

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

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No. 73 of 1984

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

[ASSENTED TO 12TH OCTOBER, 1984]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

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

**2. Commencement.** (1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as is provided by subsection (1) this Act shall commence on a day appointed by Proclamation.

The day so appointed is in this Act referred to as the commencement of this Act.

**3. Arrangement.** This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1–5);

PART II—CARRIAGE OF DANGEROUS GOODS (ss. 6–22);

PART III—GENERAL PROVISIONS (ss. 23–32).

**4. Application of Act.** (1) This Act—

- (a) applies in relation to the carriage of dangerous goods by road;
- (b) is in addition to and shall not derogate from the provisions of any other Act;
- (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 1958–1978*;
- (b) the carriage of explosives in accordance with the *Explosives Act 1952–1981*; and
- (c) the carriage of liquefied petroleum gas and all other hydrocarbon gases in accordance with the *Gas Act 1965–1981*.

**5. Meaning of terms.** (1) In this Act, except where a contrary intention appears—

“authorised officer” means an authorised officer within the meaning of the *State Transport Act 1960–1981*;

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

- “consignor” means the person by whom or on whose behalf a contract for carriage of dangerous goods is made with a carrier of goods and includes the person in whose name or on whose behalf dangerous goods are taken by a carrier of goods for performance of a contract for carriage of such goods;
- “dangerous goods” means substances classifiable in accordance with the classification system specified in section 2—Classification of Dangerous Goods—of the Code and any of the substances listed in section 9—Index of Dangerous Goods—of the Code and includes any substances declared by Order in Council to be dangerous goods for the purposes of this Act, but does not include any substance declared by Order in Council not to be dangerous goods for the purposes of this Act;
- “licence” means a licence issued under section 6;
- “prime contractor” means the person with whom a consignor of dangerous goods makes a contract for the carriage of those goods or who assumes charge of dangerous goods for the purpose of performing a contract for carriage of those goods and includes a person who, having possession of dangerous goods otherwise than for the purpose of performing a contract for carriage of those goods, carries or proposes to carry those goods, by himself or his servants;
- “the Code” means the Australian Code for the Transport of Dangerous Goods by Road and Rail last published before the passing of this Act in the Commonwealth of Australia Gazette No. P8 issued 9 April 1984 and includes—
- (a) that Code as amended from time to time by amendments published in the Commonwealth of Australia Gazette; and
  - (b) that Code as last so published in an amended form;
- “the Commissioner” means the person holding for the time being the appointment Commissioner for Transport under the *State Transport Act* 1960–1981 and includes any person for the time being acting in or performing the duties of that appointment;
- “the Minister” means the Minister for Transport or other Minister of the Crown charged with the administration of this Act and includes any person performing the duties of the Minister;
- “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 connexion with the vehicle.

(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 II—CARRIAGE OF DANGEROUS GOODS**

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

- (2) A licence issued under subsection (1) shall specify—
- (a) the person to whom it is issued;
  - (b) an address in Queensland where that person may be readily communicated with;
  - (c) the dangerous goods or the class or classes of dangerous goods that he is, by the licence, authorized to carry; and
  - (d) the vehicle or vehicles in or on which he is, by the licence, authorized to carry the dangerous goods.
- (3) While a licence issued under subsection (1) is in force—
- (a) the person to whom it is issued;
  - (b) an employee of that person acting in the course of his employment by that person; and
  - (c) if that person is a corporate person, a person acting in his capacity as its director,

are authorized 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.

**7. Entitlement to licence.** An applicant for a licence shall be entitled to be issued with a licence if, in the Commissioner's opinion or the opinion of the person who, being authorized by the Commissioner 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.

**8. Surrender of licence.** The Commissioner 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.

**9. Disqualification from holding licence.** (1) Where a person to whom a licence is issued is convicted of an offence against this Act the court before which he is convicted may, if it thinks fit, order that he 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 him 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 him 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.

**10. Cancellation and suspension of licence.** (1) If it appears to the Commissioner that a person to whom a licence is issued has shown himself to be unwilling to observe or careless in the observance of his obligations under this Act or the Code or the terms and conditions of the licence relevant to his carriage of dangerous goods, the Commissioner 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 Commissioner or other person authorized in that behalf why the licence issued to him 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 Commissioner or other person conducting the show-cause proceeding the Commissioner 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 Commissioner 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 Commissioner 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 Commissioner or other person acting on behalf of the Commissioner that the licence should be suspended for a period less than the period for which it is suspended the Commissioner 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 shall be deemed to be the period specified in the further notice referred to in subsection (4).

