



Queensland

Transport and Other Legislation (Dangerous Goods) Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 108

made under the

State Penalties Enforcement Act 1999

Transport Infrastructure Act 1994

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation (Dangerous Goods) Amendment Regulation (No. 1) 2014*.

2 Commencement

This regulation commences on 1 July 2014.

Part 2 Amendment of State Penalties Enforcement Regulation 2000

3 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2000*.

4 Amendment of sch 3 (Transport legislation)

(1) Schedule 3, entry for *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*, entries for sections 122, 123, 127 and 152(4)—

omit.

(2) Schedule 3, entry for *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*—

insert—

s 122(1)	4	20
s 123(1)	4	20
s 123(2)	4	20
s 127(1)	8	40

- (da) handling fumigated cargo transport units;
- (2) Section 19(1)(da) to (k)—
renumber as section 19(1)(e) to (l).

9 Amendment of s 21 (Determination about dangerous goods and packaging)

Section 21(2)(b), ‘transport unit’—
omit, insert—
cargo transport unit

10 Replacement of s 23 (Administrative determinations)

Section 23—
omit, insert—

23 Administrative determinations

- (1) A determination is an *administrative determination* if the determination—
- (a) is made on the application of a person; and
 - (b) applies to—
 - (i) the person; or
 - (ii) the person and other persons named in the application.
- (2) A determination is also an *administrative determination* if the determination—
- (a) is made at the initiative of the chief executive; and
 - (b) applies to 1 or more persons named in the determination; and
 - (c) does not impose an obligation on a person, other than a condition that applies if action is taken on the basis of the determination.

[s 11]

Notes—

- 1 See part 17 for provisions dealing with administrative determinations, including applications for, and amendment of, administrative determinations.
- 2 Also, see chapter 14, part 3 of the Act.

11 Amendment of s 74 (Meaning of *appropriately marked*)

(1) Section 74(1), ‘transport unit’—

omit, insert—

cargo transport unit

(2) Section 74(3), from ‘with’—

omit, insert—

with—

- (a) if the overpack is transported only as part of a retail distribution load—section 7.3.3 of the ADG Code; or
- (b) otherwise—section 5.1.2 of the ADG Code.

12 Insertion of new s 74A

After section 74—

insert—

74A Reference to label includes placard

In this division, a reference to a label includes a reference to a placard.

13 Amendment of s 75 (Duties of consignor)

Section 75—

insert—

- (4) However, subsection (3) does not apply if the marking or labelling of the package complies

with the requirements for the contents of the package of—

- (a) the ICAO technical instructions; or
- (b) the IMDG Code.

14 Amendment of s 76 (Duties of packer)

Section 76—

insert—

- (4) However, subsection (3) does not apply if the marking or labelling of the package complies with the requirements for the contents of the package of—
 - (a) the ICAO technical instructions; or
 - (b) the IMDG Code.

15 Amendment of s 77 (Duties of prime contractor and rail operator)

Section 77—

insert—

- (4) However, subsection (3) does not apply if the marking or labelling of the package complies with the requirements for the contents of the package of—
 - (a) the ICAO technical instructions; or
 - (b) the IMDG Code.

16 Amendment of s 78 (When load must be placarded)

Section 78(1), 'load of'—

omit, insert—

load that contains

[s 17]

17 Amendment of s 79 (Meaning of *placards* and *appropriately placarded*)

(1) Section 79(1), ‘load of’—

omit, insert—

load that contains

(2) Section 79(3)—

omit.

18 Amendment of s 80 (Duties of consignor)

(1) Section 80(3), ‘transport unit’—

omit, insert—

cargo transport unit

(2) Section 80—

insert—

(4) However, subsection (3) does not apply if the placarding of the cargo transport unit complies with the requirements for the contents of the cargo transport unit of—

- (a) the ICAO technical instructions; or
- (b) the IMDG Code.

19 Amendment of s 81 (Duties of loader)

Section 81—

insert—

(4) However, subsection (3) does not apply if the placarding of the load complies with the requirements for the contents of the load of—

- (a) the ICAO technical instructions; or
- (b) the IMDG Code.

