

Western Australia

LEGISLATIVE COUNCIL

# **Dangerous Goods (Transport) (Consequential Provisions) Bill 1998**

**A Bill for**

**An Act to amend the *Explosives and Dangerous Goods Act 1961* as a consequence of the enactment of the *Dangerous Goods (Transport) Act 1998*.**

The Parliament of Western Australia enacts as follows:

5 **1. Short title**

This Act may be cited as the *Dangerous Goods (Transport) (Consequential Provisions) Act 1998*.

**s. 2**

---

**2. Commencement**

This Act comes into operation on the day on which the *Dangerous Goods (Transport) Act 1998* comes into operation.

**3. Principal Act**

5 In this Act the *Explosives and Dangerous Goods Act 1961*\* is referred to as the principal Act.

[\* *Reprinted as at 21 November 1996.*

*For subsequent amendments see Act No.57 of 1997.]*

**4. Section 5 repealed**

10 Section 5 of the principal Act is repealed.

**5. Section 6 amended**

(1) After section 6 (1) of the principal Act the following subsection is inserted —

“

15 (1a) Notwithstanding subsection (1), if a provision of this Act —

(a) that relates to the storage and handling of explosives or dangerous goods; and

20 (b) that does not relate to the transport of explosives or dangerous goods,

is inconsistent with a provision of the *Dangerous Goods (Transport) Act 1998*, the provision of this Act prevails.

”.

- (2) Section 6 (2) of the principal Act is amended by inserting after “subsection (1)” the following —
- “ and (1a) ”.

**6. Section 7 amended**

- 5 (1) Section 7 (1) of the principal Act is amended in the definition of “blasting agent” by deleting “classified as an explosive” in the 2 places where it occurs and in each case substituting the following —
- “ an authorized explosive ”.
- 10 (2) Section 7 (1) of the principal Act is amended by deleting the definition of “dangerous goods” and substituting the following definition —
- “
- 15 “**dangerous goods**” means a substance or article that is prescribed to be dangerous goods;
- ”.
- (3) Section 7 (1) of the principal Act is amended by deleting the definition of “explosive” and substituting the following definition —
- 20 “
- “**explosive**” means a substance or article that is prescribed to be an explosive;
- ”.
- (4) Section 7 (1) of the principal Act is amended by deleting the
- 25 definition of “flash point”.

**s. 7**

---

**7. Heading to Part III, Division 1, deleted and a heading substituted**

The heading to Division 1 of Part III of the principal Act is deleted and the following heading is substituted —

5

“

**Division 1 — Authorized explosives**

”.

**8. Section 13 repealed**

Section 13 of the principal Act is repealed.

10

**9. Section 14 amended**

- (1) Section 14 (1) of the principal Act is repealed and the following subsection is substituted —

“

15

- (1) The Minister may from time to time by order declare any specified explosive to be an authorized explosive for the purposes of this Act.

”.

- (2) Section 14 (2) of the principal Act is amended —

20

- (a) by deleting “classify or”; and  
(b) by deleting “classifying” and substituting the following —  
“ declaring ”.

**10. Part III, Division 7 repealed**

Division 7 of Part III of the principal Act is repealed.

**11. Part IV, Division 1, repealed**

Division 1 of Part IV of the principal Act is repealed.

**12. Section 44 amended**

Section 44 of the principal Act is amended —

- 5
- (a) in subsection (1) by deleting “carriage or”;
  - (b) in subsection (2) by deleting “carry, ”; and
  - (c) in subsection (3) by deleting “carry, ”.

**13. Heading to Part IV, Division 2A, repealed and a heading substituted**

10 The heading to Division 2A of Part IV of the principal Act is repealed and the following heading is substituted —

“

**Division 2A — Pipelines carrying dangerous goods**

”.

15 **14. Sections 46A to 46C repealed**

Sections 46A to 46C of the principal Act are repealed.

**15. Section 48 amended**

Section 48 (1) of the principal Act is amended —

- 20
- (a) by deleting “or of any vehicle, vessel or aircraft used for the carriage or storage of explosives or dangerous goods, ”; and
  - (b) by deleting “, carriage” in the 2 places where it occurs.

**16. Section 49 repealed**

Section 49 of the principal Act is repealed.

**s. 17**

---

**17. Section 52 amended**

Section 52 (1) of the principal Act is amended by deleting “stipendiary magistrate sitting in a court of petty sessions” and substituting the following —

5 “ Local Court ”.

**18. Section 54 amended**

Section 54 of the principal Act is amended —

- (a) by deleting “or vehicle, vessel or aircraft”; and
- (b) in paragraph (c) by deleting “, vehicle, vessel or aircraft”.

10 **19. Section 55 amended**

Section 55 (2) of the principal Act is repealed.

**20. Section 62 amended**

Section 62 (2) of the principal Act is amended —

- (a) by deleting paragraph (g);
- 15 (b) in paragraph (ha) by deleting “, conveyance”;
- (c) by inserting after paragraph (i) the following paragraph —

“  
20 (ia) providing for the classification of dangerous goods and explosives;  
”;

- (d) in paragraph (o) by deleting “, or in vehicles, vessels or aircraft used for the carriage of explosives and dangerous goods, ”;

- 25 (e) by deleting the semi colon after paragraph (t) and substituting a full stop; and

(f) by deleting paragraph (u).

**21. Section 63 amended**

Section 63 of the principal Act is amended —

- 5 (a) in paragraph (c) by deleting “or conveyance” and “or conveying”;
- (b) in paragraph (d) by deleting “, storage or carriage” and substituting the following —  
“ or storage ”;
- 10 (c) in paragraph (e) by deleting “, sale and conveyance” and substituting the following —  
“ or sale ”;
- (d) by deleting the semi colon after paragraph (eb) and substituting a full stop; and
- (e) by deleting paragraph (f).

15 **22. First Schedule repealed**

The First Schedule to the principal Act is repealed.

**23. Second Schedule repealed**

The Second Schedule to the principal Act is repealed.

**24. Third Schedule repealed**

20 The Third Schedule to the principal Act is repealed.

25