



Western Australia

Dangerous Goods (Transport) Act 1998

Dangerous Goods (Transport) (General) Regulations 1999

These regulations were repealed by the *Dangerous Goods Safety Act 2004* s. 70 (No. 7 of 2004) as at 1 Mar 2008 (see s. 2 and *Gazette* 29 Feb 2008 p. 669).

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Dangerous Goods (Transport) (General) Regulations 1999

Contents

1.	Citation	1
2.	Commencement	1
3.	Interpretation	1
4.	Dangerous goods prescribed (s. 3)	2
5.	Goods too dangerous to be transported (s. 35)	2
6.	How determinations by a Competent Authority to be made	3
	Notes	
	Compilation table	4
	Defined terms	

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 —

r. 4

- (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.

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

These regulations were repealed by the *Dangerous Goods Safety Act 2004* s. 70 (No. 7 of 2004) as at 1 Mar 2008 (see s. 2 and *Gazette* 29 Feb 2008 p. 669)

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

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
ADG Code	3
Explosives Code	3
UN dangerous goods tests and criteria.....	3