20 Amendment of s 82 (Duties of prime contractor and rail operator)

(1) Section 82(1), ‘load of’—

omit, insert—

load that contains

(2) Section 82(3), ‘transport unit’—

omit, insert—

cargo transport unit

(3) Section 82—

insert—

(4) However, subsection (3) does not apply if the placarding of the cargo transport unit complies with the requirements for the contents of the cargo transport unit of—

(a) the ICAO technical instructions; or

(b) the IMDG Code.

21 Amendment of s 88 (Duty of consignor)

Section 88, ‘transport unit’—

omit, insert—

cargo transport unit

22 Amendment of s 89 (Duty of loader)

Section 89, from ‘that are’ to ‘for transport’—

omit, insert—

for transport in a cargo transport unit

[s 23]

23 Amendment of s 92 (Duty of loader)

Section 92, 'transport unit'—

omit, insert—

cargo transport unit

24 Amendment of s 95 (Duties of consignor)

Section 95(2), 'transport unit'—

omit, insert—

cargo transport unit

25 Amendment of s 96 (Duties of loader)

Section 96(2), 'transport unit'—

omit, insert—

cargo transport unit

26 Amendment of s 97 (Duties of prime contractor and rail operator)

Section 97(2), 'transport unit'—

omit, insert—

cargo transport unit

27 Amendment of s 98 (Application of pt 9)

Section 98(1)(b), 'of dangerous goods that'—

omit, insert—

that contains dangerous goods but

28 Amendment of s 113 (Meaning of *bulk transfer*)

(1) Section 113, 'dangerous goods'—

omit, insert—

goods

- (2) Section 113, definition *bulk transfer*, paragraph (c)(ii), ‘vehicle’—

omit, insert—

tank vehicle

29 Amendment of s 121 (Duty of transferor)

- (1) Section 121, heading, ‘Duty’—

omit, insert—

Duties

- (2) Section 121—

insert—

- (2) Also, a person must not bulk transfer other goods into a tank (the *other goods tank*) of a tank vehicle if—
- (a) the person knows, or ought reasonably know, that the other goods tank or another tank of the tank vehicle—
 - (i) is carrying dangerous goods; or
 - (ii) is likely to carry dangerous goods before the other goods tank is emptied; and
 - (b) the ullage in the other goods tank would not comply with section 10.3.1 of the ADG Code if the other goods were dangerous goods.

Maximum penalty—20 penalty units.

30 Amendment of s 122 (Duty of prime contractor and rail operator)

- (1) Section 122, heading, ‘Duty’—

[s 31]

omit, insert—

Duties

(2) Section 122—

insert—

- (2) Also, a prime contractor or rail operator must not transport other goods in a tank (the *other goods tank*) of a tank vehicle if—
- (a) the prime contractor or rail operator uses the other goods tank to transport dangerous goods at the same time; and
 - (b) the ullage in the other goods tank would not comply with section 10.3.1 of the ADG Code if the other goods were dangerous goods.

Maximum penalty—20 penalty units.

31 Amendment of s 123 (Duty of driver)

(1) Section 123, heading, ‘Duty’—

omit, insert—

Duties

(2) Section 123—

insert—

- (2) Also, a person must not drive a rail vehicle that is transporting dangerous goods and other goods in a tank, including in a tank vehicle, if the person knows, or ought reasonably know, that the ullage in the tank would not comply with section 10.3.1 of the ADG Code if the other goods were dangerous goods.

Maximum penalty—20 penalty units.

32 Amendment of s 126 (Duty of prime contractor)

- (1) Section 126, heading, ‘Duty’—

omit, insert—

Duties

- (2) Section 126—

insert—

- (3) Also, the prime contractor must—

- (a) keep the transport documentation, or a copy of the documentation, in a legible form for at least 3 months after the prime contractor transports the goods; and
- (b) produce the documentation or copy during the 3 months at the request of an authorised officer.

Maximum penalty—40 penalty units.

33 Amendment of s 145 (Emergency plans)

- (1) Section 145, after subsection (1)—

insert—

- (1A) A prime contractor or rail operator transporting a placard load who becomes aware of a dangerous situation involving the load must do everything that the emergency plan for the transport of the load requires the prime contractor or rail operator to do that is relevant to the situation.

