



## Dangerous goods safety information sheet

### Driving record suitability for dangerous goods and explosives driver licences

#### Requirements

The transport of dangerous goods is potentially very hazardous and therefore requires drivers who are responsible, appropriately trained and medically fit (i.e. both physically and mentally).

A completed application for a dangerous goods or explosives driver licence must be lodged with evidence of training, driving record and medical. Refer to the webpage on [dangerous goods driver licence](#) and [explosives driver licence](#) for further guidance.

For an explosives driver licence application, evidence is required that the applicant has a current Western Australian dangerous goods security card or a recognised security clearance.

#### Refusal or cancellation of licence

Driving offences that result in the suspension or cancellation of your motor driver's licence (MDL) may lead to the cancellation or refusal of your dangerous goods or explosives driver licence. Consequently, a six-month suspension of your MDL may mean no dangerous goods or explosives driver licence for five years.

At the time of application, if the driver:

- has, in the five years before the application, been found guilty by a court in Australia of an offence that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods, or explosives; or the applicant's driver licence has been cancelled or suspended on a ground that makes the applicant unsuitable to be the driver of a vehicle transporting dangerous goods, or explosives, or
- has not passed a relevant training course, or
- is not medically fit,

he or she will *not* be issued with a dangerous goods or explosives driver licence.

#### Driving record criteria that result in ineligibility for licence

Examples where the applicant would be deemed *ineligible* to be granted a dangerous goods or explosives driver licence on the basis of their driving record are given below.

- 1 Any driver that has had their MDL suspended, cancelled or disqualified two or more times during the review period as a result of a traffic conviction such as:
  - dangerous driving;
  - reckless driving;
  - driving with prescribed percentage of alcohol in the blood  $\geq 0.08\%$  (0.08 grams/100 mL of blood); or
  - driving under the influence of a drug as per the *Road Traffic Act 1974*.

- 2 Any driver whose MDL has been suspended, cancelled or disqualified once during the review period for traffic convictions such as those mentioned above, and their driving record following the conviction contains:
  - any other serious offence (see list below); or
  - further traffic offences that total 8 or more demerit points.
- 3 Any driver whose MDL has been suspended, cancelled or disqualified during the review period through the accumulation of demerit points predominantly for traffic offences and not solely non-payment of fines, and their driving record following the suspension, cancellation or disqualification:
  - contains any other serious offence (see list below); or
  - contains further traffic offences which total eight or more demerit points; or
  - identifies that they have been convicted of an offence under the *Dangerous Goods Safety Act 2004*, or the Transport Regulations, or the Explosives Regulations that carries a level 1 penalty.
- 4 Any driver whose MDL has been disqualified for breaching a good behaviour period.
- 5 Any driver whose MDL has been disqualified for driving a vehicle licensed to transport dangerous goods in bulk while having a prescribed percentage of alcohol in the blood of  $\geq 0.02\%$  (grams/100 mL of blood).

The following traffic infringements or offences are considered to be *serious*.

- exceeding speed limit by at least 20 km per hour;
- failing to stop at a red light signal;
- careless driving;
- driving with a blood alcohol content  $\geq 0.05\%$  (0.05 grams/100 mL blood);
- driving a dangerous goods vehicle while having a blood alcohol content of  $<0.02\%$  (grams/100 mL blood);
- driving without a MDL;
- any hoon law offence;
- other serious traffic offences (indicated by a demerit point value of three or more).

## **Additional criteria for explosives drivers**

Explosives drivers must hold a Western Australian Dangerous Goods Security Card (DGSC), or a recognised security clearance, or have applied for a DGSC before applying for an explosives drivers licence.

When applying for, or renewing an explosives driver licence, applicants must also declare if they have been charged with or convicted of any offences under the dangerous goods and explosives legislation of Western Australia or elsewhere.

## **Requirement to notify the Department of changes to status of information provided with application**

Holders of explosives and dangerous goods driver licences must advise the Department of:

- material changes to their medical status, or
- MDL disqualifications

within 14 days of becoming aware of the change.

## **Review of a decision by the Chief Officer**

A person aggrieved by a decision to reject a dangerous goods driver licence application may apply in writing to the Chief Officer for a reconsideration of the decision. This application must be made within 28 days of being notified of the decision, or a longer period if allowed by the Chief Officer. The Chief Officer must respond to such a request within 28 days.

*Note: This option is not available for an applicant refused an explosives driver licence. The applicant would need to put his or her case to the State Administrative Tribunal (see below).*

Requests to the Chief Officer for reconsideration must state the grounds or reasons why the decision should be reconsidered. Appropriate grounds for reconsideration are:

- the information provided with the application was inaccurate, and the accurate information will support the granting of a licence;
- Resources Safety has made an error (e.g. used the wrong information in making its decision, or incorrectly interpreted the information provided); or
- the applicant is able to provide additional or missing information.

Reasons that are not sufficient to justify reconsideration of a decision include:

- loss of employment or related hardship;
- support from a current or prospective employer;
- letters of support or recommendations from any other person; and
- if the date of the training certificate or medical is more than six months before the application date (e.g. even by one day).

The regulations allow scope for conditions to be placed on dangerous goods driver licences. However, it is the Department's general policy to not grant conditional licences on the basis that compliance is difficult to verify. Conditions are not to be used to subvert the normal licence eligibility requirements.

## **Review of a decision by the State Administrative Tribunal**

Both dangerous goods and explosives driver applicants, if aggrieved by a decision may appeal to the State Administrative Tribunal (SAT) for a review of the decision. Appeal applications must be made within 21 days of being notified of the decision and must be made in the form required by SAT.