

EXPLOSIVES AND DANGEROUS GOODS.

No. 101 of 1978.

AN ACT to amend the Explosives and Dangerous Goods Act, 1961-1974.

[Assented to 30th November, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Explosives and Dangerous Goods Act Amendment Act, 1978.*

Short
title and
citation.

(2) In this Act the Explosives and Dangerous Goods Act, 1961-1974 is referred to as the principal Act.

Reprinted as
authorised
27th Novem-
ber, 1970 and
amended by
Act No. 15 of
1974.

(3) The principal Act as amended by this Act may be cited as the Explosives and Dangerous Goods Act, 1961-1978.

No. 101.] *Explosives and Dangerous* [1978.
 Goods.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Long title
amended.

3. The long title to the principal Act is amended by deleting the words "storage of" in line two, and inserting in lieu thereof the passage "manufacture, importation and use of Explosives, and the classification, marking, storage, carriage, and sale of Explosives and".

Section 2
amended.

4. Section 2 of the principal Act is amended by inserting immediately after line seventeen, the following passage—

Division 2A.—Carriage of Dangerous Goods, ss. 46A-46B. .

Section 6
amended.

5. Section 6 of the principal Act is amended by adding a new subsection, to stand as subsection (3), as follows—

(3) Subsection (1) of this section does not apply to, or in relation to, any radioactive substance in so far as specific provision therefor is made by or under any other Act. .

Section 7
amended.

6. Section 7 of the principal Act is amended—

- (a) by adding after the section number "7.", the subsection designation "(1)";
- (b) as to the interpretation "Chief Inspector", by inserting after the word "Explosives" in line two, the words "and Dangerous Goods"; and
- (c) by adding at the end of that section, the following subsection—

(2) A reference, however expressed, in any other Act or in any regulation, notice, proclamation or statutory instrument of any kind made, published or in force under this or any other Act, to the Chief Inspector of Explosives shall, unless the context requires otherwise, be read and

construed as a reference to the Chief Inspector of Explosives and Dangerous Goods appointed or deemed to have been appointed under this Act. .

7. Section 9 of the principal Act is amended— Section 9 amended.

- (a) by adding after the section number “9.”, the subsection designation “(1)”;
- (b) by inserting after the word “Explosives” in line two, the words “and Dangerous Goods”; and
- (c) by adding at the end of that section, the following subsection—

(2) The person who was the Chief Inspector of Explosives immediately before the coming into operation of the Explosives and Dangerous Goods Act Amendment Act, 1978 shall be deemed to have been appointed to the office of Chief Inspector of Explosives and Dangerous Goods under subsection (1) of this section. .

8. Section 13 of the principal Act is amended by repealing and re-enacting subsection (1) as follows— Section 13 amended.

13. (1) For the purposes of this Act, explosives shall be dealt with and described by reference to the classification system specified in the Second Schedule to this Act, and a reference in this Act to the classification of any explosive shall be deemed to be a reference to the classification of that explosive according to that schedule. . Classification of Explosives.

9. Section 14 of the principal Act is amended by deleting paragraph (a) of subsection (1) and inserting in lieu thereof the following paragraph— Section 14 amended.

- (a) classify any specified explosive by reference to the system specified in the Second Schedule to this Act; .

Section 40
amended.

10. Section 40 of the principal Act is amended by deleting paragraph (b), and inserting in lieu thereof the following paragraph—

- (b) any other explosive, except in accordance with, and in such quantity as may be prescribed by, regulations made under this Act. .

Section 42
amended.

11. Section 42 of the principal Act is amended—

- (a) by repealing and re-enacting subsection (1) as follows—

Classifica-
tion of
dangerous
goods.

42. (1) For the purposes of this Act, dangerous goods shall be dealt with and described by reference to the classification system specified in the Third Schedule to this Act, and a reference in this Act to the classification of any dangerous goods shall be deemed to be a reference to the classification of such dangerous goods according to that schedule. ;

- (b) as to subsection (2)—

- (i) by inserting after the word “substance” in line two of paragraph (b), the words “by reference to the system specified”; and

- (ii) by inserting after the word “or” in line ten of that subsection, the passage “, in the case of an order under paragraph (a) of this subsection,”; and

- (c) as to subsection (3), by deleting paragraph (a) and inserting in lieu thereof the following paragraph—

- (a) is considered by the Minister to be a danger to public safety by reason of the properties of the substance giving rise to the risk of explosion, fire, corrosion or other hazard; .