Maximum penalty—40 penalty units.

- (2) Section 145, after subsection (2)—

insert—

- (2A) A consignor of a placard load who becomes aware of a dangerous situation involving the load must do everything that the emergency plan for

[s 34]

the transport of the load requires the consignor to do that is relevant to the situation.

Maximum penalty—40 penalty units.

- (3) Section 145(1A) to (5)—
renumber as section 145(2) to (7).

34 Amendment of s 162 (Referring matters to the competent authorities panel)

Section 162(1), ‘an application for an exemption’—
omit, insert—

an exemption, or an application for an exemption,

35 Amendment of s 163 (Effect of competent authorities panel decision about application)

- (1) Section 163, heading, ‘application’—
omit, insert—

exemption

- (2) Section 163(1)(a), ‘application for an exemption’—
omit, insert—

exemption, or an application for an exemption,

- (3) Section 163(1)(b)(i), ‘should be granted’—
omit, insert—

should have been, or should be, granted

36 Amendment of s 173 (Referring matters to the competent authorities panel)

- (1) Section 173(1)—
omit, insert—

- (1) The chief executive must refer any of the following matters to the competent authorities

panel if the chief executive considers the matter should have effect in all participating jurisdictions, or in certain participating jurisdictions including this jurisdiction—

- (a) an approval;
- (b) an application for an approval;
- (c) an administrative determination;
- (d) an application for an administrative determination.

- (2) Section 173(2), ‘approval’—

omit, insert—

approval or administrative determination

37 Amendment of s 174 (Effect of competent authorities panel decision about application)

- (1) Section 174, heading, ‘application’—

omit, insert—

matter

- (2) Section 174(1)(a), ‘an application for an approval’—

omit, insert—

a matter

- (3) Section 174(1)(b), ‘approval’—

omit, insert—

approval or determination

- (4) Section 174(1)(b)(i), ‘should be given’—

omit, insert—

should have been, or should be, given

[s 38]

38 Amendment of s 175 (Effect of competent authorities panel decision about amending, suspending or cancelling approval)

(1) Section 175, heading, after ‘approval’—

insert—

or administrative determination

(2) Section 175(1), ‘approval’—

omit, insert—

approval or administrative determination

39 Replacement of pt 20, hdg (Repeal and transitional provisions)

Part 20, heading—

omit, insert—

Part 20 Transitional provisions

40 Omission of pt 20, div 1 (Repeal provision)

Part 20, division 1—

omit.

41 Replacement of pt 20, div 2, hdg (Transitional provisions)

Part 20, division 2, heading—

omit, insert—

**Division 1 Transitional provisions for
SL No. 426 of 2008**

42 Insertion of new pt 20, div 2

After section 194—

insert—

Division 2 Transitional provision for Transport and Other Legislation (Dangerous Goods) Amendment Regulation (No. 1) 2014

195 Reference to ADG Code

- (1) A reference to the ADG code in an existing code-related offence is taken to include a reference to the previous ADG code.
- (2) This section applies until the end of 30 June 2015.
- (3) In this section—

existing code-related offence means an offence under this regulation that—

- (a) existed immediately before the commencement of this section; and
- (b) continues after the commencement of this section; and
- (c) relates to the ADG code.

previous ADG code is the code called the ‘Australian Code for the Transport of Dangerous Goods by Road and Rail’, seventh edition, originally endorsed by the Australian Transport Council, as in force immediately before 1 July 2014.

43 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *ADG Code*, *ADR approved*, *ICAO approved*, *IMO approved*, *RID approved*, *transport unit* and *UN approved*—
omit.

[s 43]

(2) Schedule 3—

insert—

ADG Code means the code called ‘Australian Code for the Transport of Dangerous Goods by Road and Rail’, seventh edition, originally endorsed by the Australian Transport Council, as amended from time to time.

