

Queensland



CARRIAGE OF DANGEROUS GOODS BY ROAD ACT 1984

**Reprinted as in force on 10 April 1996
(includes amendments up to Act No. 16 of 1993)**

Reprint No. 1

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Information about this reprint

This Act is reprinted as at 10 April 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use gender neutral office names (s 25)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 36 and 39)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of changed citations and remade laws**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

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BY ROAD ACT 1984**

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CARRIAGE OF DANGEROUS GOODS BY ROAD ACT 1984

[as amended by all amendments that commenced on or before 10 April 1996]

**An Act to provide for the carriage by road of dangerous goods and
the duties of persons engaged therein and for related purposes**

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Carriage of Dangerous Goods by Road Act 1984*.

Application of Act

4.(1) This Act—

- (a) applies in relation to the carriage of dangerous goods by road; and
- (b) is in addition to and shall not derogate from the provisions of any other Act; and
- (c) shall not limit or affect any civil remedy at law or in equity; and
- (d) binds the Crown.

(2) This Act does not apply in respect of—

- (a) the carriage of radioactive substances in accordance with the *Radioactive Substances Act 1958*; and
- (b) the carriage of explosives in accordance with the *Explosives Act 1952*; and

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- (c) the transfer, under the *Gas Act 1965*, of gas (within the meaning of that Act) to or from a road tank vehicle or bulk container; and
- (d) the carriage by vehicle of packages of liquefied petroleum gas if the aggregate capacity of the packages is not more than 1 000 L and—
 - (i) no other dangerous goods are being carried by the vehicle at the same time; or
 - (ii) the packages are being carried by—
 - (A) a primary producer, or a person employed by a primary producer, for use by the primary producer; or
 - (B) a tradesperson, or a person employed by a tradesperson, for the purposes of a trade.

Meaning of terms

5.(1) In this Act—

“**authorised officer**” means an authorised officer within the meaning of the *State Transport Act 1960*.

“**carry**” in relation to dangerous goods, includes load, transport, unload, transfer, transmit, pump or discharge the goods.

“**dangerous goods**” means—

- (a) dangerous goods under the code; or
- (b) goods prescribed by regulation to be dangerous goods;

but does not include goods prescribed by regulation not to be dangerous goods.

“**licence**” means a licence issued under section 6.

“**road**” has the meaning assigned to it in the *Traffic Act 1949*.

“**the code**” means the publication prescribed by regulation to be the code.

“**vehicle**” includes every tank, container, equipment and apparatus that is affixed to or is intended to be affixed to a vehicle and is intended to be used in connection with the vehicle.

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(2) For the purposes of this Act—

- (a) an expression to which a meaning is assigned by this Act, when used in the code, shall be construed as having that meaning;
- (b) an expression to which a meaning is assigned by the code and to which a meaning is not assigned by this Act, when used in this Act, shall be construed as having that meaning.

PART 2—CARRIAGE OF DANGEROUS GOODS

Licence to carry

6.(1) Upon application made in or to the effect of the form provided by the chief executive for the purpose and payment of the prescribed fee (if any), the chief executive may issue licences authorising the carriage of dangerous goods.

(2) A licence issued under subsection (1) shall specify—

- (a) the person to whom it is issued; and
- (b) an address in Queensland where that person may be readily communicated with; and
- (c) the dangerous goods or the class or classes of dangerous goods that the person is, by the licence, authorised to carry; and
- (d) the vehicle or vehicles in or on which the person is, by the licence, authorised to carry the dangerous goods.

(3) While a licence issued under subsection (1) is in force—

- (a) the person to whom it is issued; and
- (b) an employee of that person acting in the course of the employee's employment by that person; and
- (c) if that person is a corporate person—a person acting in his or her capacity as its director;

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are authorised to carry in or on any vehicle specified in the licence, in accordance with this Act and in the absence of a provision of this Act with respect to a particular matter provided for by the code, in accordance with the code and in accordance with the terms and conditions (if any) of the licence, the goods or goods of the class or a class specified in the licence.

