

NOTICE OF EXEMPTION

COMPETENCY EVIDENCE REQUIREMENT FOR DANGEROUS GOODS DRIVER LICENCE RENEWALS

Background

- A. Clause 198 of the Dangerous Goods (Road & Rail Transport) Regulation 2014 (“Regulation”) requires the holder of a dangerous goods driver licence to provide certain evidence with an application for the renewal of their licence. This includes evidence of competency as outlined in clause 195 of the Regulation.

NOTE: The equivalent references in the national model subordinate instrument (“MSI”) are:

- Clause 198 – section 18.3.6 of the MSI
- Clause 195 – section 18.3.3 of the MSI

- B. The COVID-19 pandemic has the potential to significantly impact the ability of the Vocational Education and Training system to provide the required competency training as a result of the restrictions imposed by the Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020 and current advice from NSW Health in relation to social distancing.
- C. A person who holds a dangerous goods driver licence must have already undertaken competency training in order to have obtained that licence.
- D. This exemption is intended to provide temporary relief from the requirement to provide evidence for competency requirements while the COVID-19 pandemic is being managed.
- E. The NSW Environment Protection Authority (EPA) is satisfied that:
- (a) it is not reasonably practicable for applicants for renewal of a dangerous goods driver licence to comply with clauses 198(2)(b) and 195 of the Regulation; and
 - (b) granting a temporary exemption to the holder of a dangerous goods driver licence in relation to clauses 198(2)(b) and 195 of the Regulation:
 - (i) would not be likely to create a risk of death or injury to a person, or harm to the environment or to property, greater than that which would be the case if the person were required to comply, and
 - (ii) would not cause unnecessary administrative or enforcement difficulties, particularly with respect to maintaining national uniformity of road transport laws or rail transport laws.

Exemption

Class of persons to which this exemption applies

1. The class of persons to which this exemption applies are persons who:
 - a. hold a current dangerous goods driver licence; and
 - b. apply to the EPA to renew that dangerous goods driver licence.

Provisions the subject of this exemption

2. Having considered the matters in section 42(2) of the *Dangerous Goods (Road & Rail Transport) Act 2008* (NSW), the EPA hereby exempts the class of persons described above from clauses 198(2)(b) and 195 of the Regulation, which require competency evidence to accompany an application for licence renewal.

NOTE: this exemption DOES NOT apply to applicants who do not hold a dangerous goods driver licence or are making an application for a dangerous goods driver licence under clause 193 of the Regulation.

Conditions of this exemption

3. This exemption is subject to the following conditions:
 - (a) Any dangerous goods driver licence that is renewed pursuant to this exemption will only be valid for 12-months from the date of renewal.

NOTE 1: The evidence required to be provided by clauses 198(2)(b) and 195 will need to be submitted with any subsequent application for renewal, unless a further exemption is issued.

NOTE 2: This condition may be implemented differently in other jurisdictions, such as through a licence condition.

Application

4. This exemption applies to the dangerous goods that the holder of a dangerous goods driver licence is authorised by their licence to transport.
5. This exemption is valid in the State of New South Wales.

NOTE: This exemption will be submitted by the EPA to the Competent Authorities Panel (CAP) for national endorsement. If CAP decides that it should have effect nationally, this exemption will be valid in all jurisdictions, but implementation may vary between jurisdictions.

6. This exemption is in force from 7 April 2020 until 30 September 2020.

The reference number for this exemption is NSWGEX2020-01.

NANCY CHANG
Executive Director Regulatory Practice, Policy and Advice
NSW Environment Protection Authority

Date: 7 April 2020

Note: It is an offence to fail to comply with conditions of this exemption which holds a maximum penalty of \$11,000 and six months imprisonment for an individual or \$55,000 for a body corporate.