Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2005

Pursuant to section 167 of the Land Transport Act 1998, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

(1) These regulations are the Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2005.

(2) In these regulations, the Land Transport (Offences and Penalties) Regulations 1999[1] are called "the principal regulations".

2 Commencement

These regulations come into force on 27 June 2005.

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[1] SR 1999/99

3 Defences

Regulation 5(1) of the principal regulations is amended by omitting the expression "1999", and substituting the expression "2005".

4 Schedule 1 amended

(1) Schedule 1 of the principal regulations is amended by omitting the heading before the first item, and substituting the heading "Dangerous Goods 2005 (45001/1)" and, under that heading,—

(a) inserting, after the item relating to section 10.4(c), the items relating to section 10.4(d)(ii) and 10.4(e) set out in the Schedule; and

(b) omitting from the first column the expression "10.4(e)(i)", and substituting the expression "10.4(f)(i)" ; and

(c) omitting from the first column the expression "10.4(e)(ii)", and substituting the expression "10.4(f)(ii)" ; and

(d) omitting the item relating to section 10.4(e)(iii), and substituting the item relating to section 10.4(f)(iii) set out in the Schedule; and

(e) omitting from the first column the expression "10.4(e)(iv)", and substituting the expression "10.4(f)(iv)" ; and

(f) omitting from the first column the expression "10.4(f)", and substituting the expression "10.4(g)" ; and

(g) omitting from the first column the expression "10.4(g)", and substituting the expression "10.4(h)" ; and

(h) omitting from the second column of the item relating to section 10.5(a) the word "service" ; and

(i) omitting from the second column of the item relating to section 10.5(b)(i) the word "service" ; and

(j) omitting from the second column of the item relating to section 10.5(b)(ii) the word "service" ; and

(k) omitting the item relating to section 10.5(b)(iii), and substituting the item relating to section 10.5(b)(iii) set out in the schedule; and

(l) omitting from the second column of the item relating to section 10.5(b)(iv) the word "service".

(2) Schedule 1 of the principal regulations is amended, under the heading "Land Transport (Road User) Rule 2004 (61001)", by omitting from the fifth column of the item relating to section 6.4(4) the expression "150", and substituting the expression "60".

5 Schedule 1A amended

Clause 5 of Schedule 1A of the principal regulations is amended by omitting the word "may", and substituting the words "is to".

6 Schedule 1B amended

Clause 5 of Schedule 1B of the principal regulations is amended by omitting the word "may", and substituting the words "is to".

Schedule

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Amendments to Schedule 1 of principal regulations

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corpo-	Infringement fee for individual ($)	Infringement fee for body corporate ($)

			rate ($)		
Section 10.4(d)(ii)	Driver or operator of road vehicle transporting dangerous goods must ensure that driver has current approved handler test certificate if required in section 9.2(1), unless section 10.4(d)(i) is complied with	1,000	1,000	400	400
Section 10.4(e)	Driver or operator of road vehicle transporting dangerous goods must ensure that current approved handler test certificate is carried when driving and is made available to dangerous goods enforcement officer, police officer, or HSNO enforcement officer immediately on request, unless section 10.4(d)(i) is complied with	1,000	1,000	55	55

Section 10.4(f)(iii)	Driver or operator of road vehicle transporting dangerous goods must ensure that dangerous goods documentation is made available to dangerous goods enforcement officer, police officer, HSNO enforcement officer, or emergency services personnel immediately on request	2,500	10,000	750	1,500
Section 10.5(b)(iii)	Driver or operator of rail vehicle transporting dangerous goods must ensure dangerous goods documentation is made available to dangerous goods enforcement officer, police officer, HSNO enforcement officer, or emergency services personnel immediately on request	2,500	1.0,000	750	1,500

Martin Bell,

Acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 27 June 2005, amend the Land Transport (Offences and Penalties) Regulations 1999 to reflect Land Transport Rule: Dangerous Goods 2005 (Rule 45001/1), which replaces Land Transport Rule: Dangerous Goods 1999 (Rule 45001).

The main changes relate to new rules for transporting dangerous goods. An item relating to the new section 10.4(d)(ii) is inserted in Schedule 1. That section includes an alternative to the existing requirement for a driver transporting dangerous goods as tools-of-trade or for agricultural use or commercial purposes, but not for hire or direct reward, in excess of the limit set out in Schedule 1 of the rule. In these circumstances it is sufficient for the driver to have an approved handler certificate issued under the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001 showing that the handler of the goods has passed a course on the transport of dangerous goods. The driver is required to carry the certificate and make it available to an enforcement officer immediately on request.

Other changes are consequential or minor, including reducing the infringement fee for an individual who parks on broken yellow lines so that it is consistent with the fee for a body corporate for the same infringement offence.

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