Entitlement to licence

7. An applicant for a licence shall be entitled to be issued with a licence if, in the chief executive's opinion or the opinion of the person who, being authorised by the chief executive in that behalf, is to decide upon the application it is consistent with the public safety that the applicant should be issued with a licence to carry goods of a class to which the application relates.

Surrender of licence

8. The chief executive may at any time accept the surrender of a licence from a person to whom it is issued, whereupon the licence shall cease to be in force.

Disqualification from holding licence

9.(1) Where a person to whom a licence is issued is convicted of an offence against this Act the court before which the person is convicted may, if it thinks fit, order that the person be disqualified from holding a licence, whether absolutely or for a period specified by the court.

(2) Where a court has ordered that any person be disqualified from holding a licence absolutely the licence then issued to the person shall be deemed to be thereby cancelled and to have ceased to be in force on and from the date when the order is made.

(3) Where a court has ordered that any person be disqualified from holding a licence for a period the licence then issued to the person shall be deemed to be thereby suspended and to have ceased to be in force on and from the date when the order is made until the expiration of the period specified in the order.

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Cancellation and suspension of licence

10.(1) If it appears to the chief executive that a person to whom a licence is issued has shown himself or herself to be unwilling to observe or careless in the observance of the person's obligations under this Act or the code or the terms and conditions of the licence relevant to the person's carriage of dangerous goods, the chief executive may, by notice in writing, call upon that person to appear at, a time and place specified in the notice and to show cause to the chief executive or other person authorised in that behalf why the licence issued to the person should not be cancelled or suspended.

(2) If a person to whom notice is given under subsection (1) does not appear at the time and place specified in the notice or at any time and place to which the matter may have been adjourned or, having appeared, fails to show cause to the satisfaction of the chief executive or other person conducting the show-cause proceeding the chief executive may, by further notice to the person called upon to show cause, cancel the licence then issued to that person or suspend that licence for a period specified in the further notice.

(3) Where the chief executive has cancelled a licence, the licence shall be deemed to have ceased to be in force on and from the date when the further notice referred to in subsection (2) was given or would have been delivered in the ordinary course of post to the person called upon to show cause.

(4) Where the chief executive has suspended a licence for a period, the licence shall be deemed to have ceased to be in force on and from the date when the further notice referred to in subsection (2) was given or would have been delivered in the ordinary course of post to the person called upon to show cause until the expiration of the period specified in that further notice.

(5) If during the period of suspension of a licence the person to whom the licence was issued shows cause to the satisfaction of the chief executive or other person acting on behalf of the chief executive that the licence should be suspended for a period less than the period for which it is suspended the chief executive may modify the suspension by reducing the period of suspension, and may to that end, if the case require it, terminate the suspension of the licence, whereupon the reduced period of suspension

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shall be deemed to be the period specified in the further notice referred to in subsection (4).

Appeal tribunal

Constitution and status of tribunal

11.(1) For the purpose of hearing and determining appeals from decisions of the chief executive made under section 10 there shall be an appeal tribunal, which shall convene as often as is necessary to hear and determine an appeal duly made to it as prescribed and which shall consist of—

- (a) a magistrate who shall be chairperson of the tribunal; and
- (b) an officer of the Department of Transport nominated by the chief executive; and
- (c) a holder of a licence nominated by the Minister as prescribed.

(1A) The appeal tribunal shall be deemed to be a commission of inquiry within the meaning of the *Commissions of Inquiry Act 1950*, the provisions whereof shall apply accordingly.

Appointment of members

(2) An appointment of a member of the appeal tribunal—

- (a) shall be made by the Governor in Council by notification published in the gazette;
- (b) subject to paragraph (c), shall be effective for a period of 12 months commencing on the date of publication unless the appointment sooner becomes vacant as prescribed;
- (c) where it is made to fill a vacancy in the appointment of a member—shall be effective for the balance of the term of the appointment in which the vacancy occurred.