ADR, ICAO, IMO, RID or UN approved, for packaging, means approved in accordance with any of the following documents—

- (a) the European Agreement concerning the International Carriage of Dangerous Goods by Road published by the Inland Transport Committee of the United Nations Economic Commission for Europe;
- (b) the ICAO technical instructions;
- (c) the IMDG code;
- (d) the Regulation concerning the International Carriage of Dangerous Goods by Rail published by the Intergovernmental Organisation for International Carriage by Rail;
- (e) the Recommendations on the Transport of Dangerous Goods: Model Regulations published by the United Nations.

cargo transport unit means any of the following—

- (a) a rail vehicle;
- (b) a portable tank;
- (c) a bulk container;
- (d) a freight container;
- (e) a MEGC.

ICAO technical instructions means the document called ‘Technical Instructions for the Safe Transport of Dangerous Goods by Air’ published by the International Civil Aviation Organization.

IMDG code means the document called ‘International Maritime Dangerous Goods Code’ published by the International Maritime Organization.

placard, when used as a noun, means—

- (a) a label within the meaning of the ADG Code; or
 - (b) an emergency information panel within the meaning of the ADG Code.
- (3) Schedule 3, definition *placard load*, ‘of dangerous goods that’—

omit, insert—

that contains dangerous goods and

Part 4

Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008

44 Regulation amended

This part amends the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*.

45 Amendment of s 7 (Special provisions for tools of trade and dangerous goods for private use)

Section 7(4) and (5), ‘of dangerous goods mentioned’—

omit, insert—

mentioned

46 Amendment of s 15 (References to load)

Section 15, ‘transport unit’—

omit, insert—

cargo transport unit

47 Amendment of s 21 (Instruction and training)

(1) Section 21(1), after paragraph (d)—

insert—

(da) handling fumigated cargo transport units;

(2) Section 21(1)(da) to (k)—

renumber as section 21(1)(e) to (l).

48 Amendment of s 24 (Determination about dangerous goods and packaging)

Section 24(2)(b), ‘transport unit’—

omit, insert—

cargo transport unit

49 Replacement of s 26 (Administrative determinations—Act, sch 4, definition *administrative determination*)

Section 26—

omit, insert—

**26 Administrative determinations—Act, sch 4,
definition *administrative determination***

- (1) A determination is an *administrative determination* if the determination—
- (a) is made on the application of a person; and
 - (b) applies to—
 - (i) the person; or
 - (ii) the person and other persons named in the application.
- (2) A determination is also an *administrative determination* if the determination—
- (a) is made at the initiative of the chief executive; and
 - (b) applies to 1 or more persons named in the determination; and
 - (c) does not impose an obligation on a person, other than a condition that applies if action is taken on the basis of the determination.

Notes—

- 1 See part 17 for provisions dealing with administrative determinations, including applications for, and amendment of, administrative determinations.
- 2 Also, see chapter 3, part 1A of the Act.

50 Amendment of s 79 (Meaning of *appropriately marked*)

- (1) Section 79(1), ‘transport unit’—

omit, insert—

cargo transport unit

- (2) Section 79(3), from ‘with’—

omit, insert—

with—

- (a) if the overpack is transported only as part of a retail distribution load—section 7.3.3 of the ADG Code; or
- (b) otherwise—section 5.1.2 of the ADG Code.

51 Insertion of new s 79A

After section 79—

insert—

79A Reference to label includes placard

In this division, a reference to a label includes a reference to a placard.

52 Amendment of s 80 (Duties of consignor)

Section 80—

insert—

- (4) However, subsection (3) does not apply if the marking or labelling of the package complies with the requirements for the contents of the package of—
 - (a) the ICAO technical instructions; or
 - (b) the IMDG Code.

53 Amendment of s 81 (Duties of packer)

Section 81—

insert—

- (4) However, subsection (3) does not apply if the marking or labelling of the package complies with the requirements for the contents of the package of—
 - (a) the ICAO technical instructions; or
 - (b) the IMDG Code.

54 Amendment of s 82 (Duties of prime contractor)

Section 82—

insert—

- (4) However, subsection (3) does not apply if the marking or labelling of the package complies with the requirements for the contents of the package of—
- (a) the ICAO technical instructions; or
 - (b) the IMDG Code.

55 Amendment of s 83 (When load must be placarded)

Section 83(1), ‘load of’—

omit, insert—

load that contains

56 Amendment of s 84 (Meaning of *placards* and *appropriately placarded*)

(1) Section 84(1), ‘load of’—

omit, insert—

load that contains

(2) Section 84(3)—

omit.

