

This is the *Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail Amendment 2020* prepared by the Parliamentary Counsel's Committee and approved by the Transport and Infrastructure Council on 5 June 2020.

Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail Amendment 2020

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Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail Amendment 2020

1 Name of Model Provisions

These Model Provisions are the *Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail Amendment 2020*.

2 Amendment of Model Subordinate Instrument

Schedule 1 amends the *Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail*.

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Schedule 1 Amendment of Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail

Schedule 1 Amendment of Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail

[1] Whole Instrument

Omit “Part 02”, “Part 04 of”, “Part 04 or 06”, “Part 06” and “Part 09” wherever occurring. Insert instead “Part 2”, Part 4 of”, “Part 4 or 6”, “Part 6” and “Part 9”, respectively.

[2] Clause 1.2.1 Definitions

Omit “*European*” from the definition of *ADR approved*.

[3] Clause 4.1.1

Omit the clause. Insert instead:

4.1.1 Packing of dangerous goods in limited or excepted quantities

- (1) This Part does not apply to dangerous goods that are:
 - (a) goods packed in limited quantities within the meaning of clause 1.2.9; or
 - (b) goods packed in excepted quantities within the meaning of clause 5.1.1(6).
- (2) To avoid doubt, this Part (including clause 4.2.1 and the offence provisions) applies to dangerous goods that:
 - (a) are purported to be packed in limited quantities but do not comply with the requirements of clause 1.2.9; or
 - (b) are purported to be packed in excepted quantities but do not comply with the requirements of clause 5.1.1(6).

Note. Clauses 1.2.9 and 5.1.1(6) respectively require compliance with Chapter 3.4 and 3.5 of the ADG Code.

[4] Clause 4.2.1 Suitability of packaging for transport

Insert after clause 4.2.1(1)(f):

- ; or
- (g) for goods purported to be packed in limited quantities—the packaging of the goods fails to comply with Chapter 3.4 of the ADG Code; or
 - (h) for goods purported to be packed in excepted quantities—the packaging of the goods fails to comply with Chapter 3.5 of the ADG Code.

[5] Clause 4.3.1 Offence to sell or supply non-compliant packaging

Insert “or 3.5” after “Chapter 3.4” wherever occurring.

[6] Part 5, note

Insert after the heading to Part 5:

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Note. Section 5.1.3.3 of the ADG Code provides for unused pre-labelled dangerous goods packagings to be identified in order to avoid inappropriate emergency response.

[7] Clause 5.2.1 When load must be placarded

Insert “(other than specified goods)” after “250 or more” in clause 5.2.1(1)(b).

[8] Clause 5.2.1(1)(e)

Insert “(other than specified goods)” after “1 000 or more”.

[9] Clause 5.2.1(2)–(4)

Omit clause 5.2.1(2). Insert instead:

(2) A load that contains dangerous goods must be placarded if the load contains specified goods and:

- (a) the specified goods include an aggregate quantity of 2 000 or more of any one UN number from a single place of consignment; or
- (b) the total gross mass of the specified goods is 8 tonnes or more.

Note. This subclause applies separately and in addition to subclause (1). See Table 5.3 of the ADG Code.

(3) A load that contains dangerous goods, and that is not otherwise required to be placarded under this clause, must be placarded if the load meets the following conditions:

- (a) the load contains a mixture of specified goods and other dangerous goods;
- (b) the following combined quantity calculation applies:
 - (i) if the load contains dangerous goods referred to in subclause (1)(b)(i)–(iii)—the aggregate quantity of those goods, plus 10% of the total gross mass of the specified goods, is 250 or more;
 - (ii) otherwise—the aggregate quantity of dangerous goods that are not specified goods, plus 25% of the total gross mass of the specified goods, is 1 000 or more.

(4) In this clause, *specified goods* means:

- (a) dangerous goods that are packed in limited quantities;
- (b) any of the following:
 - (i) fireworks that are bon bons, party poppers or sparklers;
 - (ii) domestic smoke detectors containing radioactive material;
 - (iii) lighters or lighter refills containing flammable gas;
 - (iv) fire extinguishers containing compressed or liquefied gas, up to a net mass of 23 kg;
- (c) a combination of the dangerous goods referred to in paragraphs (a) and (b).

Note. See Note 5 to Table 5.3 of the ADG Code.

[10] Clause 7.1.1 Application

Omit clauses 7.1.1(2) and (3).

[11] Clauses 7.1.2–7.1.5

Omit “or 7.2” wherever occurring.

