



Australian Capital Territory

Dangerous Goods Act 1975 No 68

Republication No 7 (RI)

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Last amendment made by Act 2001 No 70
(Retrospective amendment made by Act 2002 No 30)

Amendments incorporated to 29 March 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Dangerous Goods Act 1975* as in force on 17 July 2002. It includes any amendment, repeal or expiry affecting the republished law to 29 March 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Dangerous Goods Act 1975

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Amendments incorporated to
29 March 2002



Australian Capital Territory

Dangerous Goods Act 1975

An Act relating to explosives and other dangerous substances and articles,
and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Dangerous Goods Act 1975*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '*director*—see the Corporations Act, section 9.' means that the expression 'director' is defined in that section and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001 Act 1967*, s 155 and s 156 (1)).

3 Application and relationship of Act to other laws

- (1) This Act is additional to any other law about dangerous goods in force in the ACT.
- (2) If a provision of any other Territory law is inconsistent with a provision of this Act, the provision of this Act prevails to the extent of the inconsistency.
- (3) However, if a provision of an overriding law is inconsistent with a provision of this Act, the provision of the overriding law prevails to the extent of the inconsistency.
- (4) This Act does not apply to a member of the Defence Force acting in the course of his or her duties as a member.
- (5) This Act does not apply to the transport of dangerous goods by road.

(6) In subsection (5):

dangerous goods does not include a substance or article declared by the regulations to be a dangerous good to which this definition applies.

transport, in relation to dangerous goods, includes—

- (a) the packing, loading and unloading of the goods, and the transfer of the goods to or from a vehicle, for the purpose of their transport; and
- (b) the marking of packages and unit loads containing dangerous goods, and the placarding of containers and vehicles in which dangerous goods are transported; and
- (c) other matters incidental to their transport.

(7) In this section:

overriding law means—

- (a) the *Occupational Health and Safety Act 1989*; or
- (b) the *Occupational Health and Safety Regulations 1991*; or
- (c) the *Scaffolding and Lifts Act 1912*; or
- (d) the *Scaffolding and Lifts Regulations 1950*.

Part 2 Administration

4 Chief inspector

- (1) There is a Chief Inspector of Dangerous Goods.
- (2) The chief executive must establish an office in the public service the duties of which include exercising the functions of chief inspector.
- (3) The public servant for the time being performing the duties of the public service office mentioned in subsection (2) is the chief inspector.

5 Inspectors

- (1) The chief executive must establish 1 or more offices in the public service the duties of which include exercising the functions of an inspector.
- (2) A public servant for the time being performing the duties of a public service office mentioned in subsection (1) is an inspector.
- (3) The chief inspector is also an inspector.

6 Analysts

- (1) The chief executive may establish 1 or more offices in the public service the duties of which include exercising the functions of an analyst.
- (2) A public servant for the time being performing the duties of a public service office mentioned in subsection (1) is an analyst.

7 Delegation by chief inspector

The chief inspector may, in writing, delegate all or any of the functions of the chief inspector to an inspector or another public servant.

7A Identity cards

- (1) The chief executive must issue an inspector with an identity card that shows—
 - (a) a recent photograph of the person; and
 - (b) the name of the person.
- (2) A person who ceases to be an inspector must return his or her identity card to the chief executive as soon as practicable, but within 7 days, after ceasing to be an inspector.

Maximum penalty (subsection (2)): 1 penalty unit.

Part 3 Dangerous goods

Division 3.1 Keeping

8 Licensing of premises

- (1) Subject to this section, the chief inspector may issue licences for the keeping of dangerous goods in or on premises.
- (2) The chief inspector shall not issue a licence under this section for the keeping of dangerous goods in or on premises unless, having made due inquiry, the chief inspector is satisfied that—
 - (a) the applicant is a fit and proper person to hold the licence; and
 - (b) the composition, construction and dimensions of the premises in or on which it is proposed to keep the goods are such as to ensure the safe keeping of the goods in or on those premises and the safety of the public; and
 - (c) all reasonable precautions have been taken, or are proposed to be taken, to ensure the safe keeping of the goods in or on the premises and the safety of the public.
- (3) The chief inspector shall not issue a licence under this section unless it specifies—
 - (a) the person to whom it is issued; and
 - (b) the dangerous goods or the class or classes of dangerous goods that may be kept; and
 - (c) the premises in or on which the dangerous goods may be kept.
- (4) While a licence under this section is in force, the premises specified in the licence are premises licensed under this section for the keeping of the dangerous goods or dangerous goods of the class or classes so specified.