57 Amendment of s 85 (Duties of consignor)

(1) Section 85(3), ‘transport unit’—

omit, insert—

cargo transport unit

(2) Section 85—

insert—

- (4) However, subsection (3) does not apply if the placarding of the cargo transport unit complies with the requirements for the contents of the cargo transport unit of—
 - (a) the ICAO technical instructions; or
 - (b) the IMDG Code.

58 Amendment of s 86 (Duties of loader)

Section 86—

insert—

- (4) However, subsection (3) does not apply if the placarding of the load complies with the requirements for the contents of the load of—
 - (a) the ICAO technical instructions; or
 - (b) the IMDG Code.

59 Amendment of s 87 (Duties of prime contractor)

- (1) Section 87(1), ‘load of’—

omit, insert—

load that contains

- (2) Section 87(3), ‘transport unit’—

omit, insert—

cargo transport unit

- (3) Section 87—

insert—

- (4) However, subsection (3) does not apply if the placarding of the cargo transport unit complies with the requirements for the contents of the cargo transport unit of—

- (a) the ICAO technical instructions; or
- (b) the IMDG Code.

60 Amendment of s 88 (Duties of driver)

- (1) Section 88(1), ‘load of’—

omit, insert—

load that contains

- (2) Section 88(3), ‘transport unit’—

omit, insert—

cargo transport unit

61 Amendment of s 95 (Duty of consignor)

Section 95, ‘transport unit’—

omit, insert—

cargo transport unit

62 Amendment of s 96 (Duty of loader)

Section 96, from ‘that are’ to ‘for transport’—

omit, insert—

for transport in a cargo transport unit

63 Amendment of s 100 (Duty of loader)

Section 100, ‘transport unit’—

omit, insert—

cargo transport unit

64 Amendment of s 103 (Duties of consignor)

Section 103(2), ‘transport unit’—

omit, insert—

cargo transport unit

65 Amendment of s 104 (Duties of loader)

Section 104(2), ‘transport unit’—

omit, insert—

cargo transport unit

66 Amendment of s 105 (Duties of prime contractor)

Section 105(2), ‘transport unit’—

omit, insert—

cargo transport unit

67 Amendment of s 106 (Duties of driver)

Section 106(2), ‘transport unit’—

omit, insert—

cargo transport unit

68 Amendment of s 107 (Application of pt 9)

Section 107(1)(b), ‘of dangerous goods that’—

omit, insert—

that contains dangerous goods but

69 Amendment of s 115 (Definition for pt 10)

Section 115, ‘dangerous goods’—

omit, insert—

goods

70 Amendment of s 122 (Duty of transferor)

(1) Section 122, heading, ‘Duty’—

omit, insert—

Duties

(2) Section 122, ‘into the tank’—

omit, insert—

into a tank

(3) Section 122—

insert—

(2) Also, a person must not bulk transfer other goods into a tank (the ***other goods tank***) of a tank vehicle if—

(a) the person knows, or ought reasonably know, that the other goods tank or another tank of the tank vehicle—

(i) is carrying dangerous goods; or

(ii) is likely to carry dangerous goods before the other goods tank is emptied; and

(b) the ullage in the other goods tank would not comply with section 10.3.1 of the ADG Code if the other goods were dangerous goods.

Maximum penalty—20 penalty units.

71 Amendment of s 123 (Duty of prime contractor)

- (1) Section 123, heading, ‘Duty’—

omit, insert—

Duties

- (2) Section 123—

insert—

- (2) Also, a prime contractor must not transport other goods in a tank (the *other goods tank*) of a tank vehicle if—
- (a) the prime contractor uses the other goods tank or another tank of the tank vehicle to transport dangerous goods at the same time; and
 - (b) the ullage in the other goods tank would not comply with section 10.3.1 of the ADG Code if the other goods were dangerous goods.

Maximum penalty—20 penalty units.

