



Queensland

Transport Legislation (Dangerous Goods) Amendment Regulation 2018

Subordinate Legislation 2018 No. 18

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 Legislation (Dangerous Goods) Amendment Regulation 2018*.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

2 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

3 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*, entries for sections 207(3), 208(2) and 208(3)—
omit.

Part 3 Amendment of Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008

4 Regulation amended

This part amends the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008*.

[s 5]

5 Amendment of s 29 (Declaration of non-participating jurisdictions)

Section 29(a), ‘Australian Transport Council’—

omit, insert—

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

(1) Section 74(3)—

omit, insert—

(3) An overpack is *appropriately marked* if it is marked and labelled in accordance with section 5.1.2 of the ADG Code.

(2) Section 74(5)—

omit.

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

Section 78(2)—

omit, insert—

(2) However, a load that contains an aggregate quantity of dangerous goods of less than 2,000 does not need to be placarded if the load contains only the following dangerous goods—

- (a) goods packed in limited quantities;
- (b) goods that are bon bons, party poppers or sparklers;
- (c) goods that are domestic smoke detectors containing radioactive material;
- (d) goods that are lighters or lighter refills containing flammable gas;

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- (e) goods that are fire extinguishers containing compressed gas or liquefied gas with a net mass of not more than 23kg;
 - (f) 2 or more goods mentioned in paragraphs (a) to (e).
- (3) Subsection (1)(a) does not apply to a dangerous good that is an article.

8 Amendment of s 145 (Emergency plans)

Section 145(7), definition *emergency plan*, ‘Australian Transport Council’—

omit, insert—

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9 Insertion of new pt 20, div 4

Part 20—

insert—

Division 4 Transitional provision for Transport Legislation (Dangerous Goods) Amendment Regulation 2018

197 Appropriately marked overpacks and packages of dangerous goods

- (1) This section applies to an overpack or a package of dangerous goods (the *dangerous goods*) marked and labelled in accordance with chapter 7.3 of the ADG Code, edition 7.4.
- (2) From the commencement, the dangerous goods are taken to be appropriately marked under

[s 10]

section 74.

(3) This section stops applying on 1 March 2018.

10 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *Australian Transport Council* and *retail distribution load*—

omit.

(2) Schedule 3—

insert—

article means a manufactured item, other than a fluid or particle, that—

(a) is formed into a particular shape or design during manufacture; and

(b) has hazardous properties and a function that are wholly or partly dependent on the shape or design.

Examples—

battery, aerosol dispenser, lighter, refrigeration device

Transport and Infrastructure Council means the council of Commonwealth, New Zealand and State Ministers, established on 11 June 1993 and known as the Transport and Infrastructure Council, but constituted so that it consists of only 1 Minister representing each of the Commonwealth, the States, the Australian Capital Territory and the Northern Territory.

Note—

The Transport and Infrastructure Council was previously known as the Australian Transport Council.

(3) Schedule 3, definition *ADG code*, ‘Australian Transport Council’—

omit, insert—

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- (4) Schedule 3, definition *competent authorities panel*, paragraph (b), ‘Australian Transport Council’—

omit, insert—

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Part 4 **Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008**

11 **Regulation amended**

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

12 **Amendment of s 32 (Declaration of non-participating jurisdictions)**

Section 32(a), ‘Australian Transport Council’—

omit, insert—

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

- (1) Section 79(3)—

omit, insert—

- (3) An overpack is *appropriately marked* if it is marked and labelled in accordance with section 5.1.2 of the ADG Code.

- (2) Section 79(5)—

omit.

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

Section 83(2)—

omit, insert—

- (2) However, a load that contains an aggregate quantity of dangerous goods of less than 2,000 does not need to be placarded if the load contains only the following dangerous goods—
 - (a) goods packed in limited quantities;
 - (b) goods that are bon bons, party poppers or sparklers;
 - (c) goods that are domestic smoke detectors containing radioactive material;
 - (d) goods that are lighters or lighter refills containing flammable gas;
 - (e) goods that are fire extinguishers containing compressed gas or liquefied gas with a net mass of not more than 23kg;
 - (f) 2 or more goods mentioned in paragraphs (a) to (e).
- (3) Subsection (1)(a) does not apply to a dangerous good that is an article.

15 Amendment of s 152 (Emergency plans)

Section 152(7), definition *emergency plan*, ‘Australian Transport Council’—

omit, insert—

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16 Amendment of s 207 (Disposal of licensed vehicles)

(1) Section 207(1)—

omit.

- (2) Section 207(2), ‘the disposed vehicle’—
omit, insert—
a licensed vehicle (the *disposed vehicle*)
- (3) Section 207(4), ‘subsection (2)’—
omit, insert—
subsection (1)
- (4) Section 207(2) to (5)—
renumber as section 207(1) to (4).

17 Omission of s 208 (Licence labels)

Section 208—

omit.

18 Amendment of s 211 (Chief executive may require licence documents to be replaced)

Section 211(7), definition *licence document*, paragraph (c)—

omit.

19 Amendment of s 211A (Application by licensee for replacement licence document)

Section 211A(7), definition *licence document*, paragraph (c)—

omit.

20 Insertion of new pt 22, div 4

Part 22—

insert—

**Division 4 Transitional provision for
Transport Legislation**

(Dangerous Goods) Amendment Regulation 2018

253 Appropriately marked overpacks and packages of dangerous goods

- (1) This section applies to an overpack or a package of dangerous goods (the *dangerous goods*) marked and labelled in accordance with chapter 7.3 of the ADG Code, edition 7.4.
- (2) From the commencement, the dangerous goods are taken to be appropriately marked under section 79.
- (3) This section stops applying on 1 March 2018.

21 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *Australian Transport Council*, *licence label* and *retail distribution load*—
omit.
- (2) Schedule 4—
insert—
article means a manufactured item, other than a fluid or particle, that—
 - (a) is formed into a particular shape or design during manufacture; and
 - (b) has hazardous properties and a function that are wholly or partly dependent on the shape or design.

Examples—

battery, aerosol dispenser, lighter, refrigeration device

Transport and Infrastructure Council means the council of Commonwealth, New Zealand and State Ministers, established on 11 June 1993 and known as the Transport and

Infrastructure Council, but constituted so that it consists of only 1 Minister representing each of the Commonwealth, the States, the Australian Capital Territory and the Northern Territory.

Note—

The Transport and Infrastructure Council was previously known as the Australian Transport Council.

- (3) Schedule 4, definition *ADG code*, ‘Australian Transport Council’—

omit, insert—

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- (4) Schedule 4, definition *competent authorities panel*, paragraph (b), ‘Australian Transport Council’—

omit, insert—

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ENDNOTES

- 1 Made by the Governor in Council on 22 February 2018.
- 2 Notified on the Queensland legislation website on 23 February 2018.
- 3 The administering agency is the Department of Transport and Main Roads.

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