MN302*

Explosives and Dangerous Goods Act 1961

Dangerous Goods Amendment Regulations 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Dangerous Goods Amendment Regulations 1999*.

2. Commencement

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

3. The regulations amended

The amendments in these regulations are to the *Dangerous Goods Regulations 1992**.

[* Reprinted as at 9 June 1997.]

4. Regulation 1.1 amended

Regulation 1.1 is amended by deleting "Dangerous Goods Regulations 1992" and inserting instead —

Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992

5. Regulation 1.3 amended

- (1) Regulation 1.3(1) is amended as follows:
 - (a) by deleting the definition of "bulk container" and inserting instead
 - "bulk container", when used in relation to the storage of dangerous goods
 - (a) of class 2 (gases), means a container having a capacity exceeding 500 litres;
 - (b) of any other class, means
 - (i) a container having a capacity exceeding 450 litres; and
 - (ii) a container with a net mass exceeding 400 kilograms;
 - (b) by deleting the definition of "class label" and inserting the following definition instead
 - "class", see subregulations (2), (3) and (3a) and clause 1.1.3 of the Code as read with regulation 2.3 of the Dangerous Goods (Transport) (Road and Rail) Regulations 1999;
 - (c) by deleting the definition of "Code" and inserting instead
 - "Code" means the sixth edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail as amended from time to time and (for the

";

";

avoidance of doubt) includes 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;

d) by inserting after the definition of "Code" the following definition —

"combustible liquid" has the same meaning as in AS 1940, being item 11 in Schedule 2;

- (e) by deleting the definition of "correct technical name";
- (f) by inserting after the definition of "correct technical name" the following definitions —

"dangerous goods" means goods that are dangerous goods by virtue of regulation 1.5;

- "explosive" means an article or substance that is an explosive for the purposes of the *Explosives and Dangerous Goods (Explosives) Regulations 1963*;
- (g) by deleting the definitions of "Hazchem Code" and "identification number";
- (h) by deleting the definition of "label";
- (i) by inserting after the definition of "package depot" the following definition —

"packing group", see subregulations (2), (3) and (3a) and clause 1.1.3 of the Code as read with regulation 2.5 of the *Dangerous Goods* (Transport) (Road and Rail) Regulations 1999;

(j) by inserting after the definition of "quantity" the following definitions —

"screen wall" means a screen wall that complies with the requirements of regulation 4.8;

"storage" means storage other than storage on a vehicle or rail wagon for the purposes of transport;

";

"

- (k) by deleting the definition of "subsidiary risk label" and inserting the following definition instead
 - "subsidiary risk", see subregulations (2), (3) and (3a) and clause 1.1.3 of the Code as read with regulation 2.4 of the *Dangerous Goods* (*Transport*) (Road and Rail) Regulations 1999;
- (l) by inserting after the definition of "subsidiary risk label" the following definition
 - "Table" means Table 1 in regulation 4.2, Table 2 or 3 in regulation 4.7, Table 4 in regulation 4.10 or Table 5 in regulation 4.33, as the case requires;

"UN tests" means the tests and criteria specified in —

- (a) the ninth revised edition of the Recommendations on the Transport of Dangerous Goods published by the United Nations: or
- (b) the second revised edition of the Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria published by the United Nations;
- (2) After regulation 1.3(3) the following subregulation is inserted
 - (3a) For the purposes of applying the Code in connection with these regulations and despite section 1.1.2 of the Code, unless the contrary intention appears, a reference in the Code
 - (a) to the Road Act is to be taken to be a reference to the *Dangerous Goods (Transport) Act 1998* of Western Australia;
 - (b) to the Road Regulations, or to the Rail Rules, is to be taken to be a reference to the Dangerous Goods (Transport) (Road and Rail) Regulations 1999 of Western Australia;
 - (c) to a numbered provision of the Road
 Regulations is to be taken to be a reference
 to the regulation of that number in the
 Dangerous Goods (Transport) (Road and Rail)
 Regulations 1999 of Western Australia;
 - (d) to a numbered provision of the Rail Rules is to be taken to be a reference to the regulation in the *Dangerous Goods (Transport) (Road and Rail) Regulations 1999* of Western Australia that corresponds to that provision.