9 Keeping—generally

- (1) A person shall not keep dangerous goods except—
- (a) in or on premises licensed under section 8 for the keeping of the dangerous goods; or
 - (b) in or on premises licensed under section 19 for the manufacture of explosives; or
 - (c) in the quantities and in the way and subject to the conditions that may be prescribed for this section in relation to the goods.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) The owner of dangerous goods kept in contravention of subsection (1) also commits an offence unless the owner satisfies the court that the goods were kept in contravention of subsection (1) without the owner's knowledge.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) The occupier of the place where dangerous goods are kept in contravention of subsection (1) also commits an offence unless the occupier satisfies the court that the goods were kept in contravention of subsection (1) without the occupier's knowledge.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (4) A person is not guilty of an offence against this section if the person satisfies the court that, at the time the alleged offence occurred, the dangerous goods in relation to which the offence is alleged to have been committed were being conveyed in accordance with this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

Division 3.2 Conveyance

10 Licensing of vehicles and vessels

- (1) Subject to this section, the chief inspector may issue licences authorising the carriage of dangerous goods.
- (2) The chief inspector shall not issue a licence under this section authorising the carriage of dangerous goods unless, having made due inquiry, the chief inspector is satisfied that—
 - (a) the applicant is a fit and proper person to hold the licence; and
 - (b) the construction of the vehicle or vessel in or on which it is proposed to carry the goods and the design, composition and construction of the container in which it is proposed to carry the goods are such as to ensure the safety of the goods and of the public during the course of the carriage of the goods; and
 - (c) all reasonable precautions have been taken, to ensure the safe carriage of the goods and the safety of the public.
- (3) The chief inspector shall not issue a licence under this section unless it specifies—
 - (a) the person to whom it is issued; and
 - (b) the dangerous goods or the class or classes of dangerous goods the person is authorised to carry; and
 - (c) the container in which the person is authorised to carry the dangerous goods (whether by reference to a vehicle or vessel of which it forms part, or otherwise).
- (4) While a licence under this section is in force—
 - (a) the person to whom it was issued; and
 - (b) any employee of that person acting in the course of his or her employment by that person; and
 - (c) if that person is a corporation—any person acting in his or her capacity as a director of the corporation;

are authorised to carry the goods or goods of the class or classes specified in the licence in the container so specified but only when they are carrying the goods in accordance with the terms and conditions(if any) of the licence.

10A Transport of small quantities or short trips after import

(1) Nothing in section 10 shall be taken to require a licence for the transport of dangerous goods in the circumstances specified in the *Road Transport Reform (Dangerous Goods) Regulations 1997* (Cwlth), regulations 1.10 and 1.11.

(2) In subsection (1):

transport, in relation to dangerous goods, includes—

- (a) the packing, loading and unloading of the goods, and the transfer of the goods to or from a vehicle, for the purpose of their transport; and
- (b) the marking of packages and unit loads containing dangerous goods, and the placarding of containers and vehicles in which dangerous goods are transported; and
- (c) other matters incidental to their transport.

11 Offence of unlicensed conveyance

A person shall not carry any dangerous goods prescribed for the purposes of this section in any container that is in or on, or forms part of, a vehicle or vessel unless the person is authorised by section 10 (3) to carry the dangerous goods in that container.

Maximum penalty: 50 penalty units.

12 Conveyance, generally

- (1) A person conveying dangerous goods shall at all times take such precautions as are necessary to prevent access by persons, other than persons lawfully entitled to have access or engaged in the conveyance of the goods, to the goods.

Maximum penalty: 50 penalty units.

- (2) Subject to any regulation relating to the venting of dangerous goods, a person shall not convey dangerous goods, or cause dangerous goods to be conveyed, unless any container and any vehicle or vessel in or on which the goods are conveyed are so constructed and maintained and the goods are so confined as to prevent, during the normal incidents of the conveyance, escape of the goods or any part of them.

Maximum penalty: 100 penalty units.

- (3) Subsections (1) and (2) do not affect any power to make a regulation for or with respect to the conveyance of dangerous goods.