Vacating appointment

(3) The appointment of a member of the appeal tribunal shall become vacant if the appointee—

- (a) dies;

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- (b) resigns the appointment by notice in writing given to the Minister;
- (c) ceases to be qualified as prescribed for appointment as a member;
- (d) is removed from the appointment by the Governor in Council as prescribed.

(3A) The Governor in Council may at any time by notice in writing given to the member in question remove a member of the appeal tribunal from the appointment if, in the Governor in Council's opinion, the member is not a fit and proper person to hold the appointment.

Selection of Minister's nominee

(4) The nomination by the Minister of a holder of a licence for appointment as a member of the appeal tribunal shall be made from a panel of names of 3 of those holders, at the least, furnished to the Minister by an association or group of holders that in the Minister's opinion is representative of the holders of licences in the State.

(4A) If at the time an appointment of a holder of a licence is to be made, there is no panel or if the holders on a panel willing to accept nomination are less than 3 in number, the Minister may in the Minister's discretion nominate any holder of a licence.

Secretary to appeal tribunal

(5) The chief executive shall assign an officer of the Department of Transport (other than the officer thereof who is or is to be a member of the appeal tribunal) to act as secretary to the appeal tribunal.

Procedure on appeal

Institution of appeal

12.(1) An appeal shall be instituted within 14 days after the date on which the appellant receives notice of the chief executive's decision whereby the appellant is aggrieved and no later, by lodging with the secretary a notice of appeal in writing in the prescribed form (if any) and paying the prescribed fee (if any).

(1A) The grounds of the appeal shall be clearly and briefly set forth in the notice of appeal.

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(1B) The appellant may at any time withdraw the appellant's appeal by notice in writing given to the secretary.

Notice of hearing

(2) When an appeal has been duly instituted the secretary shall arrange with the chairperson of the appeal tribunal a date, time and place for the hearing of the appeal and shall give at least 7 days' notice thereof to the appellant and to the chief executive.

(2A) So far as is practicable an appeal shall be heard and determined within 1 month after the date on which it is instituted.

Decision by majority

(3) The decision of the appeal tribunal, where the members are not unanimous, shall be that of the majority of the members.

Venue and nature of appeal

13.(1) The appeal tribunal shall sit at such times and such places as the chairperson fixes and shall determine an appeal on the evidence that was before the chief executive in the matter in question and on such further evidence as, in the opinion of the chairperson, is relevant to the matter of inquiry.

(2) The appeal tribunal may inform itself on any matter in such manner as it deems fit and, subject to this Act, shall not be bound by rules of or practice as to evidence.

(3) Subject to this Act, an appeal shall be conducted in accordance with directions of the appeal tribunal, which directions shall be consistent with natural justice.

(4) The appellant and the chief executive may appear before the appeal tribunal in person or by counsel or solicitor or by an agent acceptable to the tribunal.

Determination of appeal

14.(1) By way of determining an appeal, the appeal tribunal may confirm or set aside the chief executive's decision and in issue may make any

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determination and order that the chief executive could have properly made under this Act with respect to the matter in question, and may make such order as to costs as it thinks just.

(2) Any costs ordered to be paid may be recovered as a debt due and owing to the appellant or the chief executive as the case may be, from the other, by action in any court of competent jurisdiction.

Effect of appeal and of determination thereof

15.(1) An appeal duly instituted shall suspend the operation of the decision the subject thereof until the appeal is determined by the appeal tribunal or withdrawn by the appellant, whichever event sooner occurs.

(2) The decision of the appeal tribunal shall be final and conclusive and shall be given effect to.

(3) Where a decision of the chief executive is set aside on appeal that decision shall be of no further force or effect but where it is confirmed that decision shall again be of full force and effect.

Unlicensed carriage an offence

16.(1) After 6 months from the commencement of this Act, a person shall not carry dangerous goods in or on a vehicle unless the person is authorised by section 6(3) to carry those goods in or on that vehicle unless the goods—

- (a) are a substance in respect of which this Act does not apply by reason of section 4(2); or
- (b) are in a quantity less than—
 - (i) if no quantity is prescribed in substitution therefor by order in council, the quantity specified in relation to the classification of dangerous goods in question, in the provisions of the Code for Marking of Vehicles and Freight Containers Used to Transport Dangerous Goods in Packages—Quantities for which Marking is Required; or
 - (ii) such quantity prescribed for the time being in substitution for the quantity referred to in subparagraph (i) by the

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Governor in Council by order in council on the recommendation of the Minister.

