

Dangerous Goods (Transport) (General) Regulations 1999

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THE TEXT OF THE LEGISLATION FOLLOWS

Western Australia

Dangerous Goods (Transport) (General) Regulations 1999

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Notes

Dangerous Goods (Transport) (General) Regulations 1999

1. Citation

These regulations may be cited as the *Dangerous Goods (Transport) (General) Regulations 1999*.

2. Commencement

These regulations come into operation on the day on which the *Dangerous Goods (Transport) Act 1998* comes into operation.

3. Interpretation

In these regulations unless the contrary intention appears —

“**ADG Code**” means the sixth edition of the *Australian Code for the Transport of Dangerous Goods by Road and Rail* and includes (for the avoidance of doubt) the technical appendices to it but excludes —

- (a) the Rail (Dangerous Goods) Rules published as a schedule to it; and
- (b) the Road Transport Reform (Dangerous Goods) Regulations of the Commonwealth published as an attachment to it;

“Explosives Code” means the *Australian Code for the Transport of Explosives by Road and Rail*, Second Edition, March 2000, published by the Commonwealth of Australia;

“UN dangerous goods tests and criteria” means the tests and criteria specified in —

- (a) the eleventh revised edition of the *Recommendations on the Transport of Dangerous Goods* published by the United Nations; or
- (b) the third revised edition of the *Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria* published by the United Nations.

[Regulation 3 amended in Gazette 18 August 2000 pp.4773-4.]

4. Dangerous goods prescribed (s. 3)

For the purposes of paragraph (a) of the definition of “dangerous goods” in section 3 of the Act, substances or articles are prescribed to be dangerous goods if they —

- (a) are named in a specific entry in column 2 in Appendix 2 to the ADG Code, but not in a generic entry or in an entry where the letters “N.O.S.” are shown as part of the proper shipping name for the goods;
- (b) satisfy the criteria in column 2 or 9 in that Appendix;
- (c) satisfy the criteria in a Special Provision of the ADG Code that is applied by column 7 in that Appendix;
- (d) are named in a specific entry in column 2 in Appendix 2 of the Explosives Code;
- (e) satisfy the criteria in a Special Provision of the Explosives Code that is applied by column 7 in that Appendix; or
- (f) satisfy the UN dangerous goods tests and criteria for determining whether goods are dangerous goods.

[Regulation 4 amended in Gazette 18 August 2000 p.4774.]

5. Goods too dangerous to be transported (s. 35)

For the purposes of section 35 of the Act goods are too dangerous to be transported if they are —

- (a) mentioned in Appendix 5 to the ADG Code; or
- (b) determined by a Competent Authority to be too dangerous to be transported.

6. How determinations by a Competent Authority to be made

(1) A determination by a Competent Authority made under —

- (a) paragraph (b) of the definition of “dangerous goods” in section 3 of the Act; or
- (b) regulation 5(b),

must be —

- (c) in writing; and
- (d) published in the *Gazette*.

(2) Division 6 of Part 1 of the *Dangerous Goods (Transport) (Road and Rail) Regulations 1999* applies to a determination referred to in subregulation (1)(a) or (b).

Notes

- ¹ This is a compilation of the *Dangerous Goods (Transport) (General) Regulations 1999* and includes the amendments made by the other written laws referred to in the following table.^{1a}

Compilation table

Citation	Gazettal	Commencement
<i>Dangerous Goods (Transport) (General) Regulations 1999</i>	8 Jun 1999 p. 2303-8	9 Jun 1999 (see r. 2 and <i>Gazette</i> 8 Jun 1999 p. 2469)
<i>Dangerous Goods (Transport) (General) Amendment Regulations 2000</i>	18 Aug 2000 p. 4773-4	18 Aug 2000

NB. Notices under *Dangerous Goods (Transport) Act 1998* s.48 —
Gazette 8 June 1999 p.2309
25 August 2000 pp.4930-31

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and Year	Commencement
<i>Dangerous Goods Safety Act 2004</i> s. 70 ² assented to 10 Jun 2004	7 of 2004	To be proclaimed (see s. 2)

- ² On the date as at which this compilation was prepared, the *Dangerous Goods Safety Act 2004* s. 70, which gives effect to Sch. 2 cl. 1(2)(c), had not come into operation. It reads as follows:

“

70. Repeals and consequential amendments (Sch. 2)
Schedule 2 has effect.

”.

Schedule 2 cl. 1(2)(c) reads as follows:

“

Schedule 2 — Repeals and consequential amendments

[s. 70]

1. *Dangerous Goods (Transport) Act 1998* repealed

(1) ...

(2) The following regulations, made under the *Dangerous Goods (Transport) Act 1998*, are repealed —

(c) *Dangerous Goods (Transport) (General) Regulations 1999*;

”.