

Version No. 011
Road Transport (Dangerous Goods) Act 1995

Act No. 84/1995

Version incorporating amendments as at 1 July 1998

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Road Transport (Dangerous Goods) Act 1995

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The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to regulate the transport of dangerous goods by road in Victoria in order to promote public safety and protect property and environment.

2. Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act come into operation on a day or days to be proclaimed.

S. 2(2)
amended by
No. 37/1996
s. 14(a).

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S. 2(3)
repealed by
No. 37/1996
s. 14(b).

3. Definitions

In this Act—

"the applied provisions" means the provisions applying by reason of sections 5 and 6;

"the Commonwealth Act" means the Road Transport Reform (Dangerous Goods) Act 1995 of the Commonwealth.

4. Act to bind the Crown

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This Act binds the Crown, not only in right of Victoria, but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

5. *Application in Victoria of provisions of the Commonwealth Act*

Section 6 and Parts 3, 4, 5 and 6 of the Commonwealth Act as in force for the time being apply as laws of Victoria.

6. *Application in Victoria of regulations*

S. 6(1)
amended by
No. 64/1997
s. 4 (ILA
s. 39B(1)).

(1) The regulations in force for the time being under Part 2 of the Commonwealth Act apply as regulations in force for the purposes of the provisions of the Commonwealth Act applying as laws of Victoria under section 5.

S. 6(2)
inserted by
No. 64/1997
s. 4.

(2) The regulations referred to in sub-section (1) apply as if they did not include any provision—

- (a) applying to an offence any provision of Chapter 2 of the Criminal Code set out in the Schedule to the Criminal Code Act 1995 of the Commonwealth;
- (b) specifying an offence to be an offence of strict liability;
- (c) requiring an approved form or a determination to be taken to be a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act 1989 of the Australian Capital Territory.

S. 6(3)
inserted by
No. 64/1997
s. 4.

(3) Nothing in sub-section (2)(b) prevents an offence being construed to be an offence of strict liability.

7. Applications for review

Applications for review of decisions under the applied provisions are to be made to the Victorian Civil and Administrative Tribunal.

S. 7
amended by
No. 52/1998
s. 311(Sch. 1
item 81).

8. Application of Commonwealth Acts Interpretation Act 1901

(1) The provisions of the Acts Interpretation Act 1901 of the Commonwealth apply to the interpretation of the applied provisions, except that, in relation to Victoria—

S. 8(1)
amended by
No. 64/1997
s. 5 (ILA
s. 39B(1)).

(a) "Government Gazette" is to refer to the Victoria Government Gazette; and

(b) "Minister" is to refer to the responsible Minister of Victoria.

(2) In the applied provisions—

"participating jurisdiction" includes the Australian Capital Territory and the Jervis Bay Territory;

"the Act" or **"this Act"** includes this Act and the regulations made under this Act;

"this jurisdiction" means Victoria.

S. 8(2)
inserted by
No. 64/1997
s. 5.

9. Scope of the applied provisions

(1) The applied provisions do not apply to dangerous goods that are in a container that is designed to form part of, and forms part of, the fuel or battery system of a vehicle's engine, auxiliary engine, fuel burning appliance or other part of a vehicle's propulsion equipment.

(1A) The applied provisions do not apply to the transport by road of—

(a) explosives within the meaning of the **Dangerous Goods Act 1985**; or

S. 9(1A)
inserted by
No. 64/1997
s. 6.

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- (b) any radio-active substance or radiation apparatus within the meaning of Division 2AA of Part V of the **Health Act 1958**; or
 - (c) any pathogenic micro-organisms or other material capable of causing disease in humans.
- (2) Subject to sub-sections (3) and (4), the applied provisions have effect despite any other law.
- (3) If an applied provision is inconsistent with a law of Victoria that—
- (a) relates to the storage and handling of dangerous goods; and
 - (b) does not relate to the transport of dangerous goods by road—
- the law of Victoria prevails.
- (4) Unless the contrary intention appears in any regulation, licence, permit, transport certificate, State environment protection policy or industrial waste management policy made, issued or declared under the **Environment Protection Act 1970**, the applied provisions do not apply to—
- (a) the transport of prescribed waste or prescribed industrial waste for which a permit or a transport certificate under Part 9A of the **Environment Protection Act 1970** is required; or
 - (b) the transport of waste undertaken in accordance with the requirements of any national environment protection measure made under the **National Environment Protection Council (Victoria) Act 1995**.

9A. Regulations

- (1) The Governor in Council may make regulations for or with respect to prescribing fees that are to be paid for things done under the applied provisions.
- (2) A power conferred by sub-section (1) may be exercised in any manner in which a power to make regulations providing for the imposition of fees could be exercised under the applied provisions.
- (3) The applied provisions apply in relation to Victoria as if the only prescribed fees under those provisions were fees prescribed under sub-section (1).

S. 9A
inserted by
No. 64/1997
s. 7.

10. Act to cease to be in force

This Act ceases to be in force when the National Road Transport Commission Act 1991 of the Commonwealth ceases to be in force.

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1. General Information

Minister's second reading speech—

Legislative Assembly: 5 October 1995

Legislative Council: 25 October 1995

The long title for the Bill for this Act was "A Bill to make provision for safety in the transport of dangerous goods by road as part of the system of nationally consistent road transport laws and for other purposes."

The **Road Transport (Dangerous Goods) Act 1995** was assented to on 28 November 1995 and came into operation as follows:

Sections 1, 2 on 28 November 1995: section 2(1); rest of Act on 7 April 1998: Special Gazette (No. 28) 7 April 1998 page 1.

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Notes

2. Table of Amendments

This Version incorporates amendments made to the **Road Transport (Dangerous Goods) Act 1995** by Acts and subordinate instruments.

Road Safety (Amendment) Act 1996, No. 37/1996

Assent Date: 6.11.96
Commencement Date: S. 14 on 21.11.96: Government Gazette 21.11.96 p. 2971
Current State: This information relates only to the provision/s amending the **Road Transport (Dangerous Goods) Act 1995**

Road Transport (Dangerous Goods) (Amendment) Act 1997, No. 64/1997

Assent Date: 5.11.97
Commencement Date: 5.11.97: s. 2
Current State: All of Act in operation

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 81) on 1.7.98
Current State: This information relates only to the provision/s amending the **Road Transport (Dangerous Goods) Act 1995**

3. Explanatory Details

No entries at date of publication.