(2) Different quantities may be prescribed in relation to different classifications or types of dangerous goods.

Carrier to be indemnified by insurance

17.(1) A person required by this Act to be authorised by section 6(3) for the carriage of dangerous goods shall not carry dangerous goods in or on a vehicle unless the person is indemnified by a current policy of insurance as prescribed.

(2) A person does not commit an offence against this Act consisting in a contravention of subsection (1) if the person carries dangerous goods on an occasion in question as a servant of another person and, in that event, the master shall be taken to be the person who carries those goods.

Carriage to be by suitable vehicles

18. A person shall not use a vehicle for the carriage of dangerous goods unless—

- (a) being a motor vehicle carrying bulk dangerous goods—there exists at the time of the usage a current certificate of inspection issued under the *Motor Vehicles Safety Act 1980* by an inspector duly appointed under that Act; and
- (b) being a motor vehicle other than one referred to in paragraph (a), that is required by or pursuant to the *Motor Vehicles Safety Act 1980* to be inspected periodically—there exists at the time of the usage a current certificate of inspection issued under that Act in respect of that vehicle; and
- (c) being a motor vehicle other than one referred to in paragraph (a) or (b)—there exists in respect of that vehicle a certificate acceptable to the chief executive that satisfies the chief executive that the vehicle complies in every respect with the appropriate requirements of the *Traffic Act 1949* relating to the construction, equipment and performance of a vehicle of the class of vehicle to which that vehicle belongs; and

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- (d) where, in any case referred to in paragraph (a), (b) or (c), the regulations prescribe standards or specifications in respect of a class of vehicle to which the vehicle belongs, it conforms with those standards or specifications in every respect.

Unauthorised access to goods

21. A person carrying dangerous goods shall at all times take all reasonable precautions to prevent access to those goods by any person other than one lawfully entitled to have such access or engaged in the carriage of those goods.

Prevention of escape

22. Subject to the regulations so far as they may relate to the venting of dangerous goods, a person shall not carry dangerous goods or cause dangerous goods to be carried unless any container and vehicle in or on which the goods are carried are so constructed and maintained and the goods are so confined as to prevent escape of the goods or any part of them during the ordinary course of the carriage.

Power of delegation

22A.(1) The chief executive may, either generally or otherwise as provided by the instrument of delegation by writing signed by the chief executive, delegate—

- (a) to any person;
- (b) to the holder of an office, specifying its title but not the name of the holder for the time being;

all or any of the chief executive's powers, authorities, functions and duties under this Act, except this power of delegation.

(2) A power, authority, function or duty so delegated, if exercised, performed or discharged, as the case may be, by the delegate, shall be exercised, performed or discharged in accordance with the instrument of delegation.

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(3) A delegation may be made subject to such terms or limitations as the chief executive thinks fit including a requirement that the delegate shall report to the chief executive upon the exercise, performance or discharge, as the case may be, of the delegated power, authority, function or duty.

(4) The chief executive may make such and so many delegations of the same power, authority, function or duty and to such number of persons or holders of office as the chief executive considers necessary or desirable.

(5) A delegation is revocable at the will of the chief executive and does not prevent the exercise of a power or authority, the performance of a duty or the discharge of a function by the chief executive.

PART 3—GENERAL PROVISIONS

Prohibition or limitation of carriage

23.(1) Where it appears to the Governor in Council that circumstances at any time or within any locality are such that the carriage of dangerous goods generally or of a particular class should be prohibited or limited in the interests of public safety or for the avoidance of damage to property the Governor in Council, upon the recommendation of the Minister, may by order in council prohibit or limit the carriage of dangerous goods as specified in the order.

(2) During the continuance in force of an order in council made under subsection (1) a person shall not carry any dangerous goods in contravention of the order.