6. Regulation 1.5 inserted

After regulation 1.4 the following regulation is inserted —

6

1.5. Dangerous goods

- (1) Goods are dangerous goods for the purposes of these regulations if they
 - (a) are named in a specific entry in column 2 in Appendix 2 to the 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 the Appendix;
 - (c) satisfy the criteria in a Special Provision of the Code that is applied by column 7 in the Appendix;
 - (d) are named in Schedule 3;
 - (e) are determined under paragraph (b) of the definition of "dangerous goods" in section 3 of the *Dangerous Goods (Transport) Act 1998* to be dangerous goods;
 - (f) satisfy the UN tests for determining whether goods are dangerous goods or goods too dangerous to be transported; or
 - (g) are combustible liquids.
- (2) However, a reference in these regulations to dangerous goods does not include a reference to explosives, or dangerous goods of Class 6.2 (infectious substances) or dangerous goods of Class 7 (radioactive material).

7. Part 2, Division 1, heading replaced

The heading to Division 1 of Part 2 is deleted and the following heading is inserted instead —

•

Division 1 — General

"

8. Regulation 2.1 amended

- (1) Regulation 2.1(1) is amended as follows:
 - (a) by deleting "Subject to subregulation (2), the" and inserting instead
 - " The ";
 - (b) by deleting "or chronic hazardous substances".

".

- (2) Regulation 2.1(2) is repealed and the following subregulation is inserted instead
 - (2) This Part does not apply to or in respect of the packaging of dangerous goods for transport by road or rail.

9. Regulation 2.2 replaced

Regulation 2.2 is repealed and the following regulations are inserted instead —

2.2. How dangerous goods are to be stored (s. 43)

- (1) For the purposes of section 43 of the Act, dangerous goods shall be stored
 - (a) in the case of packaged dangerous goods in packaging
 - (i) that complies with Chapter 3 of the Code; or
 - (ii) that has been approved under Division 2 of this Part;
 - (b) in the case of dangerous goods that are not packaged dangerous goods
 - (i) in a bulk container in accordance with Division 3 of this Part; or
 - (ii) in a manner approved generally or in a particular case;
 - (c) in the case of combustible liquids, in packaging that complies with regulation 2.1(1).
- (2) In subregulation (1), dangerous goods are packaged dangerous goods if
 - (a) they are dangerous goods of Class 2 (gases) in a container with a capacity of not more than 500 litres; or
 - (b) they are dangerous goods of another class in
 - (i) a container with a capacity of not more than 450 litres; and
 - (ii) a container with a net mass of not more than 400 kilograms.

2.3. How dangerous goods are to be packaged

- (1) For the purposes of section 44(1) of the Act dangerous goods that are packed for the purpose of storage shall be packed
 - (a) in packaging that complies with Chapter 3 of the Code;

- (b) in packaging that has been approved under Division 2 of this Part; or
- (c) in a bulk container that has been approved under, and complies with, Division 3 of this Part.
- (2) An inspector may permit stored dangerous goods to be packed in a bulk container that has not been approved under Division 3 if the inspector is satisfied that
 - (a) the bulk container in which they are stored has become unserviceable; or
 - (b) there is an emergency that justifies giving such permission.
- (3) Where such permission is given the dangerous goods shall be packed in the bulk container and stored in accordance with directions given by an inspector.

10. Regulation 2.3 repealed

Regulation 2.3 is repealed.

11. Regulation 2.7 repealed

Regulation 2.7 is repealed.

12. Regulation 2.10 amended

Regulation 2.10(a) is deleted.

13. Regulation 2.13 amended

Regulation 2.13(1) is repealed.

14. Regulation 2.15 amended

Regulation 2.15(1)(i) is deleted.

15. Regulation 2.18 repealed

Regulation 2.18 is repealed.

16. Part 3, Division 1, repealed

Division 1 of Part 3 is repealed.

