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**PART 13**

**PROTECTIVE DIRECTION**

**TABLE OF CONTENTS**

*Background*

*Definitions*

	<b><u>SECTION</u></b>
Effective Date and Expiry of a Protective Direction .....	13.1
Requesting a Review of a Protective Direction .....	13.2
Notification of a Decision .....	13.3

***Background***

*The authority for a protective direction is in section 32 of the “Transportation of Dangerous Goods Act, 1992”.*

*An example of the need for a protective direction would be a situation involving a suspected problem with a standardized means of containment. A protective direction could require that a statistical sample be inspected within a specified period of time. The results would determine the next course of action, which could be, for instance, the removal of all such means of containment from service, the establishment of a compulsory inspection programme for the remaining means of containment or no further special action.*

## ***PROTECTIVE DIRECTION***

### ***Definitions***

*Definitions for the following terms, used in this Part, are provided in Part 1, Coming into Force, Repeal, Interpretation, General Provisions and Special Cases:*

*Director General*

*Minister*

*Person*

*protective direction*

### **13.1 Effective Date and Expiry of a Protective Direction**

- (1) A protective direction takes effect on the date on which it is signed by the Minister or a designated person or at a later date indicated in the protective direction. However, after the effective date of the protective direction, any non-compliance with it must not be enforced against a person unless the person has received the original, signed protective direction or an electronic copy of it, or reasonable steps have been taken to make the person aware of the protective direction.
- (2) A protective direction expires on the expiry date specified in it. If no expiry date is specified in the protective direction, it expires 12 months after the date on which it is signed.

### **13.2 Requesting a Review of a Protective Direction**

- (1) A person may request a review of a protective direction at any time after it is signed.
- (2) The request must be made, in writing, to the Minister or the Director General and must include the following information:
  - (a) the name and address of the place of business of the person requesting the review;
  - (b) the result the person expects from the review; and
  - (c) all the information necessary to support the request for the review.

### **13.3 Notification of a Decision**

The Minister or a designated person must notify, in writing, the person who made the request for a review of the decision and the reasons for the decision.