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DANGEROUS GOODS (TRANSPORT) ACT 1998

**DANGEROUS GOODS
(TRANSPORT)
(GENERAL)
REGULATIONS 1999**

Western Australia

Dangerous Goods (Transport) (General) Regulations 1999

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Dangerous Goods (Transport) Act 1998

Dangerous Goods (Transport) (General) Regulations 1999

Made by the Governor in Executive Council.

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*, First Edition, May 1991, published by the Commonwealth Department of Transport and Communications Federal Office of Road Safety;

“**UN dangerous goods tests and criteria**” 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.

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 Table 9.1 of the Explosives Code;
- (e) satisfy the criteria in a Special Provision of the Explosives Code that is applied by column 6 in that Table; or
- (f) satisfy the UN dangerous goods tests and criteria for determining whether goods are dangerous goods.

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).

By Command of the Governor,

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

Dangerous Goods (Transport) Act 1998

*Dangerous Goods (Transport) (General) Regulations 1999***Notice of adoption of codes, standards or rules**

Under section 48 of the above Act, notice is given that the above regulations apply, adopt or incorporate the codes, standards or rules listed below.

The codes, standards and rules may be obtained or inspected at the Explosives and Dangerous Goods Division of the Department of Minerals and Energy for Western Australia, Mineral House, 100 Plain Street, East Perth, WA, 6004.

Item	Short reference	Full reference
1.	Explosives Code	<i>Australian Code for the Transport of Explosives by Road and Rail</i> , First Edition, published by the Department of Transport and Communications Federal Office of Road Safety
2.	UN recommendations	<i>Recommendations on the Transport of Dangerous Goods</i> , Ninth Edition, published by the United Nations
3.	UN recommendations, Manual of Tests and Criteria	<i>Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria</i> , Second Revised Edition, published by the United Nations

N. MOORE, Minister for Mines.



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