17. Regulation 3.6 replaced

Regulation 3.6 is repealed and the following regulation is inserted instead —

3.6. Labelling etc. requirements (s. 44(2) & (3))

(1) In this regulation —

"dangerous goods" does not include combustible liquids.

".

- (2) For the purposes of section 44(2) and (3) of the Act
 - (a) a package that contains dangerous goods, and any outer packaging containing the package, shall be marked; and
 - (b) a unit load that contains dangerous goods shall be marked,

in accordance with Chapter 7 of the Code, as if the goods were to be transported by road or rail.

- (3) For the purposes of section 44(2) and (3) of the Act
 - (a) a freight container that contains dangerous goods shall be placarded; and
 - (b) a bulk container that contains dangerous goods shall be placarded,

in accordance with -

- (c) Chapter 7 of the Code, as if the goods were to be transported by road or rail; or
- (d) the Guidance Note for Placarding.
- (4) For the purposes of section 44(2) and (3) of the Act a freight container or bulk container containing a combustible liquid shall be placarded in accordance with AS 1940, being item 11 in Schedule 2.

18. Regulation 3.8 amended

Regulation 3.8(2) is amended by deleting "these regulations as they apply to the transport of dangerous goods" and inserting instead —

the Dangerous Goods (Transport) (Road and Rail) Regulations 1999

19. Regulations 3.9 to 3.11 repealed

Regulations 3.9, 3.10 and 3.11 are repealed.

20. Regulation 3.12 amended

Regulation 3.12(2) is repealed.

21. Part 3, Division 3, repealed

Division 3 of Part 3 is repealed.

22. Regulations 3.15 and 3.16 repealed

Regulations 3.15 and 3.16 are repealed.

23. Regulation 3.17 amended

Regulation 3.17 is amended as follows:

- (a) by deleting ", premises or vehicle" and inserting instead
 - " or premises ";
- (b) by deleting ", freight container, or vehicle" and inserting instead
 - " or freight container ".

24. Regulation 3.18 amended

- (1) Regulation 3.18(1) is amended by deleting ", vehicle, unit load".
- (2) Regulation 3.18(2) is repealed.

25. Regulation 3.19 amended

Regulation 3.19 is amended by inserting after "regulations" in the second place where it appears, the following —

" or another written law".

26. Regulation 4.2 amended

- (1) Regulation 4.2(1) is amended in the definition of "the storage factor" by deleting ", sub-class or packaging group" and inserting instead
 - " or packing group ".
- (2) Regulation 4.2(2) is repealed.
- (3) Regulation 4.2(4) is amended by deleting "packaging group, or of Sub-class" and inserting instead
 - " packing group or of Class".
- (4) Table 1 in regulation 4.2 is amended as follows:
 - (a) by deleting the item relating to "Class 3 (Combustible Liquids in Bulk)";
 - (b) by deleting the item relating to "Class S";
 - (c) by inserting after the last item the following item
 - " Combustible liquids in bulk 0.2".

27. Regulation 4.7 amended

Regulation 4.7(5)(a) is amended by deleting "of this regulation".

28. Regulation 4.8 amended

Regulation 4.8(1)(d) is amended by deleting "by-laws in force under the *Local Government Act 1960*" and inserting instead —

"

local laws in force under the *Local Government* Act 1995

".

29. Regulation 4.28 amended

Regulation 4.28(4) is amended by deleting "Occupational Health, Safety and Welfare Act 1984" and inserting instead —

' Occupational Safety and Health Act 1984".

30. Regulation 4.33 amended

- (1) Regulation 4.33(1) is amended by deleting "or sub-class".
- (2) Regulation 4.33(2) is repealed and the following regulation is inserted instead —

6

(2) If any dangerous goods have a subsidiary risk then the goods shall be segregated in accordance with Table 5 both in respect of the Class number and the subsidiary risk number of those goods.

,

(3) Regulation 4.33(4) is repealed and the following subregulation is inserted instead —

44

(4) For the purposes of subregulation (1) and Table 5, combustible liquids shall be treated as if they were dangerous goods of Class 3.

