

MP301\*

Dangerous Goods Safety Act 2004

## **Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulations 8 and 10 — on the day that is 4 months after gazettal day;
- (c) the rest of the regulations — on the day after gazettal day.

### **3. Regulations amended**

These regulations amend the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*.

### **4. Regulation 55 amended**

In regulation 55(1) delete “performance”.

### **5. Regulation 215 amended**

Delete regulation 215(2) and (3) and insert:

- (2) Except as provided in subregulation (4), a vehicle used to transport dangerous goods on a road must be licensed under this Part to transport the goods if a tank with a capacity of more than 500 L forms part of the vehicle.
- (3) For the purposes of subregulation (2), a tank does not form part of a vehicle if it is attached to the vehicle.

**6. Regulation 216A inserted**

After regulation 215 insert:

**216A. Some vehicles may be licensed even though not required to be licensed under this Part**

- (1) Even if a vehicle used to transport dangerous goods on a road is not required to be licensed under this Part, a licensing authority may grant or renew a dangerous goods vehicle licence for the vehicle if satisfied —
  - (a) the vehicle transports dangerous goods in another State or a Territory; and
  - (b) the vehicle is required to be licensed under the law of that place to transport the goods in that place; and
  - (c) a licence under the law of that place to transport the goods in that place would not be granted because the vehicle operates principally in this State.
- (2) A licensing authority must not grant or renew a dangerous goods vehicle licence for a vehicle referred to in subregulation (1) unless satisfied a licence under the law of the other State or the Territory to transport the goods in that place would be granted if the vehicle were operating principally in that place.

**7. Regulation 221 amended**

Delete regulation 221(c) and insert:

- (c) states that the medical practitioner examined and passed the applicant in accordance with the set of medical standards described as the commercial standards in *Assessing Fitness to Drive for commercial and private vehicle drivers*, Fourth Edition 2012, published by Austroads Ltd (ISBN 978-1-921991-01-1).

**8. Regulation 225 amended**

- (1) In regulation 225(2) delete “3 years.” and insert:

5 years.

- (2) In regulation 225(5) delete “3 years.” and insert:

5 years.

**9. Regulation 227 amended**

Delete regulation 227(1)(c) and insert:

- (c) states that the medical practitioner examined and passed the applicant in accordance with the set of medical standards described as the commercial standards in *Assessing Fitness to Drive for commercial and private vehicle drivers*, Fourth Edition 2012, published by Austroads Ltd (ISBN 978-1-921991-01-1).

**10. Regulation 235 amended**

- (1) In regulation 235(2) delete “3 years.” and insert:

5 years.

- (2) Delete regulation 235(5) and insert:

- (5) A dangerous goods vehicle licence is renewed for the period specified in the renewed licence, being a period of not longer than 5 years.

**11. Part 23 Division 1 heading inserted**

At the beginning of Part 23 insert:

**Division 1 — Provisions for *Dangerous Goods*  
(*Transport*) Act 1998**

**12. Regulation 273 amended**

In regulation 273 delete “Part —” and insert:

Division —

**13. Part 23 Division 2 inserted**

At the end of Part 23 insert:

**Division 2 — Other provisions**

**283. Assessing fitness to drive**

- (1) If a certificate that complies with regulation 221(c) as in force immediately before the date on which the

*Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012* regulation 7 commences is issued within one year after that date, it is taken to be a certificate that complies with regulation 221(c) as in force after that date.

- (2) If a certificate that complies with regulation 227(1)(c) as in force immediately before the date on which the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012* regulation 9 commences is issued within one year after that date, it is taken to be a certificate that complies with regulation 227(1)(c) as in force after that date.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.