Division 3.3 General

14 Negligent or careless use etc

A person shall not abandon or negligently or carelessly prepare for use, pack, keep, convey or use any dangerous goods in such a manner or in such circumstances as—

- (a) to endanger or be likely to endanger the life of any person; or
- (b) to cause or be likely to cause injury to any person; or
- (c) to damage or be likely to cause damage to any property not belonging to the firstmentioned person, other than property the owner of which has consented to its damage, proof of which shall lie on the firstmentioned person.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

Part 4 **Special provisions relating to explosives**

Division 4.1 **Preliminary**

15 **Meaning of *explosive***

In a division of this part, except division 4.3 and this division:

explosive does not include any explosive prescribed as an explosive in respect of which the division does not apply.

16 **Declaration of authorised explosives**

- (1) The Minister may, in writing, declare explosives to be authorised explosives for division 4.2.
- (2) A declaration may prescribe explosives by reference to—
 - (a) their class; or
 - (b) their quantity; or
 - (c) the circumstances in which, or other than in which, they are authorised explosives.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Division 4.2 **Import**

17 **Import licences and permits**

- (1) Subject to this section, the chief inspector may issue licences authorising the importation of authorised explosives into the ACT.
- (2) Subject to this section, the chief inspector may issue permits authorising the importation into the ACT of explosives other than authorised explosives.

- (3) The chief inspector shall not issue a licence or permit under this section authorising the importation into the ACT of explosives unless, having made due inquiry, the chief inspector is satisfied—
- (a) that the applicant is a fit and proper person to hold the licence or permit; and
 - (b) that the purpose for which it is intended to import the explosive into the ACT is not contrary to the public interest; and
 - (c) all reasonable precautions have been taken, or are proposed to be taken, to ensure the safety of the goods and of the public during the course of the importation of the goods.
- (4) The chief inspector shall not issue a licence or permit under this section unless it specifies—
- (a) the person authorised to import an explosive; and
 - (b) the explosive or the class or classes of explosives that the person is authorised to import.
- (5) While a licence or permit under this section is in force—
- (a) the person to whom it was issued; and
 - (b) any employee of that person acting in the course of his or her employment by that person; and
 - (c) if that person is a corporation—any person acting in his or her capacity as a director of the corporation;

are authorised to import the explosive or an explosive of the class or classes specified in the licence or permit but only when they import the explosive in accordance with the terms and conditions (if any) of the licence or permit, as the case may be.

18 Offence of unlicensed importing

A person shall not import an explosive into the ACT unless the person is authorised by section 17 (4) to import the explosive.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

Division 4.3 Manufacture

19 Manufacturing licence

- (1) Subject to this section, the chief inspector may issue licences authorising the manufacture of explosives in or on premises.
- (2) The chief inspector shall not issue a licence under this section for the manufacture of explosives in or on premises unless, having made due inquiry, the chief inspector is satisfied that—
 - (a) the applicant is a fit and proper person to hold the licence; and
 - (b) the composition, construction and dimensions of the premises in or on which it is proposed to manufacture the explosives are such as to ensure the safe keeping and manufacture of the explosives in or on those premises and the safety of the public; and
 - (c) all reasonable precautions have been taken, or are proposed to be taken, to ensure the safe keeping and manufacture of the explosives in or on the premises and the safety of the public.
- (3) The chief inspector shall not issue a licence under this section unless it specifies—
 - (a) the person to whom it is issued; and
 - (b) the explosive or the class or classes of explosives the person is authorised to manufacture; and
 - (c) the premises in or on which the person is authorised to manufacture the explosive.

- (4) While a licence under this section is in force—
- (a) the person to whom it was issued; and
 - (b) any employee of that person acting in the course of his or her employment by that person; and
 - (c) if that person is a corporation—any person acting in his or her capacity as a director of the corporation;

are authorised to manufacture the explosive or an explosive of the class or classes specified in the licence in or on the premises so specified but only when they manufacture the explosive in accordance with the terms and conditions (if any) of the licence.

20 Offence of unlicensed manufacture

- (1) Subject to subsection (2), a person shall not manufacture any explosive unless the person is authorised by section 19 (4) to manufacture the explosive.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person is not guilty of an offence against subsection (1) if the person presents evidence, which is not rebutted by the prosecution, that the act alleged to have constituted the offence was—
- (a) the manufacture, at a government or industrial laboratory or a laboratory of an educational institution and under the supervision of a qualified person, of a quantity of explosive not exceeding an amount reasonably necessary for the purpose of chemical experiment and not intended for sale; or
 - (b) the filling, in the prescribed way, of safety cartridges that were not intended for sale; or
 - (c) the reconditioning of an explosive under the supervision of an inspector; or
 - (d) the blending, at or near the place of use and in the prescribed way, of the inexplusive components of an explosive.

