

MN303*

Dangerous Goods (Transport) Act 1998

Dangerous Goods (Transport) (Explosives by Road and Rail) Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Dangerous Goods (Transport) (Explosives by Road and Rail) Amendment Regulations 2000*.

2. The regulations amended

The amendments in these regulations are to the *Dangerous Goods (Transport) (Explosives by Road and Rail) Regulations 1999**.

[* *Published in Gazette 8 June 1999, pp. 2427-51.*]

3. Regulation 1.3 amended

- (1) Regulation 1.3(1) is amended by deleting the definition of “Explosives Code” and inserting the following definition instead —

“

“**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;

”.

- (2) Regulation 1.3(1) is amended by deleting the definitions of “consignor”, “owner”, and “UN dangerous goods tests and criteria”.
- (3) Regulation 1.3(2) is amended by inserting after “section 1.2” —
“ or 1.3 ”.

4. Regulation 1.6 amended

Regulation 1.6 is amended as follows:

- (a) in paragraph (a) by deleting “Table 9.1” and inserting instead —
“ Appendix 2 ”;
- (b) in paragraph (b) by deleting “column 6 in that Table” and inserting instead —
“ column 7 in that Appendix ”;

- (c) by deleting paragraph (d) and inserting the following paragraph instead —

“

- (d) satisfy the tests and criteria for determining whether goods are dangerous goods of Class 1 specified in the UN Recommendations: Manual of Tests and Criteria.

”.

5. Regulation 1.7 amended

Regulation 1.7(2) is amended as follows:

- (a) in paragraph (a) by deleting “Column 3 of Table 9.1” and inserting instead —

“ column 4 in Appendix 2 ”;

- (b) by deleting paragraph (b) and inserting the following paragraph instead —

“

- (b) as such satisfy tests and criteria in the UN Recommendations: Manual of Tests and Criteria for assignment to that Classification Code.

”.

6. Regulation 1.8 amended

- (1) Regulation 1.8 is amended in paragraph (a) of the definition of “Division” by deleting “Column 3 in Table 9.1” and inserting instead —

“ column 4 in Appendix 2 ”.

- (2) Regulation 1.8 is amended in paragraph (b) of the definition of “Division” by deleting “UN dangerous goods tests and criteria” and inserting instead —

“ UN Recommendations: Manual of Tests and Criteria ”.

- (3) The example after regulation 1.8 is amended as follows:

- (a) by deleting “Column 2 of Table 9.1” in both places where it occurs and inserting instead —

“ column 2 of Appendix 2 ”;

- (b) by deleting “Column 3” and inserting instead —

“ column 4 ”;

- (c) by deleting “UN dangerous goods tests and criteria” and inserting instead —

“ UN Recommendations: Manual of Tests and Criteria ”;

- (d) by deleting “section 2.2.3” and inserting instead —

“ Addendum I to Appendix 2 ”;

- (e) by deleting “section 2.3” and inserting instead —

“ Addendum I to Appendix 2 ”.

7. Regulations 1.9 and 1.11 are repealed

Regulations 1.9 and 1.11 are repealed.

8. Regulation 3.1 amended

- (1) Regulation 3.1 is amended by inserting before “The” the subregulation designation “(1)”.
- (2) Regulation 3.1 is amended by deleting “The” and inserting instead —
“ Subject to subregulation (2), the ”.
- (3) At the end of regulation 3.1 the following subregulation is inserted —
“
 - (2) Section 8.4.3(3)(b) of the Explosives Code does not apply to the authorisation of a person by a Competent Authority to drive a vehicle used to transport explosives.”.

9. Regulation 3.2 amended

- (1) Regulation 3.2(1) is amended by deleting “If section 8 of the Explosives Code, other than sections 8.3.4, 8.4.2 and 8.4.3.1 to 8.4.3.3” and inserting instead —
“

If Chapter 8 of the Explosives Code, other than
section 8.3.4(2), 8.4.3(2), and 8.4.3(4)

”.
- (2) Regulation 3.2(2) is amended by deleting “section 8” and inserting instead —
“ Chapter 8 ”.

10. Regulation 5.24 amended

Regulation 5.24(2) is amended by deleting “section 6” and inserting instead —
“ Chapter 6 ”.

11. Regulation 5.26 amended

Regulation 5.26(2) is amended by deleting “section 6” and inserting instead —
“ Chapter 6 ”.

12. Regulation 6.2 inserted

After regulation 6.1 the following regulation is inserted —

“

6.2 Prohibition on transport of certain explosives in the tunnel on the Graham Farmer Freeway

- (1) In this regulation —
“**placarded vehicle**” means a vehicle that is marked, or required to be marked, under section 3.4.1 of the Explosives Code.
- (2) A person who drives a placarded vehicle in the tunnel on the Graham Farmer Freeway commits an offence.
Penalty: \$3 000.
- (3) A prime contractor who does not give the driver of a placarded vehicle instructions not to drive the vehicle in the tunnel on the Graham Farmer Freeway commits an offence.
Penalty: \$3 000.
- (4) The owner of a placarded vehicle who does not give the driver of the vehicle instructions not to drive the vehicle in the tunnel on the Graham Farmer Freeway commits an offence.
Penalty: \$3 000.

”.

By Command of the Administrator,

ROD SPENCER, Clerk of the Executive Council.
