

Appendix One: Land Transport Rule: Dangerous Goods 2005 (Alternative certification pathway for Type Two Segregation Devices) Class Exemption Notice 2025

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Pursuant to section 168D of the Land Transport Act 1998, the Director of Land Transport, after being satisfied of the matters set out in section 168D-(3) of that Act, gives the following notice:

1. Title

This Notice is the Land Transport Rule: Dangerous Goods 2005 (Alternative certification pathway for Type Two Segregation Devices) Class Exemption Notice 2025.

2. Commencement

This Notice comes into force on 19 December 2025.

3. Expiry

This Notice expires at 11.59pm on 19 December 2028.

4. Application

This Notice applies to Type Two segregation devices that have a capacity exceeding 450 litres but not more than 3000 litres which require certification or approval during the currency of this exemption notice.

5. Interpretation

(1) In this Notice –

Act means the Land Transport Act 1998

Rule means the Land Transport Rule: Dangerous Goods 2005

Type Two Segregation device means a packaging device that exceeds 450 litres but not exceeding 3000 litres and is not a Type One segregation device.

(2) Any term or expression that is defined in the Act, or the Rule and used, but not defined, in this Notice has the same meaning as in the respective Act or the Rule.

6. Class exemption

(1) A device described in clause 4 of this notice is exempt from clause 6.4(1) of the Rule.

(2) The exemption in subclause (1) is subject to the conditions specified in clause 7 of this Notice.

7. Conditions

(1) The Type Two segregation device must be type tested and be certified in accordance with the following clauses of the New Zealand Standard 5433:2020, Transport of dangerous goods on land:

a. F4.2.1: A Type II segregation device must not exceed 3,000 litres' capacity.

b. F4.3.1: The segregation device must be of suitable design, construction, materials and strength for the intended service.

- c. F4.3.2: All body panels must be solid, substantial and resistant to penetration. Mesh, crate construction or similar is not acceptable but mesh reinforcing layers may be used. The body and panels must be resistant to or adequately protected from environmental deterioration.
- d. F4.3.3: The segregation device may be of fixed construction or may be designed to be folded, dismantled or collapsed for return transport.
- e. F4.3.4: The device must incorporate a base (which may also function as a lifting device) that raises the floor of the device at least 100mm above the floor of the transport vehicle at all times.
- f. F4.3.5: The segregation device must be designed for safe mechanical handling when fully loaded.
- g. F.4.3.6: If intended to be stacked the device must be designed for safe stacking and be sufficiently strong to support the load imposed by similar devices to the maximum height likely to occur in transport.
- h. F.4.3.7: The segregation device must be able to be restrained on or attached to the transport vehicle. Restraint components must be of sufficient strength to securely restrain the device when it is loaded to twice the approved gross load. Restraints must be of a type and so positioned that no distortion or undue stress is imposed on the device.
- i. F.4.3.8: The interior of the segregation device must be smooth and free of any protrusion or fitting likely to cause damage to the packages transported within. It must allow for cleaning and be free of any cavities in which spillage dirt or contaminants may collect.
- (2) This Notice does not apply to Type One segregation devices that have a capacity not exceeding 450 litres.
- (3) Every segregation device tested and certified in reliance on this class exemption must be clearly marked with a testing certificate identification number evidencing the device has been tested by a NATA or IANZ-accredited laboratory as meeting the requirements set out in this class exemption.
- (4) Any requirement in the Rule requiring that a Type Two segregation device be tested, certified, approved or marked in accordance with 6.4(1) of the Rule is satisfied if the device at issue *is of a type that* has been tested and approved in accordance with this Notice.



Signed at Wellington on 19 December 2025

Brent Alderton

Director of Land Transport

Explanatory Note

This note is not part of the Notice. This note indicates the Notice's general effect and the reasons for it being given.

This Notice comes into force on DATE and expires at 11.59pm on DATE. It may be amended, replaced, or revoked in accordance with section 168E(2) of the Act.

General effect of the Class Exemption

The Notice grants a temporary Class Exemption to allow the segregation devices described in the Notice to be type tested and certified in accordance with a superseded New Zealand Standard.

Reasons for giving the Class Exemption

The most recent New Zealand Standard 4533, Transport of dangerous goods on land, was published in 2020. The 2020 version requires both the type testing and certification of relevant devices and additional approval by the relevant regulatory authority.

It is unclear which authority is the Relevant Regulatory Authority for the purposes of certifying Type Two segregation devices.

Where a device has been type-tested and certified in accordance with the conditions of this class exemption, the Director considers it is not appropriate to also require approval through a relevant regulatory authority.