Exemption from complying with this Act

24.(1) If it appears to the Minister or to the chief executive that the public safety is not likely to be threatened, the Minister or, as the case may be, the chief executive may by notice in writing to a person or to a representative of any association of persons or class of persons exempt that person, or persons who are members of that association or part of that class of persons, from compliance with all or any of the provisions of this Act or all

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or any of the provisions of the code where its compliance is provided for by this Act.

(1A) Before an exemption is granted to a person or to persons who are members of an association of persons or part of a class of persons that person, or as the case may be the representative of that association or class of persons, shall provide the Minister or the chief executive as the case may be with his, her or its address for service of a notice in writing referred to in this section.

(1B) Changes to this address during the currency of the exemption shall forthwith be notified by such person or representative as the case may be, to the Minister or the chief executive as the case may be.

(2) An exemption granted under subsection (1) may at any time be revoked by the person who granted it by notice in writing to the person or persons to whom the exemption was granted.

(3) For as long as an exemption granted under subsection (1) subsists, the provisions of this Act or the code to which the exemption relates shall be deemed not to bind the person or persons to whom the exemption is granted or his, her or its servants.

(4) A notice in writing referred to in this section may be given to a person or, where persons are members of an association of persons or form part of a class of persons to their representative, by leaving it at or sending it by post to the address provided under subsection (1A).

Recovery of damages resulting from escape

25.(1) Where by reason of an escape of dangerous goods from a vehicle that is or was carrying the goods the Crown or any person—

- (a) suffers loss of or damage to any property belonging to it or the person or in its or the person's control; or
- (b) reasonably incurs any expense or liability in taking emergency measures in the interests of public safety to prevent or mitigate a condition of danger that would be likely to result or has resulted from the escape;

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the Crown or that person is entitled to recover the amount of the loss, damage, expense or liability from any person who by the person's contravention of or failure to comply with a provision of this Act or, in the absence of a provision of this Act with respect to a particular matter provided for by the code, a provision of the code has caused the escape and, where 2 or more persons have so caused the escape, is entitled to recover such amounts from them jointly and severally.

(2) The right of recovery conferred by subsection (1) is in addition to any other right of action had in law by the Crown or any person in respect of the escape of dangerous goods in question.

Offences against Act

26. A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and upon conviction, except where some other penalty is expressly provided, is liable—

- (a) where that person is a corporate person—to a penalty not exceeding \$50 000; or
- (b) where that person is a natural person—to a penalty not exceeding \$10 000 or to 12 months imprisonment.

Proceedings for offences

27.(1) Proceedings in respect of an offence against this Act shall be by way of summary proceedings under the *Justices Act 1886* upon the complaint of an authorised officer.

(2) In any proceeding in respect of an offence against this Act the authority of the complainant to bring the proceeding shall be presumed until the contrary is shown.

(3) The regulations may prescribe—

- (a) offences against this Act to be offences in respect of which notices may be given to offenders or affixed to vehicles advising that a prescribed penalty may be paid for any such offence without involving court proceedings; and
- (b) the form and content of such notices; and

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- (c) amounts that shall be payable by way of penalty in respect of such offences; and
- (d) procedures to be followed in respect of such notices, the persons to whom such amounts shall be payable and the consequences that shall ensue upon a failure to pay such an amount.

(4) Amounts referred to in subsection (3) may be prescribed so as to vary in relation to different offences or in relation to any offence in face of previous like offences committed by an offender or involving the same vehicle or in face of the time, place or circumstances at or in which the offence is committed.

Recognition of inter-State authority

28.(1) Where an offence against this Act consists in a contravention of section 16 or 18 and relates to a carriage of dangerous goods in Queensland—

- (a) in the course of a carriage from a place outside Queensland to a place in Queensland; or
- (b) in the course of a carriage from a place in Queensland to a place outside Queensland; or
- (c) in the course of a carriage between places outside Queensland via a route within Queensland that is reasonable in the circumstances;

a person shall not be liable for that offence if it appears—

- (d) in the case of a contravention of section 16—
 - (i) that the person or, if the person is a servant of another, the person's master is authorised to carry the dangerous goods in question in or on the vehicle in question under a corresponding law; and
 - (ii) that the dangerous goods are being carried in accordance with the authority conferred under the corresponding law; or
- (e) in the case of a contravention of section 18, that the vehicle in question conforms at the time of the contravention to the standards and specifications prescribed by or under a corresponding law.

