

1992—No. 598

DANGEROUS GOODS ACT 1975—REGULATION

(Relating to applications for licences and licence fees)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Dangerous Goods Act 1975, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD,
Attorney General and Minister for Industrial Relations.

Commencement

1. This Regulation commences on 29th March, 1993.

Amendment of Dangerous Goods Regulation 1978

2. The Dangerous Goods Regulation 1978 is amended:
 - (a) by inserting in clause 4 (1), in alphabetical order, the following definition:

“**Workcover Authority**” means the WorkCover Authority constituted under the WorkCover Administration Act 1989;
 - (b) by omitting clause 4A;
 - (c) by omitting from the heading to Division 1 of Part 2 the words “Licences and”;
 - (d) by omitting clauses 9A and 10A;
 - (e) by inserting after Division 1 of Part 2 the following Division:

Division 1A—Licences

Application of Division

12A. This Division applies to licences that are administered under the Act pursuant to an authorisation under Part 2 of Schedule 2 to the Business Licences Act 1990.

Applications (general)

12B. An application for a licence, for the renewal or transfer of a licence or for the alteration of the particulars set out in a licence is not duly made unless the requirements of this Division that relate to the application are complied with.

Application for licence

12C. (1) An application referred to in clause 12B:

- (a) must be made in a manner approved by the WorkCover Authority; and
- (b) must be accompanied by any drawings, specifications, calculations and other documents required by the Authority.

(2) The Chief Inspector may require an applicant to furnish any other drawings, specifications, calculations or documents additional to those accompanying the application.

Condition on licences for carriage of dangerous goods

12D. For the purposes of section 27 of the Act, the following condition is prescribed in respect of all licences authorising the carriage in a transport container in or on, or forming part of, a vehicle of liquid or gaseous dangerous goods:

Where the transport container to which the licence relates is carrying dangerous goods, only a person registered as a driver of a vehicle used to carry dangerous goods of the class or classes being carried may drive the vehicle in or on which the container is situated or of which the container forms part.

Changes of particulars

12E. If there is any change in the particulars set out in the application for the issue or transfer (or, if there has been more than one transfer, the last transfer) of a licence, the holder of the licence:

- (a) must as soon as practicable notify the Chief Inspector, in writing, of the change; and
- (b) must apply to the Chief Inspector for an appropriate amendment of the licence if, as a result of the change, any of the particulars set out in the licence are no longer appropriate.

Notification of transfer of control of licensed transport container or premises

12F. (1) If the control of a licensed transport container or licensed premises is transferred (by way of sale or lease or

otherwise), the person who held the licence concerned immediately before the transfer must, within 7 days after the transfer, notify the Chief Inspector.

(2) The notification must be in writing and must specify the date on which the transfer was effected and the name and address of the transferee.

(3) The address of a transferee is, in the case of a corporation, the address of its registered office or its principal place of business.

Substitute licences

12G. (1) The Chief Inspector may, on being satisfied that a licence has been lost, stolen, destroyed or defaced, issue a substitute licence to the holder of the licence concerned.

(2) A substitute licence issued in accordance with this clause is to be in same terms as, and has the same force and effect as, the licence it replaces.

(f) by inserting before clause 12 the following heading:

Division 1B—Appeals

(g) by inserting in the heading to Division 2 of Part 2 after the word “Fees” the words “for examination and testing”;

(h) by inserting after Division 2 of Part 2 the following Division:

Division 2A—Licence fees

Application of Division

15AA. This Division applies to licences being administered under the Act pursuant to an authorisation under Part 2 of Schedule 2 to the Business Licences Act 1990.

Licence fees

15AB. (1) The Workcover Authority may, by order published in the Gazette, determine the fee payable in respect of the issue or renewal of licences.

(2) The Interpretation Act 1987 applies to an order under this clause as if the order were a statutory rule within the meaning of that Act. Accordingly, the order is subject to disallowance by either House of Parliament.

(3) An application for the issue or renewal of a licence to which this Division applies must be accompanied by the fee (if any) determined for the time being by the WorkCover Authority under this clause.

EXPLANATORY NOTE

The purpose of this Regulation is to amend the Dangerous Goods Regulation 1978 with respect to licences being administered under the Dangerous Goods Act 1975 pursuant to an authorisation under Part 2 of Schedule 2 to the Business Licences Act 1990.

The effect of the amendments is to require applications for the issue or renewal of these licences to be in a form approved by the WorkCover Authority and to be accompanied by a fee determined by that Authority.

The determination of any such fee is to be made by order published in the Gazette. Any such order is to be tabled in Parliament, and is subject to disallowance, as if it were a statutory rule within the meaning of the Interpretation Act 1987.