//

- (4) Regulation 4.33(5) (but not Table 5) is repealed.
- (5) Table 5 in regulation 4.33 is amended as follows:
 - (a) by inserting after "Class" in the first row of the Table —

 " or subsidiary risk ";
 - (b) in the notes to the Table by deleting Note X and inserting instead —

"

X — Segregate in separate depots that are at least 5 metres apart or segregate by a distance of at least 5 metres with the use of a screen wall.

".

31. Regulation 4.34 replaced

Regulation 4.34 is repealed and the following regulation is inserted instead —

44

4.34. Exceptions to regulation 4.33

- (1) If dangerous goods of different types are such that they may interact dangerously, the goods shall be segregated in the manner specified by Note X to Table 5, notwithstanding regulation 4.33.
- (2) Notwithstanding regulation 4.33 and without limiting the operation of subregulation (1), dangerous goods named in column 1 of the Table to this regulation shall be segregated from dangerous goods named in column 2 in the manner specified by Note X to Table 5.

Table

Item	Column 1	Column 2
1.	dangerous goods of Class 3 in a bulk container	dangerous goods of Class 2.1
2.	nitromethane (Class 3)	amines (Class 6.1)
3.	dangerous goods of Class 5.1	combustible liquids
4.	dangerous goods of Class 5.1	dangerous goods of Class 9 that are capable of combustion
5.	ammonium nitrate (Class 5.1)	the following dangerous goods of Class 5.1 or a combination of them: chlorates, chlorites or chloroisocyanurates or di- or tri- chloroisocyanuric acid or tetranitromethane
6.	hypochlorites (Class 5.1)	the following dangerous goods of Class 5.1: chloroisocyanurates or di- or tri-chloroisocyanuric acid
7.	hypochlorites (Class 5.1)	acids (Class 8)
8.	dangerous goods of Class 5.2	combustible liquids
9.	dangerous goods of Class 5.2	dangerous goods of Class 9 that are capable of combustion
10.	cyanides (Class 6.1)	acids (Class 8)
11.	concentrated acids (Class 8)	concentrated alkalies (Class 8)

32. Regulation 4.35 replaced

Regulation 4.35 is repealed and the following regulation is inserted instead —

"

4.35. Goods too dangerous to be transported not to be stored without approval

Goods that are named in Appendix 5 to the Code, or that are determined under regulation 1.18(g) of the

Dangerous Goods (Transport) (Road and Rail) Regulations 1999 to be too dangerous to be transported, shall not be stored without written approval.

33. Part 4, Division 4, heading replaced

The heading to Division 4 of Part 4 is deleted and the following heading is inserted instead —

Division 4 — Particular requirements as to storage of LPG (Class 2.1)

34. Part 4, Division 5, heading replaced

The heading to Division 5 of Part 4 is deleted and the following heading is inserted instead —

Division 5 — Particular requirements as to storage of chlorine (Class 2.3)

35. Part 4, Division 6, heading replaced

"

The heading to Division 6 of Part 4 is deleted and the following heading is inserted instead —

Division 6 — Particular requirements as to storage of combustible liquids and dangerous goods of Class 3 (flammable liquids)

36. Part 4, Division 7, heading replaced

The heading to Division 7 of Part 4 is deleted and the following heading is inserted instead —

Division 7 — Particular requirements as to storage of cyanides (Class 6.1)

37. Part 6 (rr. 6.1 to 6.25) repealed

Part 6 is repealed.

38. Regulation 8.1 replaced

Regulation 8.1 is repealed and the following regulation is inserted instead —

"

8.1. Offences

- (1) Where any matter or thing in relation to premises is required under these regulations or is required to conform with any requirement specified in these regulations and is omitted or does not conform with the requirements so specified then unless these regulations otherwise provide, the licensee or occupier of the premises is guilty of an offence against these regulations.
- (2) Where an act is required to be done or is forbidden to be done under these regulations and is omitted to be done or is done in contravention of these regulations then unless these regulations otherwise provide, the person in charge of the premises is guilty of an offence against these regulations.