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(2) In this section—

“**corresponding law**” means a law of a State or Territory declared by order in council to be a law that corresponds to this Act.

Liability for offence by servant

29.(1) Where a person commits an offence against this Act as a servant, the employer of that person shall be deemed to have committed the offence and, notwithstanding the Criminal Code, section 23 or any other rule of law or practice, to be criminally responsible for the act or omission concerned therein and may be charged with the offence and punished accordingly.

(1A) It is a defence for an employer to show that the employer had no knowledge and could not, by the exercise of reasonable diligence, have known that the offence was being committed.

(2) A person is not liable to be convicted of an offence against this Act committed by the person as a servant if the person satisfies the court that the offence was committed while the business of the person’s employer was being conducted under the personal superintendence of the employer or of a manager or any other representative of the employer and that the offence was committed with the knowledge of the employer, manager or representative.

(3) Except as provided by subsection (2), this section applies so as not to prejudice liability imposed by or under this Act on any person by whom an offence against this Act is actually committed.

Liability for offence by body corporate

30.(1) Where a body corporate commits an offence against this Act, each of the following persons shall be deemed to have committed the offence and, notwithstanding the Criminal Code, section 23 or any other rule of law or practice, to be criminally responsible for the act or omission concerned therein and may be charged with the offence and punished accordingly—

- (a) the person who, at the time the act was done or the omission was made, was the chairperson of directors, managing director or other governing officer by whatever name called or other member

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of the governing body of the body corporate, by whatever name called;

- (b) every person who, at the time the act was done or the omission was made, managed or acted in or took part in the management, administration or government of the business in Queensland of the body corporate.

(2) Subsection (1) applies so as not to prejudice the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.

(3) It is a defence to a charge of an offence against this Act brought against a person specified in subsection (1)(a) or (b) to prove that the offence was committed without that person's knowledge or connivance and that the person exercised due diligence to prevent the commission of the offence.

Evidentiary provisions

30A.(1) In any proceeding for the purposes of this Act—

- (a) it shall not be necessary to prove the appointment of the Minister, the chief executive, a delegate of the chief executive or an authorised officer to do an act or take any proceeding;
- (b) a signature purporting to be that of the Minister, the chief executive, a delegate of the chief executive or an authorised officer shall be taken to be the signature it purports to be until the contrary is proved;
- (c) a document purporting to be certified by the Minister, the chief executive, or an authorised officer and purporting to be a copy of a licence, a delegation, an exemption, a certificate of authorisation or other certificate under this Act shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary conclusive evidence of that licence, delegation, exemption, certificate of authorisation or other certificate and of any terms, conditions or other matters endorsed thereon;

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- (d) a document purporting to be signed by the chief executive or an authorised officer stating that at a specified time or during a specified period there was or was not in force a licence, a delegation, an exemption, a certificate of authorisation or other certificate under this Act granted or issued to a specified person or persons or in respect of a specified thing or for a specified purpose and that such licence, delegation, exemption, certificate of authorisation or other certificate was or was not subject to the terms, conditions or restrictions set out in the document, shall upon its production in that proceeding be evidence, and in the absence of evidence to the contrary, conclusive evidence of the matters contained in the document;
- (e) proof of exemption from any provision of this Act shall be upon the person who relies thereon.

(2) In a proceeding for the purposes of this Act the provisions of the *Motor Vehicles Safety Act 1980*, section 46 shall apply as if that proceeding was a proceeding for the purposes of the *Motor Vehicles Safety Act 1980*.

Exclusion of liability except for negligence

31. The Minister, the chief executive and any person acting on behalf of either of them shall incur no liability on account of anything done bona fide and without negligence by him or her purporting to act pursuant to this Act.

