety through revision of the technical requirements in the Australian Dangerous Goods Code and revision of the legal requirements set out in legislation for the safe transport of these substances within Australia.

The 7th edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail. (the Code) is the product of this review. The Code is supported by a revised legislative framework consisting of a Model Act, and a model set of regulations (or Model Subordinate Law).

The Model Act on the Transport of Dangerous Goods by Road or Rail replaces the Road Transport Reform (Dangerous Goods) Act 1995 (Commonwealth). The Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail replaces the existing Road Transport Reform (Dangerous Goods) Regulations 1997 and the Rail (Dangerous Goods) Rules and underpins the Code.

The legislation provides a single comprehensive set of laws for the land transport of dangerous goods. It will be scheduled under the National Transport Commission Act 2003 for reference purposes. It will be adopted by States and Territories through either a new or existing Act of Parliament and regulations in each jurisdiction.

Electronic copies of the Model Act and Model Subordinate law are available free of charge from the Commonwealth Government Federal Register of Legislative Instruments at www.comlaw.gov.au

Under the Inter-governmental Act establishing the NTC, all States and Territories have agreed to ‘use their best endeavours to implement and maintain Agreed Reforms in a uniform or nationally consistent manner.’ The Code is not implemented in a jurisdiction until legislation has been enacted or made and commenced, or the relevant power exercised, in that jurisdiction specifically adopting the 7th edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail.

This Code is a reference document setting out detailed technical and procedural requirements for a range of activities performed in the day-to-day preparation for and transportation of dangerous goods by either road or rail. This Code also contains a number of non-mandatory provisions or guidelines and a small number of exemptions.

The purpose of this Code is to ensure uniformity and consistency in technical requirements across jurisdictions applying to the land transport task. This Code should be read in conjunction with the model legislation.

The 7th Edition of the Code adopts the structure, format, definitions and concepts of the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations fourteenth revised edition while retaining Australian specific provisions. It fully incorporates additional provisions for the transport of infectious substances, and includes amendments accumulated since 1998 and approved by the Advisory Committee on the Transport of Dangerous Goods and by the Competent Authorities Panel.

The main benefits associated with this work are harmonisation with international inter-modal regulations, a more frequent revision cycle for the Code, a single set of laws governing the transport of dangerous goods by road and rail and additional concessions for the transport of small quantities of these substances. This is part of the long term strategy of aligning domestic land transport requirements as closely as possible with international requirements for the safe transport of dangerous goods.

The NTC recommends that readers of this publication contact the Competent Authority in their jurisdiction (as listed in clause 1.2.4 of Part 1) to ascertain the implementation status of the Australian Code for the Transport of Dangerous Goods by Road and Rail (7th Edition).

Michael Deegan

Chairman

Acknowledgments

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- the valuable technical assistance of Mr John Borig of Noel Arnold and Associates;
- expertise provided by the Advisory Committee on the Transport of Dangerous Goods (ACTDG);
- the contributions of the many organisations and individuals who attended the public information sessions in 2005 and who provided submissions following the public comment period; and
- the permission given by the United Nations for use of material from the *Recommendations on the Transport of Dangerous Goods Model Regulations* fourteenth revised edition, © United Nations, 2005.

State and Territory agencies that contributed to the development of this publication include:

Australian Capital Territory Workcover;
Department of Consumer and Employment Protection, Western Australia
Department of Environment and Climate Change, New South Wales;
Northern Territory Worksafe;
Queensland Transport;
Safework, South Australia;
WorkCover, New South Wales; and
Worksafe, Victoria.

Commonwealth agencies that contributed to the development of this publication include:

Australian Maritime Safety Authority;
Civil Aviation Safety Authority;
Department of Defence;
Department of Employment and Workplace Relations; and
Department of Transport and Regional Services.

The Australian Dangerous Goods Code is subject to periodic review to keep pace with international developments and local industry best practice.

Suggestions for improvements or corrections to this Code are welcomed and should be addressed in the first instance to the Competent Authorities listed in this document.