"

39. Schedule 1 amended

Schedule 1 is amended by deleting items 4 and 5.

40. Schedule 2 amended

Schedule 2 is amended as follows:

- (a) in item 4 by deleting "CP-4-1991" and inserting instead
 - " CP-4-1998 ";
- (b) in item 5 by deleting "Part 3 1987" and inserting instead
 - " Part 3 1997 ";
- (c) by deleting item 6 and inserting the following item instead —
- 6. AS 1345-1995 Identification of the Contents of Pipes,
 Conduits and Ducts
 - (d) in item 7 by deleting "AS 1596-1989" and inserting instead
 - " AS 1596—1997 ".

41. Schedule 3 inserted

After Schedule 2 the following Schedule is inserted —

"

Schedule 3 — Dangerous goods too dangerous to transport

[r. 1.5]

Notes

- (1) This Schedule lists those of the goods named in Appendix 5 to the Code ("ADG 6") that are not explosives. Appendix 5 lists goods considered too dangerous to transport.
- (2) 'N.E.S.' means "not elsewhere specified". If an entry in this Schedule includes 'N.E.S.' it means the goods named in the entry are not only named in Appendix 5 to ADG 6, but also in an entry in another Appendix to ADG 6.
- (3) The entry in the other Appendix will name the goods and specify the criteria to be satisfied before they may be transported; for example the goods must be mixed with diluents, stabilizers, inhibitors, desensitizers, phlegmatizers, solvents, wetting agents or adulterants to overcome the inherent instability of the goods.
- (5) The entry in this Schedule refers to goods that do not meet the criteria specified in that other Appendix.
- (6) This list is not an exhaustive listing of goods that are too dangerous to be transported.

Acetylene (liquefied)

Acraldehyde, N.E.S. (Alt: Acrolein)

Acroleic acid, N.E.S. (Alt: Acrylic acid)

Acrolein dimer, N.E.S.

Acrolein, N.E.S.

Acrylaldehyde, N.E.S. (Alt: Acrolein)

Acryldehyde, N.E.S.

Acrylic acid, N.E.S.

Acrylic acid isobutyl ester, N.E.S. (Alt: Isobutyl acrylate)

Acrylic aldehyde, N.E.S. (Alt: Acrolein)

Acrylonitrile, N.E.S.

Allyl aldehyde, N.E.S. (Alt: Acrolein)

Aluminium dross, wet or hot

Bromosilane

Butadienes, N.E.S.

2-Butenal, N.E.S. (Alt: Crotonaldehyde)

n-Butoxyethylene, N.E.S. (Alt: Butyl vinyl ether)

Butyl acrylate, N.E.S.

Butyl vinyl ether, N.E.S.

Carbazide

Charcoal screenings, wet

Charcoal, wet

Chloral, anhydrous, N.E.S.

Chloroacetone, N.E.S.

2-Chlorobutadiene-1,3, N.E.S. (Alt: Chloroprene)

Chloroprene, N.E.S.

Chlorotrifluoroethylene, N.E.S. (Alt: Trifluorochloroethylene)

Cinnamene, N.E.S. (Alt: Styrene monomer) Cinnamol, N.E.S. (Alt: Styrene monomer)

Coal briquettes, hot

Coke, hot

Crotonaldehyde, N.E.S.

Dibromoacetylene

Dichloroacetylene, N.E.S.

Dichloroethyl sulfide

Diiodacetylene

Divinyl, N.E.S. (Alt: Butadienes)

Divinyl ether, N.E.S.

2,6-Epoxy-5-hexenal, N.E.S. (Alt: Acrolein dimer)

Ethyl acrylate, N.E.S.

Flammable mixture of dangerous goods of class 2.1 or sub-risk 2.1

with oxygen, nitrous oxide or air

Formaldehyde, gaseous

2-Formyl-3,4-dihydro-2 H-pyran, N.E.S. (Alt: Acrolein dimer)

Hafnium metal powder, N.E.S., having a particle size less than 3 micrometres if mechanically produced or 10 micrometres if

chemically produced

Hydrogen cyanide, anhydrous, N.E.S.