Regulations

32.(1) The Governor in Council may make regulations providing with respect to—

- (a) all matters required or permitted by this Act to be prescribed and in respect of which some other mode of prescription is not provided for;
- (b) all matters that are provided for by the code;
- (c) the powers, duties and functions of authorised officers so far as they are concerned with the carriage of dangerous goods and matters connected therewith or an escape of dangerous goods and matters connected therewith;

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- (d) examinations and tests to be conducted to establish the competence of persons to handle, carry and stow dangerous goods and to implement emergency procedures in the event of an escape of dangerous goods;
- (e) special qualifications or authorisations to be possessed by persons who are to drive vehicles for the carriage of dangerous goods of a description specified in the regulations;
- (f) forms to be used and fees to be paid for the purposes of this Act and the purpose for which each form is to be used or fee is to be paid;
- (g) penalties, not exceeding 40 penalty units in any case, for offences consisting in a contravention or failure to comply with the regulations and daily penalties in addition, not exceeding 2 penalty units per day in any case, for such offences as are continuing offences;
- (h) all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.

(1A) For the purposes of subsection (1)(g), a penalty unit shall have the value assigned to a penalty unit by the *Penalties and Sentences Act 1992*.

(2) Regulations made with respect to a matter that is provided for by the code—

- (a) may amplify the relevant provision of the code; and
- (b) may increase any minimum requirement provided for by the code; and
- (c) where the code in providing for a requirement does not specify any person who must comply with the requirement and the requirement is by the regulations given the force of law in Queensland—may specify the person or persons who must comply with the requirement, but otherwise shall not be inconsistent with the code.

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(3) Regulations—

- (a) may be of general operation throughout Queensland or be limited in their operation to any particular area or areas of Queensland;
- (b) may adopt, wholly or in part and either by way of reference or by way of express specification therein, any of the standard rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution or a like body identified in the regulations or other body referred to in the code;
- (c) may adopt by way of reference any of the labels, designs, illustrations or drawings appearing in the code;
- (d) may provide that provisions of the code or requirements of any standard are mandatory or advisory only and may provide for particular circumstances in which such provisions or requirements shall not apply, either wholly or partially;
- (e) may provide that provisions of the code or requirements of any standards are to apply throughout Queensland or are to be limited to any area or areas of Queensland declared from time to time by order in council; and
- (f) shall not be inconsistent with this Act.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 10 April 1996. Future amendments of the Carriage of Dangerous Goods by Road Act 1984 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Carriage of Dangerous Goods by Road Act 1984 No. 73

date of assent 12 October 1984

ss 1–2 commenced on date of assent

remaining provisions commenced 1 May 1985 (proc pubd gaz 23 March 1985 p 1482)

- Note**—(1) Repealed by the Transport Operations (Road Use Management) Act 1995 No. 9 s 93 sch 2 pt 1 (not yet proclaimed into force (see s 93(1)))
- (2) A proclamation under the Transport Operations (Road Use Management) Act 1995 No. 93 s 93(1) may fix a single day or time for the repeal of the whole or part of this Act or may fix different times for the repeal of different provisions of this Act (see 1995 No. 9 s 93(2))
- (3) If the whole of this Act has not been repealed before 1 July 1997 it is repealed on the next day (see 1995 No. 9 s 93(3))

as amended by—

Carriage of Dangerous Goods by Road Act Amendment Act 1988 No. 5

date of assent 7 April 1988

commenced on date of assent

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Public Service (Administrative Arrangements) Act 1990 No. 73 s 3 sch 5

date of assent 10 October 1990

s 3 sch 5 commenced 24 November 1990 (proc pubd gaz 24 November 1990
p 1450)

Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch

date of assent 6 December 1990

commenced on date of assent

Carriage of Dangerous Goods by Road Amendment Act 1993 No. 16

date of assent 28 May 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 2 August 1993 (1993 SL No. 266)

5 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Arrangement

s 3 om R1 (see RA s 36)

