

Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail Amendment 2019

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Parliamentary Counsel's Committee - Draft d03

Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail Amendment 2019

1 Name of Model Provisions

These Model Provisions are the *Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail Amendment 2019*.

2 Amendment of Model Subordinate Instrument

Schedule 1 amends the *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 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

Unless the contrary intention appears, dangerous goods are not required to be packed in accordance with this Part if the goods 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).

Note. Those clauses require compliance with Chapter 3.4 and 3.5 of the AGD Code respectively. Consequently, this Part (including clause 4.2.1 and the offence provisions) applies to goods not packed in accordance with those provisions of the AGD Code, even if the goods are purported to be packed in limited quantities or excepted quantities.

[4] Clause 4.2.1 Suitability of packaging for transport

Insert after clause 4.2.1(1)(f):

; or

- (g) in the case of goods purported to be packed in limited quantities or packed in excepted quantities — the packaging of the goods fails to comply with Chapter 3.4 or 3.5 of the AGD Code, respectively.

[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:

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

[7] Clause 7.1.1 Application

Omit clauses 7.1.1(2) and (3).

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[8] Clauses 7.1.2–7.1.5

Omit “or 7.2” wherever occurring.

[9] Division 7.3

Insert after clause 7.2.4:

Division 7.3 Nominally empty storage vessels

7.3.1 Application

- (1) This Division applies to nominally empty storage vessels.
- (2) In subclause (1), *nominally empty storage vessels* means tanks or hoppers specified in section 7.2.7.1 of the ADG Code.

7.3.2 Consignor's duties

A person must not consign storage vessels to which this Division applies 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 storage vessels to which this Division applies 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 storage vessels to which this Division applies 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 storage vessels to which this Division applies 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.