**11. Appeal tribunal.** (1) **Constitution and status of tribunal.** For the purpose of hearing and determining appeals from decisions of the Commissioner 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 stipendiary magistrate who shall be chairman of the tribunal;
- (b) an officer of the Department of Transport nominated by the Commissioner; and
- (c) a holder of a licence nominated by the Minister as prescribed.

The appeal tribunal shall be deemed to be a commission of inquiry within the meaning of *The Commissions of Inquiry Acts 1953 to 1954*, the provisions whereof shall apply accordingly.

(2) **Appointment of members.** 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 the next following paragraph (c), shall be effective for a period of twelve 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.

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

- (a) dies;
- (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.

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 his opinion, the member is not a fit and proper person to hold the appointment.

(4) **Selection of Minister's nominee.** 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 three of those holders, at the least, furnished to him by an association or group of holders that in his opinion is representative of the holders of licences in the State.

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 three in number, the Minister may in his discretion nominate any holder of a licence.

**(5) Secretary to appeal tribunal.** The Commissioner 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.

**12. Procedure on appeal. (1) Institution of appeal.** An appeal shall be instituted within fourteen days after the date on which the appellant receives notice of the Commissioner's decision whereby he 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).

The grounds of the appeal shall be clearly and briefly set forth in the notice of appeal.

The appellant may at any time withdraw his appeal by notice in writing given to the secretary.

**(2) Notice of hearing.** When an appeal has been duly instituted the secretary shall arrange with the chairman of the appeal tribunal a date, time and place for the hearing of the appeal and shall give at least seven days' notice thereof to the appellant and to the Commissioner.

So far as is practicable an appeal shall be heard and determined within one month after the date on which it is instituted.

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

**13. Venue and nature of appeal. (1)** The appeal tribunal shall sit at such times and such places as the chairman fixes and shall determine an appeal on the evidence that was before the Commissioner in the matter in question and on such further evidence as, in the opinion of the chairman, 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 Commissioner may appear before the appeal tribunal in person or by counsel or solicitor or by an agent acceptable to the tribunal.

**14. Determination of appeal.** By way of determining an appeal, the appeal tribunal may confirm or set aside the Commissioner's decision in issue and may make any determination and order that the Commissioner 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.

**15. Effect of appeal and of determination thereof.** (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 appellants, whichever event sooner occurs.

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

Where a decision of the Commissioner 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.

**16. Unlicensed carriage an offence.** After six months from the commencement of this Act, a person shall not carry dangerous goods in or on a vehicle unless he is authorized 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 the quantity specified in the provisions of the Code for Quantity Limits for Vehicle or Container Marking—Road and Rail Transport in relation to the classification of dangerous goods in question.

**17. Carrier to be indemnified by insurance.** (1) A person required by this Act to be authorized by section 6 (3) for the carriage of dangerous goods shall not carry dangerous goods in or on a vehicle unless he is indemnified by a current policy of insurance to the extent of \$500 000, or such other amount as is prescribed for the time being by Order in Council, in respect of liability that may be incurred by him on account of—

- (a) death of or bodily injury to any person or loss of or damage to the property of any person occasioned by dangerous goods carried by him; or
- (b) costs incurred by or on behalf of a public authority in connexion with the removal or cleaning up of a contained escape of dangerous goods carried by him.

(2) A person does not commit an offence against this Act consisting in a contravention of subsection (1) if he 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.

**18. Carriage to be by suitable vehicles.** A person shall not use a vehicle for the carriage of dangerous goods unless—

- (a) being a motor vehicle 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;
- (b) being a motor vehicle other than one referred to in paragraph (a), there exists in respect of that vehicle a certificate acceptable to the Commissioner for Transport that satisfies him



that the vehicle complies in every respect with the appropriate requirements of the *Traffic Act 1949-1980* relating to the construction, equipment and performance of a vehicle of the class of vehicle to which that vehicle belongs; and

- (c) where, in either case referred to in paragraph (a) or (b), 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.

**19. Requirement for shipping documents.** (1) A consignor of dangerous goods, whether the goods be situated in Queensland or elsewhere, shall, at or before the time the prime contractor assumes charge of the goods, furnish to the prime contractor a shipping document duly completed by him in accordance with this Act.

(2) A person who is a prime contractor in relation to dangerous goods otherwise than by reason of or in connexion with a contract for the carriage of those goods shall, before he commences to carry those goods, duly complete for himself a shipping document in accordance with this Act.

This subsection does not apply to a person who is the owner of the dangerous goods in question, which he proposes to carry in his own vehicle in a quantity less than—

- (a) the quantity prescribed by the regulations for the purposes of this section; or
- (b) in the absence of such a prescription, the quantity specified in the provisions of the Code for Quantity Limits for Vehicle or Container Marking—Road and Rail Transport.

in respect of goods of the same description as those dangerous goods.