Application of Act

s 4 amd 1993 No. 16 s 4

Meaning of terms

s 5 def “**consignor**” om 1988 No. 5 s 2(a)
def “**dangerous goods**” sub 1993 No. 16 s 5
def “**Director-General**” ins 1990 No. 73 s 3 sch 5
om R1 (see RA s 39)
def “**prime contractor**” om 1988 No. 5 s 2(b)
def “**road**” ins 1988 No. 5 s 2(b)
def “**the code**” sub 1993 No. 16 s 5
def “**the Commissioner**” om 1990 No. 73 s 3 sch 5
def “**the Minister**” om R1 (see RA s 39)

Licence to carry

s 6 amd 1990 No. 73 s 3 sch 5

Entitlement to licence

s 7 amd 1990 No. 73 s 3 sch 5

Surrender of licence

s 8 amd 1990 No. 73 s 3 sch 5

Cancellation and suspension of licence

s 10 amd 1990 No. 73 s 3 sch 5

Appeal tribunal

s 11 amd 1990 No. 73 s 3 sch 5; 1990 No. 88 s 3 sch

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Procedure on appeal

s 12 amd 1990 No. 73 s 3 sch 5

Venue and nature of appeal

s 13 amd 1990 No. 73 s 3 sch 5

Determination of appeal

s 14 amd 1988 No. 5 s 3; 1990 No. 73 s 3 sch 5

Effect of appeal and of determination thereof

s 15 amd 1990 No. 73 s 3 sch 5

Unlicensed carriage an offence

s 16 amd 1988 No. 5 s 4

Carrier to be indemnified by insurance

s 17 amd 1988 No. 5 s 5

Carriage to be by suitable vehicles

s 18 amd 1988 No. 5 s 6; 1990 No. 73 s 3 sch 5

Requirement for shipping documents

s 19 om 1988 No. 5 s 7

Mingling of explosives and flammable goods prohibited

s 20 om 1988 No. 5 s 8

Power of delegation

s 22A ins 1988 No. 5 s 9
 amd 1990 No. 73 s 3 sch 5

Exemption from complying with Act

prov hdg amd 1988 No. 5 s 10(a)
s 24 amd 1988 No. 5 s 10(b); 1990 No. 73 s 3 sch 5

Evidentiary provisions

s 30A ins 1988 No. 5 s 11
 amd 1990 No. 73 s 3 sch 5

Exclusion of liability except for negligence

s 31 amd 1990 No. 73 s 3 sch 5

Regulations

s 32 amd 1988 No. 5 s 12

6 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
director-general	chief executive	see Reprints Act 1992 s 29, example 27

7 Table of changed citations and remade laws

TABLE OF CHANGED CITATIONS AND REMADE LAWS under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Penalty Units Act 1985	Penalties and Sentences Act 1992	Penalties and Sentences Act 1992 s 205

8 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision def “director-general” (or a similar title)	Provision making omitted provision obsolete/redundant Acts Interpretation Act 1954 s 36 def “chief executive” and ss 33(5B) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2)
definitions to be read in context def “the Minister”	Acts Interpretation Act 1954 s 32A Acts Interpretation Act 1954 s 36, def “Minister” and ss 33(1) to (4) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2)
penalty provision permitting fine or imprisonment permits both references to stipendiary magistrate	Penalties and Sentences Act 1992 s 180A Acts Interpretation Act 1954 s 36 def “magistrate”
references to a Territory	Acts Interpretation Act 1954 s 36 def “Territory”

9 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
11(1), 2nd sentence	11(1A)
11(3), 2nd sentence	11(3A)
11(4), 2nd sentence	11(4A)
12(1), 2nd sentence	12(1A)
12(1), 3rd sentence	12(1B)
12(2), 2nd sentence	12(2A)
14, 1st sentence	14(1)
14, 2nd sentence	14(2)
15(2), 2nd sentence	15(3)
16, 1st sentence	16(1)
16, 2nd sentence	16(2)
24(1), 2nd sentence	24(1A)
24(1), 3rd sentence	24(1B)
29(1), 2nd sentence	29(1A)