

MINERALS AND ENERGY

MN301

**EXPLOSIVES AND DANGEROUS GOODS ACT 1961
DANGEROUS GOODS AMENDMENT REGULATIONS 1996**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Dangerous Goods Amendment Regulations 1996*.

Commencement

2. (1) Regulations 1, 2, 3, 9 and 16 come into operation on 1 July 1996.

(2) Regulations 4, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15 come into operation on 1 October 1996.

Principal regulations

3. In these regulations the *Dangerous Goods Regulations 1992** are referred to as the principal regulations.

[* *Published in Gazette of 3 July 1992, pp. 2997-3075.*
For amendments to 7 June 1996 see 1995 Index to Legislation of Western Australia, Table 4, p. 80.]

Regulation 2.8 amended

4. Regulation 2.8 of the principal regulations is amended by repealing subregulation (3).

Regulation 2.9 repealed

5. Regulation 2.9 of the principal regulations is repealed.

Regulation 2.13 amended

6. Regulation 2.13 of the principal regulations is amended by repealing subregulations (2) and (3).

Regulation 3.13 amended

7. Regulation 3.13 of the principal regulations is amended by deleting "Subject to regulation 3.14 (2), a" and substituting the following —

" A ".

Regulation 3.14 amended

8. Regulation 3.14 of the principal regulations is amended by repealing subregulations (2) and (3).

Regulation 4.3 amended

9. Regulation 4.3 of the principal regulations is amended in subregulation (2) by inserting after "prescribed in" in paragraph (a) the following —

" item 3 of ".

Regulation 4.3 further amended

10. Regulation 4.3 of the principal regulations is further amended in subregulation (2) —

- (a) by deleting "and" at the end of paragraph (b); and
- (b) by deleting the full stop at the end of paragraph (c) and substituting the following —

"

and;

(d) either —

- (i) the fee prescribed in item 3A of Schedule 1; or
- (ii) a certificate signed by a person approved in writing by the Chief Inspector for the purpose, stating that the person has examined the application and considers that it complies with the regulations.

".

Regulation 6.1 amended

11. Regulation 6.1 of the principal regulations is amended by deleting "rail,".

Regulation 6.2 amended

12. Regulation 6.2 of the principal regulations is amended by repealing subregulation (2) and substituting the following —

"

(2) Subregulation (1) does not apply —

- (a) where the vehicle on which dangerous goods are carried is not required by Division 3 of Part 3 of these regulations to be marked; or
- (b) where none of the dangerous goods carried on the vehicle are in a bulk container.

".

Regulation 6.15 amended

13. Regulation 6.15 of the principal regulations is amended by deleting "road train within the meaning of the *Road Traffic (Vehicle Standards) Regulations 1977, as amended*" and substituting the following —

"

combination of vehicles within the meaning of the *Road Traffic (Vehicle Standards) Regulations 1977,*

".

Regulation 6.22 repealed and a regulation substituted

14. Regulation 6.22 of the principal regulations is repealed and the following regulation is substituted —

“

Renewal of licence

6.22 (1) Where, upon an application made to the Chief Inspector by the holder of a licence under this Division, the Chief Inspector is satisfied —

- (a) that the applicant holds a driver's licence under the *Road Traffic Act 1974* that —
 - (i) is appropriate to the type of vehicle on which dangerous goods are to be carried; and
 - (ii) is, or is deemed to be, an unrestricted licence within the meaning of section 45 of that Act;
- (b) that the applicant has undergone, within the relevant period, an approved course of retraining and attained a certificate or other evidence of proficiency recognized by the Chief Inspector within; and
- (c) as to the matters referred to in regulation 6.19,

he may issue to the applicant a licence upon payment of the renewal fee prescribed in item 5 of Schedule 1.

(2) An application under subregulation (1) shall be accompanied by —

- (a) a medical certificate satisfying regulation 6.19; and
- (b) a copy of the certificate or other evidence of proficiency referred to in subregulation (1) (b).

(3) In this regulation —

“**relevant period**”, in relation to an applicant, means the period that —

- (a) begins 3 years and 6 months before the licence applied for is due to expire in accordance with regulation 6.21; and
- (b) ends at the time of the application.

”

Regulations 6.24 and 6.25 inserted

15. After regulation 6.23 of the principal regulations the following regulations are inserted —

“

Suspension of licence

6.24. Where the Chief Inspector is satisfied that —

- (a) the holder of a licence under this part is likely to be charged with an offence relating to —
 - (i) an offence under the Act or these regulations;
 - (ii) an offence under the *Road Traffic Act 1974*; or
 - (iii) an offence relating to the possession, use, or trafficking in a drug;

and

- (b) there is a risk to public safety in permitting the holder of the licence to continue to operate,

the Chief Inspector may suspend the licence immediately until the charges have been dealt with or, if a decision is made not to charge the person, until the making of that decision.

Recognition of interstate licences

6.25. For the purposes of regulations 6.18 (1), 6.22 (1) and 6.23, a licence issued by another State, or by a Territory of Australia, to drive a vehicle on which dangerous goods are carried in bulk is deemed to have been issued under this Division.

Schedule 1 repealed and a schedule substituted

16. Schedule 1 to the principal regulations is repealed and the following schedule is substituted —

“

SCHEDULE 1

[regs 2.4, 2.8, 4.3, 4.4,
6.3, 6.7, 6.20 and 6.22]

Where these regulations require fees to be paid, the fees payable are as follows —

	\$
1. For approval of packaging	210
2. For approval of a bulk container	210
3. For the issue or renewal of a licence when the premises are used or proposed to be used to store dangerous goods, according to the amount stored or proposed to be stored) see) Table 1) below
3A. For the examination of an application for a licence referred to in item 3, according to the amount stored or proposed to be stored) see) Table 2) below
4. For the issue or renewal of a licence for a vehicle to transport dangerous goods	105
5. For the issue or renewal of a driver's licence	10

TABLE 1

Column 1 (Amount x 10 ³)	Column 2 \$
Not exceeding 2.3	14
Exceeding 2.3 but not exceeding 23	28
Exceeding 23 but not exceeding 46	70
Exceeding 46 but not exceeding 230	175
Exceeding 230 but not exceeding 2 300	350
Exceeding 2 300 but not exceeding 4 600	1 120
Exceeding 4 600 but not exceeding 9 200	1 700
Exceeding 9 200 but not exceeding 13 800	2 100
Exceeding 13 800 but not exceeding 18 400	2 500
Exceeding 18 400 but not exceeding 23 000	3 000
Exceeding 23 000	3 500

TABLE 2

Column 1 (Amount x 10 ⁻³)	Column 2 \$
Not exceeding 50	180
Exceeding 50 but not exceeding 250	360
Exceeding 250	600

”.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.