72 Amendment of s 124 (Duty of driver)

- (1) Section 124, heading, ‘Duty’—

omit, insert—

Duties

- (2) Section 124—

insert—

- (2) Also, a person must not drive a tank vehicle that is transporting dangerous goods and other goods in a tank if the person knows, or ought reasonably know, that the ullage in the tank would not comply with section 10.3.1 of the ADG Code if the other goods were dangerous goods.

Maximum penalty—20 penalty units.

73 Replacement of s 127 (Duty of prime contractor)

Section 127—

omit, insert—

127 Duties of prime contractor

- (1) A prime contractor must not allow a person to drive a vehicle used by the prime contractor to transport dangerous goods if—
- (a) the person has not been given transport documentation complying with chapter 11.1 of the ADG Code for the goods; and
 - (b) the documentation is not able to be carried in the vehicle in the way required by chapter 11.1 of the ADG Code.

Maximum penalty—40 penalty units.

- (2) Also, the prime contractor must—
- (a) keep the transport documentation, or a copy of the documentation, in a legible form for at least 3 months after the prime contractor transports the goods; and
 - (b) produce the documentation or copy during the 3 months at the request of an authorised officer.

Maximum penalty—40 penalty units.

74 Amendment of s 128 (Duties of driver)

Section 128(1), from ‘must’—

omit, insert—

must—

- (a) carry transport documentation complying with chapter 11.1 of the ADG Code for the goods; and

- (b) ensure the documentation is carried in the vehicle in the way required by chapter 11.1 of the ADG Code.

Maximum penalty—40 penalty units.

75 Amendment of s 138 (Duties of prime contractor)

Section 138—

insert—

- (4) Subsection (5) applies if—
 - (a) after considering the risks under subsection (3), the prime contractor decides to tow the vehicle while the vehicle is carrying dangerous goods; and
 - (b) a person is required under the Act or this regulation to hold a dangerous goods driver licence to transport the goods in the vehicle.
- (5) The prime contractor must ensure that the driver of a vehicle (a *tow truck*) towing the vehicle carrying the dangerous goods—
 - (a) holds a dangerous goods driver licence; or
 - (b) is accompanied, in the cabin of the tow truck, by a person who holds a dangerous goods driver licence.

Maximum penalty—20 penalty units.

76 Amendment of s 141 (Control of ignition sources)

Section 141(1), ‘load of’—

omit, insert—

load that contains

77 Amendment of s 152 (Emergency plans)

(1) Section 152, after subsection (1)—

insert—

- (1A) A prime contractor transporting a placard load, who becomes aware of a dangerous situation involving the load, must do everything that the emergency plan for the transport of the load requires the prime contractor to do that is relevant to the situation.

Maximum penalty—40 penalty units.

(2) Section 152, after subsection (2)—

insert—

- (2A) A consignor of a placard load, who becomes aware of a dangerous situation involving the load, must do everything that the emergency plan for the transport of the load requires the consignor to do that is relevant to the situation.

Maximum penalty—40 penalty units.

(3) Section 152(1A) to (5)—

renumber as section 152(2) to (7).

78 Amendment of s 168 (Referring matters to the competent authorities panel)

Section 168(1), ‘an application for an exemption’—

omit, insert—

an exemption, or an application for an exemption,

79 Amendment of s 169 (Effect of competent authorities panel decision about application)

(1) Section 169, heading, ‘application’—

omit, insert—

exemption

- (2) Section 169(1)(a), ‘application for an exemption’—
omit, insert—
exemption, or an application for an exemption,
- (3) Section 169(1)(b)(i), ‘exemption should be granted’—
omit, insert—
should have been, or should be, granted

80 Amendment of s 180 (Referring matters to the competent authorities panel)

- (1) Section 180(1)—
omit, insert—
- (1) The chief executive must refer any of the following matters to the competent authorities panel if the chief executive considers the matter should have effect in all participating jurisdictions, or in certain participating jurisdictions including this jurisdiction—
- (a) an approval;
 - (b) an application for an approval;
 - (c) an administrative determination;
 - (d) an application for an administrative determination.
- (2) Section 180(2), ‘approval’—
omit, insert—
approval or administrative determination