Division 4.4 Sale, supply and receipt

21 Sale licence

- (1) Subject to this section, the chief inspector may issue licences authorising the sale of explosives.
- (2) The chief inspector shall not issue a licence under this section authorising the sale of explosives unless, having made due inquiry, the chief inspector is satisfied that—
 - (a) the applicant is a fit and proper person to hold the licence; and
 - (b) all reasonable precautions have been taken, or are proposed to be taken, to ensure the safe keeping of the explosives pending sale and the safety of the public.
- (3) The chief inspector shall not issue a licence under this section unless it specifies—
 - (a) the person to whom it is issued; and
 - (b) the explosive or the class or classes of explosives the person is authorised to sell.

22 Authority to sell

While a licence under section 8, 17, 19 or 21 is in force—

- (a) the person to whom it was issued; and
- (b) any employee of that person acting in the course of his or her employment by that person; and
- (c) if that person is a corporation—any person acting in his or her capacity as a director of the corporation;

are authorised to sell any explosive or an explosive of any class or classes specified in the licence but only when they sell the explosive in accordance with the terms and conditions (if any) of the licence, and, for a licence under section 8, 17 or 19, when the licence does not contain a condition prohibiting the sale of the explosive.

23 Offence of unlicensed sale

A person shall not sell any explosive unless the person is authorised by section 22 to sell the explosive.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

24 Supply to children

- (1) A person shall not sell or otherwise supply any explosive to a person who is under 18 years old.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person shall not be convicted of an offence against subsection (1) if the person presents evidence that the person believed on reasonable grounds that the person in relation to whom the offence was committed was at least 18 years old and that evidence is not rebutted by the prosecution.

25 Receipt to be authorised

- (1) Subject to subsections (2) and (3), a person shall not—
- (a) supply an explosive to another, unless at the time of supply the person to whom the explosive is supplied;
 - (b) receive an explosive, knowing it to be an explosive, unless at the time of receipt the person;

is authorised under the regulations to receive the explosive.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person is not guilty of an offence against subsection (1) relating to the supply of an explosive if the person satisfies the court that the person believed on reasonable grounds that the person to whom the explosive was supplied was authorised by or under the regulations to receive the explosive.

- (3) A person shall not be found guilty of an offence relating to the unauthorised receipt of an explosive under subsection (1) and of an offence of having the same explosive in his or her possession, control or custody under section 26 (1).

Division 4.5 Possession

26 Possession of explosives

- (1) A person must not possess explosives.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

Note Section 25 (3) provides that a person must not be found guilty of an offence relating to the unauthorised receipt of an explosive under s 25 (1) and of an offence of having the same explosive in his or her possession, control or custody under this subsection.

- (2) A person is not guilty of an offence against subsection (1) if the person presents evidence, which is not rebutted by the prosecution, that the person—
- (a) was authorised under the regulations to receive the explosives to which the alleged offence relates; or
 - (b) did not know that the explosives were in his or her possession; or
 - (c) received the explosives in any other lawful way; or
 - (d) manufactured the explosives lawfully.
- (3) For this section, a person shall be treated as being in possession of an explosive if—
- (a) the explosive is kept in or on any premises occupied by the person; or
 - (b) the person has the custody, use or control of the explosive.

Part 5 Licences and permits

27 Licences—generally

- (1) Subject to this section, the chief inspector may, from time to time, renew a licence.
- (2) The chief inspector shall refuse to renew a licence if satisfied of the existence of any ground on which an application for the issue of the licence could be refused.
- (3) A licence is subject to—
 - (a) any term or condition prescribed for all licences or for a class of licences to which it belongs; and
 - (b) any term or condition that the chief inspector thinks fit to impose and that is specified in the licence.
- (4) A licence is in force for the period or periods specified in the licence, not exceeding 3 years from the date of issue or any renewal, unless it is sooner cancelled by the chief inspector under section 28 (3) or 32 (2).

