



New South Wales

# Road and Rail Transport (Dangerous Goods) (Road) Amendment Regulation 2004

under the

Road and Rail Transport (Dangerous Goods) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road and Rail Transport (Dangerous Goods) Act 1997*.

BOB DEBUS, M.P.,

Minister for the Environment

## Explanatory note

The *Road and Rail Transport (Dangerous Goods) (Road) Regulation 1998 (the NSW Regulation)* applies the *Road Transport Reform (Dangerous Goods) Regulations 1997* of the Commonwealth (*the Commonwealth Regulations*) in New South Wales, subject to any modifications made by Schedule 1 to the NSW Regulation.

Regulation 1.9 of the Commonwealth Regulations provides that those Regulations do not apply to the transport of dangerous goods by an authorised officer, or an officer of an emergency service, to the extent necessary to avert, eliminate or minimise a dangerous situation.

Section 31 of the *Road and Rail Transport (Dangerous Goods) Act 1997* permits, in certain circumstances, an authorised officer (as defined in that Act) who believes on reasonable grounds that a dangerous situation exists to take any action, or cause any action to be taken, that the officer believes on reasonable grounds to be necessary to avert, eliminate or minimise the danger.

The object of this Regulation is to further modify the application of the Commonwealth Regulations in New South Wales so as to provide that those Regulations do not apply to the transport of dangerous goods at the direction of an authorised officer, or an officer of an emergency service, in the situation referred to above.

This Regulation is made under the *Road and Rail Transport (Dangerous Goods) Act 1997*, including section 11 (the general regulation-making power).

**2004 No 155**

Clause 1      Road and Rail Transport (Dangerous Goods) (Road) Amendment  
Regulation 2004

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**Road and Rail Transport (Dangerous Goods) (Road)  
Amendment Regulation 2004**

under the

Road and Rail Transport (Dangerous Goods) Act 1997

**1 Name of Regulation**

This Regulation is the *Road and Rail Transport (Dangerous Goods)  
(Road) Amendment Regulation 2004*.

**2 Amendment of Road and Rail Transport (Dangerous Goods) (Road)  
Regulation 1998**

The *Road and Rail Transport (Dangerous Goods) (Road)  
Regulation 1998* is amended as set out in Schedule 1.

## **Schedule 1 Amendment**

(Clause 2)

### **Schedule 1 Modifications to Commonwealth Regulations**

Insert after item [1]:

#### **[1A] Regulation 1.9 Dangerous situations**

Insert “(or at the direction of)” after “by”.