

Road Transport (Dangerous Goods) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 4 October 1995

(Brought in by Mr Brown and Mr Hayward)

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.

Road Transport (Dangerous Goods) Act 1995

The Parliament of Victoria enacts as follows:

1. *Purpose*

5 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.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984.**)

Road Transport (Dangerous Goods)

- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 12 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period. 5

3. Definitions

- In this Act— 10
- “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. 15

4. Act to bind the Crown

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. 20

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. 25

6. Application in Victoria of regulations

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. 30

7. Applications for review

Applications for review of decisions under the applied provisions are to be made to the Administrative Appeals Tribunal of Victoria.

5 **8. Application of Commonwealth Acts Interpretation Act 1901**

10 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—

- (a) “Government Gazette” is to refer to the Victoria Government Gazette; and
- (b) “Minister” is to refer to the responsible Minister of Victoria.

15 **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.

(2) Subject to sub-sections (3) and (4), the applied provisions have effect despite any other law.

25 (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—

30 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 5
- (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**. 10

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. 15