28 Suspension and cancellation

- (1) If the holder of a licence or permit is proceeded against for an offence against this Act, or has failed to comply with a lawful direction or requirement of an inspector, the chief inspector may suspend the licence or permit until the proceeding has been disposed of or, as the case may be, until the direction or requirement has been complied with.
- (2) A licence or permit shall be deemed not to be in force during any period of its suspension.

- (3) The chief inspector may cancel a licence or permit if satisfied that—
- (a) the holder of the licence or permit has been convicted or found guilty of an offence against this Act or any other Commonwealth, State or Territory law (including a law of another Territory) about dangerous goods; or
 - (b) there exist grounds on which the application for the issue of the licence or permit could have been refused had the existence of those grounds been known at the time the licence or permit was issued; or
 - (c) the application for the issue of the licence or permit contained a statement that was false or misleading in a material particular; or
 - (d) the holder of the licence or permit has breached a condition of the licence or permit;

or if the holder of the licence or permit surrenders the licence or permit to the chief inspector.

29 Review of decisions

Application may be made to the administrative appeals tribunal for review of a decision of the chief inspector—

- (a) under section 8 (1) to refuse to issue a licence for the keeping of dangerous goods; or
- (b) under section 8 (1) to issue a licence for the keeping of dangerous goods subject to terms and conditions imposed under section 27 (3); or
- (c) under section 10 (1) to refuse to issue a licence authorising the carriage of dangerous goods; or
- (d) under section 10 (1) to issue a licence authorising the carriage of dangerous goods subject to terms and conditions imposed under section 27 (3); or

- (e) under section 17 (1) to refuse to issue a licence authorising the importation of explosives; or
- (f) under section 17 (1) to issue a licence for the importation of explosives subject to terms and conditions imposed under section 27 (3); or
- (g) under section 17 (2) to refuse to issue a permit for the importation of explosives; or
- (h) under section 19 (1) to refuse to issue a licence for the manufacture of explosives; or
- (i) under section 19 (1) to issue a licence for the manufacture of explosives subject to terms and conditions imposed under section 27 (3); or
- (j) under section 21 (1) to refuse to issue a licence for the sale of explosives; or
- (k) under section 21 (1) to issue a licence for the sale of explosives subject to terms and conditions imposed under section 27 (3); or
- (l) under section 27 (1) to refuse to renew a licence; or
- (m) under section 27 (4) to issue a licence for a period of less than 3 years; or
- (n) under section 28 (1) to suspend a licence or permit; or
- (o) under section 28 (3) to cancel a licence or permit.

29A Notification of decisions

- (1) If the chief inspector makes a decision referred to in section 29, the chief inspector shall give notice of the decision to a person whose interests are affected by the decision.
- (2) A notice under subsection (1) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

30 Offence to lend or allow other person to use licence or permit

A person to whom a licence or permit is issued must not—

- (a) lend the licence or permit to anyone else; or
- (b) allow the licence or permit to be used by anyone else for a purpose for which it was issued.

Maximum penalty: 50 penalty units.

Part 6 Enforcement

31 Powers of inspectors

- (1) An inspector or a police officer may at any reasonable time do any of the following:
 - (a) subject to subsection (2), enter and search any premises, vehicle or vessel, or examine any container, fixture or fitting in or on which the inspector or police officer suspects on reasonable grounds that dangerous goods may be found;
 - (b) subject to subsection (3), take without payment, for the purpose of examination or testing, samples of any substance or article that is a dangerous good or that the inspector or police officer suspects on reasonable grounds is a dangerous good or an ingredient of a dangerous good, and, in exercising his or her powers under this paragraph, open any container or cause any container to be opened;
 - (c) subject to subsection (3), seize, remove or detain any substance or article that the inspector or police officer suspects on reasonable grounds to be dangerous goods and any container, vehicle or vessel in or on which the substance or article is being kept or conveyed, if he or she suspects on reasonable grounds that there has been a contravention of this Act in relation to the substance or article;
 - (d) for the purposes of paragraph (c), direct the occupier of any premises where the substance or article is seized, or the owner of the substance or article, to keep it on those premises or on other premises, or in a place on such premises, being premises or a place under the control of the occupier or owner and where the inspector or police officer is reasonably satisfied the substance or article may be kept with least danger to the public safety;

