Western Australia

Dangerous Goods (Transport) (General) Regulations 1999

Compare between:

[10 Jun 2004, 00-f0-06] and [01 Mar 2008, 00-g0-05]

Western Australia

Dangerous Goods (Transport) Act 1998

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.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Dangerous Goods (Transport) (General) Regulations 1999* | 8 Jun 1999 p. 2303‑8 | 9 Jun 1999 (see r. 2 and *Gazette* 8 Jun 1999 p. 2469) |
| *Dangerous Goods (Transport) (General) Amendment Regulations 2000* | 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