Readers' Guide

This Code has been prepared by the National Transport Commission in conjunction with representatives from the Advisory Committee on the Transport of Dangerous Goods. It has been approved by the chief executives of transport agencies and of those agencies responsible for the regulation of dangerous goods transport. It has been endorsed by the Australian Transport Council. This edition replaces the sixth edition of the *Australian Code for the Transport of Dangerous Goods by Road and Rail.* The Code sets out technical requirements and guidelines for the transport of dangerous goods by road and rail.

The Code only sets out requirements and guidelines relating to the transport of explosives and radioactive materials where these goods are transported together with other dangerous goods, or where the dangerous goods have a subsidiary risk of another class. For completeness and international uniformity, the Code includes the full Dangerous Goods List and the classification criteria for all classes and divisions of dangerous goods.

The Code is a safety Code and does not contain any provisions relating to security.

Provisions of this Code dealing with Class 1 (Explosives), Class 7 (Radioactive substances or articles), infectious substances and waste products should be read subject to Division 1.1 (Introduction and Application) of the Model Act on the Transport of Dangerous Goods by Road or Rail and the following:

- Requirements in this Code relating to the transport of explosives are subject to the requirements of any other law of a State or Territory or the Commonwealth relating to the transport of explosives. Rules for the transport of explosives are to be found predominantly in the *Australian Explosives Code*, as applied by State and Territory or Commonwealth legislation. Any provision in this Code for Class 1 should be regarded as advisory and for information purposes only, unless it is called up by other legislation. These requirements should also be read in conjunction with the legislation applicable in each jurisdiction to Security Sensitive Ammonium Nitrate.

- Requirements relating to the transport of radioactive substances are subject to any other law of a State or Territory or the Commonwealth relating to the transport of those substances, including the *Code of Practice for the Safe Transport of Radioactive Substances.* Any provision in this Code for Class 7 should be regarded as advisory, for information purposes only, unless it is called up by other legislation.

- Requirements relating to the transport of infectious substances are subject to the requirements of any other law of a State or Territory or the Commonwealth relating to the transport of infectious substances.

- The requirements of this Code do not apply to waste products and other environmentally hazardous substances unless those products or substances are also dangerous goods within the meaning of the Code. Enquiries concerning the transport of waste and other environmentally hazardous substances should be directed to the relevant State or Territory authority responsible for administering environment protection legislation.

The Code must be read in conjunction with the Model Act on the Transport of Dangerous Goods by Road or Rail and with the Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail, as in force in each State or Territory.

The technical requirements in this edition of the Code are based on provisions of the *United Nations Recommendations on the Transport of Dangerous Goods*, *Model Regulations* fifteenth revised edition and on Australian-specific content taken from the 6th Edition of the Code. Where the substance or a part of the UN recommendations has been incorporated in full, that section is identified by a change in font colour visible in the electronic version of the Code.

The Model Act sets out, in general terms, the legal requirements for transporting dangerous goods by road and rail. It establishes the broad regulatory framework for the transport of dangerous goods and complements changes in the Model Subordinate Law. Neither the Model Act nor the Model Subordinate Law regulate the transport of dangerous goods of Class 1 (Explosives) or Class 7 (Radioactive substances and articles) or provide any provisions relating to security.

The Model Act now includes additional compliance and enforcement provisions from the National Transport Commission (Road Transport Legislation – Compliance and Enforcement Bill) Regulations 2006. It clarifies the role and responsibilities of the Competent Authority Panel who can grant exemptions to the regulations. It expands the powers of authorised officers to both road and rail transport of dangerous goods and sets out offences and recommended penalties for adoption by the States and Territories.

The Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail sets out specific legal requirements for transporting dangerous goods by both road and rail. The Model Subordinate Law identifies the key players in the transport of dangerous goods and imposes obligations and penalties on each player in the land transport chain to ensure that dangerous goods are transported safely. The basis of the duties and responsibilities outlined in the Model Subordinate Law are the technical requirements set out in the Australian Dangerous Goods Code.