Ignition element for lighter, containing pyrophoric liquid

Isobutyl acrylate, N.E.S.

Isobutyl methacrylate, N.E.S.

Isoprene, N.E.S.

Lighters (cigarettes) containing pyrophoric liquid

Magnesium dross, wet or hot

Methacrylic acid, N.E.S.

Methyl acetylene/propadiene, mixtures, N.E.S.

b-Methyl acrolein, N.E.S. (Alt: Crotonaldehyde)

Methyl acrylate, N.E.S.

Methyl-1,3-butadiene, N.E.S. (Alt: Isoprene)

Methyl methacrylate monomer, N.E.S.

Methylpropyl acrylate, N.E.S. (Alt: Isobutyl acrylate)

Methylstyrenes, ortho-, meta-, para-, N.E.S.

Methylvinylbenzenes, N.E.S. (Alt: Vinyl toluenes)

Phenylethylene, N.E.S. (Alt: Styrene monomer)

Phosphorus (white or red) and a chlorate, mixtures of

2-Propenal, N.E.S. (Alt: Acrolein)

Propenenitrile, N.E.S. (Alt: Acrylonitrile)

Propenoic acid, N.E.S. (Alt: Acrylic acid)

Propylene aldehyde, N.E.S. (Alt: Crotonaldehyde)

Propyleneimine, N.E.S.

Sulfur trioxide, N.E.S.

Sulfuric anhydride, N.E.S. (Alt: Sulfur trioxide)

Tetrahydrofuran, N.E.S.

Titanium dichloride

Tolyethylenes, mixed isomers, N.E.S. (Alt: Vinyl toluenes)

Trichloroacetaldehyde, anhydrous, N.E.S. (Alt: Chloral)

Trichloroacetic aldehyde, anhydrous, N.E.S. (Alt: Chloral)

Vinyl acetate, N.E.S.

Vinyl benzene, N.E.S. (Alt: Styrene, monomer)

Vinyl bromide, N.E.S.

Vinyl- n-butylether, N.E.S. (Alt: Vinyl butylether)

Vinyl butyrate, N.E.S.

Vinyl chloride, N.E.S.

Vinyl cyanide, N.E.S. (Alt: Acrylonitrile)

Vinyl ether, N.E.S. (Alt: Divinyl ether)

Vinyl ethyl ether, N.E.S.

Vinyl fluoride, N.E.S.

Vinylidene, N.E.S.

Vinyl isobutylether, N.E.S.

Vinyl methyl ether, N.E.S.

Vinyl nitrate polymer

Vinyl pyridines, N.E.S.

Vinyl toluenes, mixed isomers, N.E.S.

Vinyl trichlorosilane, N.E.S.

42. "Packaging Group" changed to "Packing Group"

- (1) Regulation 4.7(1) and (6) are amended by deleting "packaging group" wherever it appears and in each place inserting instead
 - " packing group ".
- (2) Each of the provisions in the Table to this regulation is amended by deleting "Packaging Group" wherever it appears and in each place inserting instead
 - " Packing Group ".

Table

r. 4.2(3)(c)	r. 4.7(5)	r. 4.10, TABLE 4
r. 4.2(3)(e)	r. 4.7, TABLE 2	r. 4.14
r. 4.2(5)	r. 4.7, TABLE 3	r. 4.19(3)
r. 4.2, TABLE 1	r. 4.7(6)	r. 4.22(1)
		r. 4.51

43. "Sub-class" changed to "Class"

Each of the provisions in the Table to this regulation is amended by deleting "Sub-class" or "sub-class" wherever it appears and in each place inserting respectively instead —

" Class "or" class ".

".

Table

r. 2.18

r. 4.2(3)(e) r. 4.2, TABLE 1

r. 4.7(5)

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

MN303*

Dangerous Goods (Transport) Act 1998 Interpretation Act 1984