12. Section 43 of the principal Act is amended by repealing and re-enacting subsection (1) as follows—

Section 43 amended.

43. (1) Where in respect of any dangerous goods the manner or any limitation on the quantity in which such goods shall be stored or kept is prescribed, a person shall store or keep such goods in the manner and within the limits of quantity prescribed in respect thereto. .

Regulation of storage of dangerous goods.

13. Section 44 of the principal Act is repealed and re-enacted as follows—

Section 44 repealed and re-enacted.

44. (1) Where in respect of any dangerous goods a type of package or container is prescribed for the purposes of carriage or storage, a person shall not pack any such goods for any such purpose in a package or container of a type other than the type prescribed in respect thereto.

Packing and labelling of dangerous goods.

(2) A person shall not store, carry, sell or offer for sale any dangerous goods in a package or container unless that package or container is labelled, branded or marked so as to identify those goods.

(3) Where in respect of any dangerous goods a manner of labelling, branding or marking is prescribed, a person shall not store, carry, sell or offer for sale such goods unless those goods are, or the package or container is, labelled, branded or marked as prescribed in respect thereto. .

14. The principal Act is amended by enacting a new Division, to stand immediately after section 46, as follows—

Division 2A of Part IV added.

Division 2A.—Carriage of Dangerous Goods.

46A. Where in respect of any dangerous goods the manner or any limitation on the quantity in which such goods shall be carried or conveyed

Regulation of carriage of dangerous goods.

is prescribed, a person shall carry or convey such goods in the manner and within the limits of quantity prescribed in respect thereto.

Licensing
of vehicles.

46B. (1) Regulations may provide that a person shall not carry dangerous goods specified therein except on a vehicle in respect of which a license issued by the Chief Inspector for the purposes of this section is currently in force authorising such carriage.

(2) The Chief Inspector may refuse to issue a license for the purposes of this section, or issue such license subject to such terms and conditions as he may see fit to impose, in the interests of public safety.

Section 48
amended.

15. Section 48 of the principal Act is amended—

(a) as to subsection (1), by deleting the passage commencing with the word “may” in line thirteen and ending with the word “forthwith” in the last line, and inserting in lieu thereof the following passage—

may—

(a) advise the Chief Inspector of his opinion, whereupon the Chief Inspector may require the holder of the license or his agent or the person carrying out that practice to remedy that defect or cease that practice within such time as the Chief Inspector specifies in writing; or

(b) where he is of the opinion that any defect or practice is of such a nature as to be of immediate danger, require the person responsible to remedy the defect or cease the practice forthwith; and

(b) as to subsection (3)—

(i) by deleting the word “twenty” in line two, and inserting in lieu thereof the words “two hundred”; and

(b) by deleting the passage "explosion." at the end of the subsection, and inserting in lieu thereof the following passage—

explosion;

(u) providing for the issue of a license in respect of a vehicle authorising its use for the conveyance by road of specified dangerous goods under such terms and conditions as may be prescribed. .

Third
Schedule
substituted.

20. The principal Act is amended by deleting the Third Schedule, and inserting in lieu thereof the following schedule—

THIRD SCHEDULE.

CLASSIFICATION OF DANGEROUS GOODS.

Class 1—Explosives.

Explosives shall be classified in accordance with the provisions of the Second Schedule to this Act.

Class 2—Compressed Gases.

Compressed, liquefied or dissolved gases in cylinders or other containers or vessels, comprising:

Sub-class.

- 2.1 Flammable gases.
- 2.2 Poisonous gases.
- 2.3 Gases that are neither flammable nor poisonous.

Class 3—Flammable Liquids.

All liquid substances, including mixtures, solutions or emulsions having a flash point below 150°C comprising:

Sub-class.

- 3.1 Flammable liquids having a flash point less than 23°C.
- 3.2 Flammable liquids having a flash point less than 61°C but not less than 23°C.
- 3.3 Flammable liquids having a flash point less than 150°C but not less than 61°C.

Class 8—Corrosive Substances.

Acids, caustic alkalis, or other substances which, when in contact with living tissue, will cause severe damage to such tissue, or which, in the case of leakage, may cause damage to life, health or property by chemical action.

Class 9—Miscellaneous Dangerous Substances.

Any substance which presents some danger to life, health or property and is not otherwise classified in accordance with this Act. .
