

Mr Alan Hyde
Chairman
Australian Battery Industry Association (ABIA)
35 Onkara Court
ELTHAM
Victoria 3095

Our Reference H99/04255

Dear Mr Hyde

Exemption from clause 13.1.3.2.2.1 of the Australian Dangerous Goods Code Edition 7 (ADG Code) referenced by part 13 in regulation 148 of the Victorian Dangerous Goods (Transport by Road or Rail) Regulations 2008.

I refer to your application of the 12 January 2010 to the Competent Authorities Panel (CAP) regarding your request to vary condition (ii) of exemption VCAP-08-EXEM-2009-171 from 40kg to 65kg. The matter involving your application to vary the existing exemption has been considered by the Competent Authorities Panel (CAP) "out of session" and has been agreed to. All other conditions remain the same.

The existing Exemption VCAP-08-EXEM-2009-171, has been revoked and replaced by Exemption VCAP-08-EXEM-2009-171A

The attached exemption, VCAP-08-EXEM-2009-171A is issued to give effect to that decision. The exemption is issued by Worksafe Victoria, as the Competent Authority. By agreement of the CAP the exemption shall have effect in all States and Territories.

If you require further clarification please contact me on 9641 1551.

Yours sincerely



ADRIAN SIMONETTA
Manager, Dangerous Goods
Delegate of the Competent Authority

03/03/10

A copy of this letter and attached Exemption has been sent to following Competent Authorities.


1. NSW- WorkCover and Department of Environment and Climate Change
2. WA- Department of Mines and Petroleum
3. QLD- Department of Transport and Main Roads and Department of Employment Economic Development and Innovation
4. SA -Safework SA
5. Tas- Department of Justice Workplace Standards Tasmania
6. NT- NT WorkSafe
7. ACT –Department of Justice and Community Safety
8. Australian Maritime Safety Authority (AMSA)
9. Civil Aviation Authority (CASA)
10. Department of Infrastructure Transport Regional Development and Local Government and Department of Defence

EXEMPTION CERTIFICATE

Exemption Number VCAP-08-EXEMP- 2009-171A

This Exemption is granted by WorkSafe Victoria under the provisions of Regulation 168 of the *Dangerous Goods (Transport by Road or Rail) Regulations 2008*.

- Purpose:** To allow members, of the Australian Battery Industry Association (ABIA), agents, contractors, and drivers to park placarded vehicles in certain places.
- Granted to:** Members of the Australian Battery Industry Association (ABIA), agents, contractors, and drivers.
- Regulations:** Exemption from the requirement to comply with regulation 148, of the Victorian *Dangerous Goods (Transport by Road or Rail) Regulations 2008*, referencing Part 13 (Parking), specifically, clause 13.1.3.2.2 of Australian Dangerous Goods Code (ADG Code).
- [Equivalent to regulation 13.2.2 (Parking) of Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail 2007]
- Conditions:**
- (i) Applies to loads of batteries less than or equal to 5000 kg gross mass.
 - (ii) Applies to "Batteries" that are articles described by UN 2794 BATTERIES, Wet FILLED WITH ACID, electric storage, being class 8 packing group III Dangerous Goods, each unit of which may have a maximum gross mass up to 65kg.
 - (iii) Loaded or partially loaded vehicles parked in public places are to have the load area locked in the case of enclosed vehicles, or are to be supervised or have a covered load in the case of tray-sided vehicle.
 - (iv) Loaded or partially loaded vehicles garaged in residential areas are to have the load area locked in the case of enclosed vehicles or are to be garaged in locked accommodation in the case of tray-sided vehicles.
 - (v) The number of batteries carried is to be described in the transport documentation and with each delivery, is to be adjusted so as to accurately reflect the actual number of batteries on the vehicle at the time.
 - (vi) A copy of this exemption shall be carried by the driver and produced upon request by an Officer of Worksafe or equivalent jurisdiction.
- Application:** This exemption applies throughout Victoria and, in accordance with the out of session decision taken by the Competent Authorities Panel (CAP) in February 2010, in all other States and Territories under the mutual recognition provisions, subject to specific State and Territory legislation.
- Previous Exemptions:** Exemption Number VCAP-08-EXEMP- 2009-171 is hereby revoked
- Starting Date:** This Exemption starts on the 03 March 2010
- Finish Date:** This Exemption shall remain valid until ADG 7 ceases to have legal effect in any jurisdiction in Australia. This exemption can be revoked, withdrawn or amended, at any time by WorkSafe by a notice in writing.



Adrian Simonetta

Delegate of the Competent Authority

Date 03/03/10