

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

Explanatory notes for SL 2014 No. 108

made under the

State Penalties Enforcement Act 1999

Transport Infrastructure Act 1994

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

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

Authorising laws

Section 165 of the State Penalties Enforcement Act 1999

Section 442 and 490 of the Transport Infrastructure Act 1994

Section 171 of the Transport Operations (Road Use Management) Act 1995

Policy objectives and the reasons for them

In Australia, all jurisdictions have adopted a national set of laws to reduce the risks arising from the transport of dangerous goods by road or rail. These laws are based on the Recommendations on the Transport of Dangerous Goods – Model Regulations (the UN Model Regulations) produced by the United Nations.

In response to amendments made to the UN Model Regulations, the National Transport Commission (NTC) has developed a package of amendments to the Australian model laws. These amendments will be implemented into Queensland law by this amendment regulation along with a number of amendments specific to the Australian model laws. The majority of the amendments are technical in nature and clarify or enhance the operation and enforceability of existing provisions.

Achievement of policy objectives

The *Transport and Other Legislation (Dangerous Goods) Amendment Regulation (No. 1) 2014* will amend the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008* and the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008* to adopt the nationally-agreed amendments to the *Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail*. This will ensure continued national consistency for the land transport of dangerous goods.

The amendments include updates to reflect changes to the UN Model Regulations and will clarify some legislative requirements. The more significant amendments will:

- reduce the risk of vehicle rollovers by strengthening ‘ullage’ requirements when dangerous goods and other goods are carried together on the one vehicle (where ‘ullage’ refers to the unfilled space in the containers in which the goods are carried);
- allow labels and markings required for goods that are dangerous when transported by air or sea to remain on the goods to simplify the process when goods are subsequently transported by road or rail;
- ensure a trained dangerous goods driver is present when a vehicle containing dangerous goods is towed; and
- require prime contractors to retain documentation relating to the transport of dangerous goods for three months in line with amendments to the UN Model Regulations.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objective of the *Transport Infrastructure Act 1994*, to establish a regime that provides for the safety of railways and persons at, on or near railways.

The amendment regulation is also consistent with the policy objectives in section 3 of the *Transport Operations (Road Use Management) Act 1995* that include providing a scheme for managing the use of the State’s roads that will improve road safety and the environmental impact of road use in ways that contribute to overall transport effectiveness and efficiency.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Benefits and costs of implementation

Adopting these amendments will ensure that Queensland’s legislation for the transportation of dangerous goods by road and rail remains current and consistent with other Australian jurisdictions. This ensures that transport operators will not have to comply with different requirements as they cross jurisdictional borders.

The amendments also address a current inconsistency relating to the labelling requirements between different transport modes which is expected to lead to a reduction in the regulatory burden for industry.

The amendments are not expected to have significant cost implications for industry or government.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

In developing the amendment package the NTC undertook consultation with both industry and governments.

The amendment package was endorsed by the Standing Committee on Transport and Infrastructure in November 2013. This process provided each jurisdiction with an opportunity to consider the proposed amendments.

The Office of Best Practice Regulation has confirmed that a Regulatory Impact Statement is not required for these amendments.

Consultation on the proposed amendments was also undertaken with all relevant government agencies. the Department of the Premier and Cabinet, the Department of Justice and Attorney-General, the Queensland Police Service, Queensland Treasury and Trade, Queensland Health, the Department of Natural Resources and Mines and the Office of Best Practice Regulation. All agencies support the amendments.