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[12] Division 7.3

Insert after clause 7.2.4:

Division 7.3 Nominally empty storage vessels

7.3.1 Application

This Division applies to tanks or hoppers specified in section 7.2.7.1 of the ADG Code (*nominally empty storage vessels*).

7.3.2 Consignor's duties

A person must not consign nominally empty storage vessels for transport in a cargo transport unit if the person knows, or reasonably ought to know, that the storage vessels are not loaded or stowed, or cannot be transported or unloaded, in accordance with Chapter 7.2 of the ADG Code.

Offence provision.

7.3.3 Loader's duties

- (1) A person must not load nominally empty storage vessels for transport by road or rail in a cargo transport unit other than in accordance with Chapter 7.2 of the ADG Code.

Offence provision.

- {(2) An offence against subclause (1) is an offence of strict liability.}

7.3.4 Prime contractor's and rail operator's duties

A prime contractor or rail operator must not transport nominally empty storage vessels if the contractor or rail operator knows, or reasonably ought to know, that the transport does not comply with Chapter 7.2 of the ADG Code.

Offence provision.

7.3.5 Driver's duties

A person must not drive a road vehicle transporting nominally empty storage vessels if the person knows, or reasonably ought to know, that the storage vessels are not being transported in accordance with Chapter 7.2 of the ADG Code.

Offence provision.

[13] Division 11.3

Insert after clause 11.2.7:

Division 11.3 Dangerous goods packed in limited quantities

11.3.1 Consignor's duties

A person must not consign dangerous goods that are packed in limited quantities for transport unless the person has provided the prime contractor with the information required by section 3.4.12.1 of the ADG Code in the form required by that clause.

Offence provision.

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11.3.2 Prime contractor's duties

A prime contractor who receives information under section 3.4.12.1 of the ADG Code must ensure that the information is readily ascertainable during transport of the dangerous goods.

Offence provision.

11.3.3 False or misleading information

In providing information under section 3.4.12.1 of the ADG Code, a person must not include information that the person knows, or reasonably ought to know, is false or misleading in a material particular.

Offence provision.

[14] Division 13.2, heading

Omit the heading. Insert instead:

Division 13.2 General precautions—driver's duties

[15] Division 13.3

Insert after clause 13.2.6:

Division 13.3 General precautions—prime contractor's duties

13.3.1 Parking

(1) A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to park the road vehicle, or leave the road vehicle standing, in a public or private place except in accordance with Part 13 of the ADG Code.

Offence provision.

{(2) An offence against subclause (1) is an offence of strict liability.}

13.3.2 Unloading

(1) A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to permit the dangerous goods to be unloaded from the vehicle except in accordance with Part 13 of the ADG Code.

Offence provision.

{(2) An offence against subclause (1) is an offence of strict liability.}

13.3.3 Detaching trailer

(1) A prime contractor must not direct or induce the driver of a road vehicle that has attached to it a trailer transporting a placard load to detach the trailer or permit it to be detached from the vehicle except in accordance with Part 13 of the ADG Code.

Offence provision.

{(2) An offence against subclause (1) is an offence of strict liability.}

13.3.4 Road tank vehicle equipped with burner

(1) A prime contractor must not direct or induce the driver of a road vehicle that is transporting a placard load, and that is equipped with a burner to heat the

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load, to operate the burner or permit it to be operated except in accordance with Part 13 of the ADG Code.

Offence provision.

{(2) An offence against subclause (1) is an offence of strict liability.}

[16] Schedule 1 Penalties

Insert after the matter relating to clause 7.2.4:

Division 7.3 Nominally empty storage vessels

7.3.2 Consignor's duties	400	2000
7.3.3(1) Loader's duties	400	2000
7.3.4 Prime contractor's and rail operator's duties	400	2000
7.3.5 Driver's duties	260	1300

[17] Schedule 1

Insert after the matter relating to clause 11.2.6(2):

Division 11.3 Dangerous goods packed in limited quantities

11.3.1 Consignor's duties	260	1300
11.3.2 Prime contractor's duties	260	1300
11.3.3 False or misleading information	800	4000

[18] Schedule 1

Omit "*Division 13.2 Road vehicles—drivers' duties*".

Insert instead "*Division 13.2 General precautions—drivers' duties*".

[19] Schedule 1

Insert after the matter relating to clause 13.2.6(1):

Division 13.3 General precautions—prime contractor's duties

13.3.1(1) Parking	260	1300
13.3.2(1) Unloading	800	4000
13.3.3(1) Detaching trailer	800	4000
13.3.4(1) Road tank vehicle equipped with burner	800	4000