(3) A shipping document referred to in subsection (1) or (2)—

- (a) shall truly classify and describe, as prescribed by the regulations or, in the absence of such a prescription, as specified in the Code the goods to which it relates, according to their nature;
- (b) shall bear the certification (if any) prescribed; and
- (c) shall in all other respects accord with the regulations or, in the absence of regulations made with respect to matters provided for by this section, with the Code.

(4) Each person who assumes charge of dangerous goods from another (whether a consignor, prime contractor, sub-contractor or any other person whatever) for the purpose of carriage shall seek and obtain from that other a shipping document completed in accordance with subsection (1) or (2) in respect of those goods or a copy of that shipping document.

(5) A person having possession of a shipping document furnished or completed pursuant to subsection (1) or (2) shall give the document or a copy thereof to the person who assumes charge of the dangerous goods from him at the time such charge is assumed.

(6) A person having possession of a shipping document furnished or completed pursuant to subsection (1) or (2) or a copy thereof shall

keep the document or copy in the driving cabin of the vehicle while the goods are in transit therein or thereon.

(7) A person required by this section to have possession of a shipping document furnished or completed pursuant to subsection (1) or (2) or a copy thereof shall, upon the request of an authorised officer, produce to the authorised officer for his examination the document or a copy of it.

**20. Mingling of explosives and flammable goods prohibited.** A person shall not carry or permit to be carried any explosive substance or any substance capable of causing fire, either by reason of spontaneous combustion or otherwise, in or on a vehicle while it is being used for the carriage of flammable or corrosive goods or organic peroxides or petroleum products other than fuel or lubricant essential to the vehicle's proper operation unless the regulations made with respect thereto are complied with or, in the absence of such regulations, the provisions of section 7—Stowage and Compatibilities—of the Code are complied with.

**21. Unauthorized access to goods.** 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.

**22. Prevention of escape.** 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.

### PART III—GENERAL PROVISIONS

**23. Prohibition or limitation of carriage.** (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.

**24. Exemption from complying with Code.** (1) If it appears to the Minister or to the Commissioner that the manner in which a holder of a licence conducts his or its business of the carriage of dangerous goods and the condition of the vehicles, plant and equipment used by him or it for the purpose of that carriage are such that the public safety is not likely to be threatened by that carriage, the Minister or, as the case may be, the Commissioner may by notice in writing to the holder exempt him from compliance with all or any of the provisions of this Act that provide with respect to matters or any matter provided for by the Code.

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

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

(4) A notice in writing referred to in this section may be given to a holder of a licence by personal delivery or by post and shall be presumed to have been received by him if—

- (a) where the holder is a corporate person, it is left for the holder or sent by post to the holder at its registered office in Queensland; or
- (b) whether the holder is a natural person or a corporate person, it is left for the holder or sent by post to the holder at his usual place of residence (where he is a natural person) or at the principal place in Queensland where the carrying business is conducted.

**25. Recovery of damages resulting from escape.** (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 him or in its or his 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,

the Crown or that person is entitled to recover the amount of the loss, damage, expense or liability from any person who by his 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 two 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.

**26. Offences against Act.** 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 imprisonment for a term not exceeding 12 months or to both such penalty and imprisonment.

**27. Proceedings for offences.** (1) Proceedings in respect of an offence against this Act shall be by way of summary proceedings under the *Justices Act* 1886–1982 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;
- (b) the form and content of such notices;
- (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.

**28. Recognition of inter-State authority.** (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 he or, if he is a servant of another, his master is authorized 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.

(2) In this section the expression “corresponding law” means a law of a State or Territory of the Commonwealth declared by Order in Council to be a law that corresponds to this Act.

**29. Liability for offence by servant.** (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 section 23 of *The Criminal Code* 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.

It is a defence for an employer to show that he 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 him as a servant if he satisfies the court that the offence was committed while the business of his 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.

**30. Liability for offence by body corporate.** (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 section 23 of *The Criminal Code* 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 chairman of directors, managing director or other governing officer by whatever name called or other member 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 paragraph (a) or (b) of subsection (1) to prove that the offence was committed without that person's knowledge or connivance and that he exercised due diligence to prevent the commission of the offence.

**31. Exclusion of liability except for negligence.** The Minister, the Commissioner 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 purporting to act pursuant to this Act.

**32. Regulations.** (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;
- (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 authorizations 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 \$500 in any case, for offences consisting in a contravention or failure to comply with the regulations and daily penalties in addition, not exceeding \$10 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.

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

- (a) may amplify the relevant provision of the Code;
- (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.

(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 standard 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.