81 Amendment of s 181 (Effect of competent authorities panel decision about application)

- (1) Section 181, heading, ‘application’—

omit, insert—

matter

- (2) Section 181(1)(a), ‘an application for an approval’—

omit, insert—

a matter

- (3) Section 181(1)(b), ‘approval’—

omit, insert—

approval or administrative determination

- (4) Section 181(1)(b)(i), ‘should be given’—

omit, insert—

should have been, or should be, given

82 Amendment of s 182 (Effect of competent authorities panel decision about amending, suspending or cancelling approval)

- (1) Section 182, heading, after ‘approval’—

insert—

or administrative determination

- (2) Section 182(1), ‘approval’—

omit, insert—

approval or administrative determination

83 Amendment of s 221 (Duties of owner)

Section 221—

insert—

- (3) For subsection (1), each vehicle in a combination may be insured under a policy that applies to the combination as a whole.

84 Amendment of s 222 (Duties of prime contractor)

Section 222—

insert—

- (3) For subsection (1), each vehicle in a combination may be insured under a policy that applies to the combination as a whole.

85 Replacement of pt 22, hdg (Repeal and transitional provisions)

Part 22, heading—

omit, insert—

Part 22 Transitional provisions

86 Omission of pt 22, div 1 (Repeal provision)

Part 22, division 1—

omit.

87 Replacement of pt 22, div 2, hdg (Transitional provisions)

Part 22, division 2, heading—

omit, insert—

**Division 1 Transitional provisions for
SL No. 427 of 2008**

88 Insertion of new pt 22, div 2

After section 250—

insert—

Division 2 Transitional provision for Transport and Other Legislation (Dangerous Goods) Amendment Regulation (No. 1) 2014

251 Reference to ADG Code

- (1) A reference to the ADG code in an existing code-related offence is taken to include a reference to the previous ADG code.
- (2) This section applies until the end of 30 June 2015.
- (3) In this section—

existing code-related offence means an offence under this regulation that—

- (a) existed immediately before the commencement of this section; and
- (b) continues after the commencement of this section; and
- (c) relates to the ADG code.

previous ADG code is the code called the ‘Australian Code for the Transport of Dangerous Goods by Road and Rail’, seventh edition, originally endorsed by the Australian Transport Council, as in force immediately before 1 July 2014.

89 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *ADG Code*, *ADR approved*, *ICAO approved*, *IMO approved*, *RID approved*, *transport unit* and *UN approved*—
omit.

(2) Schedule 4—

insert—

ADG Code means the code called ‘Australian Code for the Transport of Dangerous Goods by Road and Rail’, seventh edition, originally endorsed by the Australian Transport Council, as amended from time to time.

ADR, ICAO, IMO, RID or UN approved, for packaging, means approved in accordance with any of the following documents—

- (a) the European Agreement concerning the International Carriage of Dangerous Goods by Road published by the Inland Transport Committee of the United Nations Economic Commission for Europe;
- (b) the ICAO technical instructions;
- (c) the IMDG code;
- (d) the Regulation concerning the International Carriage of Dangerous Goods by Rail published by the Intergovernmental Organisation for International Carriage by Rail;
- (e) the Recommendations on the Transport of Dangerous Goods: Model Regulations published by the United Nations.

cargo transport unit means any of the following—

- (a) a tank vehicle;
- (b) a vehicle transporting freight;
- (c) a portable tank;
- (d) a bulk container;
- (e) a freight container;
- (f) a MEGC.

ICAO technical instructions means the document called ‘Technical Instructions for the Safe Transport of Dangerous Goods by Air’ published by the International Civil Aviation Organization.

IMDG code means the document called ‘International Maritime Dangerous Goods Code’ published by the International Maritime Organization.

placard, when used as a noun, means—

- (a) a label within the meaning of the ADG Code; or
 - (b) an emergency information panel within the meaning of the ADG Code.
- (3) Schedule 4, definition *placard load*, ‘of dangerous goods that’—

omit, insert—

that contains dangerous goods and

ENDNOTES

- 1 Made by the Governor in Council on 19 June 2014.
- 2 Notified on the Queensland legislation website on 20 June 2014.
- 3 The administering agency is the Department of Transport and Main Roads.

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Authorised by the Parliamentary Counsel