



Overview of Commercial Goods Vehicle Licences For Product Owners

Context

The *Transport Co-ordination Act 1966* (the Act) sets out the requirement for vehicles to be licensed. However, the specific circumstances requiring commercial goods vehicles to be licensed have been amended through iterations of the *Transport (Commercial Goods Vehicles Exemption) Order 1992* (Exemption Order), permitted through the Act (section 19).

Copies of the relevant legislation can be retrieved from the Department of Justice online at <https://www.legislation.wa.gov.au/>.

Does movement of your product require transport vehicles to be licensed?

According to the December 2005 amendment to the Exemption Order, vehicle owners (including co-owners, purchasers, hirers or lessors) are required to hold a Commercial Goods Vehicle Licence (CGVL) only if both of the following conditions are true:

- the vehicle is used for the carriage of iron ore or any mining product from which iron is to be extracted, and
- the above is to be sourced from any mine or mine stockpile situated within a 100km radius of Wubin, Pindar, Geraldton, Marchagee and South Mine 94 or within an area 100km on either side of:
 - a) The Northern Railway Line between Wubin and Geraldton including the Pindar to Mullewa section;
 - b) The Midland Railway line between Marchagee and Geraldton; or
 - c) The Railway line between South Mine 94 and Dongara.

Please refer to the map at Attachment 1 demonstrating the affected areas.

The purpose of licensing transport of product in this area

The requirement for vehicles transporting iron ore or similar products to be licensed effectively regulates the transport of product through this area. The Minister for Transport has the authority to grant (with or without variation) or refuse the application for a CGVL (section 37 of the Act).

The intention of regulating transport of iron ore or similar products in this area is to optimise the use of rail transport which could potentially be used instead of, or in conjunction with, road transport. The State Government has preference for movement of freight by rail where possible, as it has less negative impacts on road users and residential amenity.

The role of the product owner

As the product owner, you have knowledge available to you that vehicle owners (engaged to transport your goods) may not. This knowledge is crucial to the assessment of the CGVL applications, as the Minister is required to consider economic development and decentralisation, as well as a number of other factors, such as the necessity for the proposed service to be provided, the condition of roads on the proposed route, the interests of persons requiring the transport to be provided, and of the community generally (section 36 of the Act).

Whilst CGVL applications need to be completed by the vehicle owner, the impact of all transport movements related to your product needs to be considered when assessing the applications. The relevant information includes, but is not limited to:

- Estimated total annual transport task (*i.e.* 750,000 tonnes)
- Number of vehicle owners engaged to transport this product
- Life of project requiring transport task
- Previous or current assessment of transport options.

The Department of Transport (the Department) requests your assistance in providing information to and on behalf of the vehicle owners transporting your product.

Commercial Goods Vehicle Licence conditions

With the additional information provided by the product owner, the Department will undertake an assessment on behalf of the Minister. The information provided will assist in determining whether conditions may need to be attached to the associated CGVL(s), which may:

- restrict the routes or areas in which the vehicle(s) may operate;
- prescribe that records must be kept; and/or
- other such conditions as the Minister thinks proper to impose in the public interest.

In addition to this, it is an implied condition of every licence for a commercial goods vehicle granted by the Minister that:

- the vehicle be maintained in a fit and serviceable condition;
- the provisions of any Act or regulation applicable to the vehicle and its operation be complied with;
- in relation to the vehicle, the provisions relating to the limitations of hours of driving and provisions and requirements of any relevant industrial award or agreement be observed and complied with; and,
- the vehicle carry no load exceeding that stipulated in the licence.

How to assist the Department

When the product owner becomes aware that the movement of their product requires transport vehicles to be licensed, you should liaise with the Department (using the contact details below) to provide contextual information regarding the total transport task (see: *The role of the product owner*).

When engaging vehicle owner(s) to move iron ore or similar product within the area illustrated in Attachment 1, please refer them to the *Guidance Notes for completing E84 (Form 4): Application for Commercial Goods Vehicle Licence*. The Department may ask that you coordinate the submission of these forms on behalf of the vehicle owners(s).

Contact details

To provide the Department with relevant information, or if you have any queries regarding this overview or legislation, please email CGVL@transport.wa.gov.au.