- (e) give directions for or with respect to the detention of any substance, article, container, vehicle or vessel that has been detained under paragraph (c);
- (f) give to the occupier or licensee of any premises licensed under this Act directions in relation to the keeping of dangerous goods on the premises or instructions in writing to the licensee in relation to the premises;
- (g) with the consent of the Minister, and at the cost of the owner or person in possession of the dangerous goods, destroy or render harmless or give directions for the destruction or rendering harmless of, any dangerous goods if—
 - (i) the inspector or police officer believes on reasonable grounds that it is necessary in the public interest or for the safety of any person so to do; or
 - (ii) the owner of the goods authorises the inspector or police officer in writing so to do;
- (h) exercise the power given to the inspector or police officer by paragraph (g) without the consent of the Minister if imminent danger to the public or any person exists;
- (i) make inquiries and require persons to answer questions relating to the observance of this Act;
- (j) if loss of life, injury to a person, damage to any property or danger to the public occurs involving dangerous goods—make the inquiries relating to that loss of life, injury, damage or danger that the inspector or police officer believes on reasonable grounds to be necessary and, subject to subsection (2), for that purpose enter any premises, vehicle or vessel;
- (k) require the production of any licence or permit or any book, record or writing required by the regulations to be held or kept and inspect, examine and take copies of or extracts from it.

- (2) Unless an inspector or a police officer believes on reasonable grounds there is imminent danger to the public or to anyone, the inspector or police officer must not enter a house under the power given under subsection (1) (a) or (j) except under the authority of a search warrant issued under section 42.
- (3) An inspector or a police officer may take samples of substances or articles under subsection (1) (b), or remove substances, articles, containers, vehicles or vessels under subsection (1) (c), that appear to be in someone's custody only if the inspector or police officer gives (or offers to give) the person a receipt.
- (4) The amount of the cost of destroying or rendering harmless any dangerous goods under subsection (1) (g) is an amount due to the Territory by the owner or person in possession of the dangerous goods.
- (6) A person is not excused from answering a question that the person is required to answer by an inspector under subsection (1) (i) on the ground that the answer to the question would incriminate, or would tend to incriminate, the person but no such answer may be used in any proceedings against the person, other than in proceedings for an offence against section 32 (1) (e).
- (7) An inspector who enters any premises, vehicle or vessel in pursuance of this section is not authorised to remain in or on the premises, vehicle or vessel, and a person is not required to comply with any requirement made by an inspector under this section, if, on request by the occupier or person in charge of the premises, vehicle or vessel, the inspector does not produce his or her identity card.

32 Obstruction of inspector etc

- (1) A person shall not, without reasonable excuse—
 - (a) fail to admit an inspector or police officer in the exercise of his or her authority under section 31 or under the authority of a search warrant issued under section 42; or

- (b) wilfully obstruct or delay an inspector or a police officer in the exercise of any power under section 31; or
- (c) fail to comply with any reasonable direction or requirement of an inspector or a police officer under section 31; or
- (d) prevent, or attempt to prevent, a person from appearing before, or complying with a direction or requirement of, an inspector or a police officer under section 31; or
- (e) wilfully give a false or misleading answer in purported compliance with a requirement of an inspector or a police officer under section 31 (1) (i).

Maximum penalty:

- (a) for paragraph (a), (c) or (e)—50 penalty units; or
 - (b) for paragraph (b) or (d)—50 penalty units, imprisonment for 6 months or both.
- (2) If the licensee of any premises licensed under this Act fails to comply with any instruction in writing given by an inspector or a police officer under section 31 (1) (f) within the period specified in the instruction, the chief inspector may cancel the licence relating to the premises.

33 Proceedings for offences

- (1) Proceedings for an offence against this Act may be dealt with summarily.
- (3) Subject to subsection (4), proceedings for an offence against this Act may be instituted within 2 years after the act or omission alleged to constitute the offence.
- (4) If a coroner's inquest or inquiry is held and it appears from the coroner's findings or report, or from proceedings at the inquest or inquiry, that an offence has been committed against this Act, proceedings for the offence may be begun in the Magistrates Court at any time before the third anniversary of the day the findings were recorded, or the report was made, whichever occurs later.

- (5) Subsection (4) applies to an offence against this Act whether the act or omission alleged to constitute the offence occurred before or after the commencement of that subsection.

36 Acts and omissions of representatives

- (1) In this section:

executive officer, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

representative means—

- (a) for a corporation—an executive officer, employee or agent of the corporation; or
- (b) for an individual—an employee or agent of the individual.

state of mind, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
- (b) the person's reasons for the intention, opinion, belief or purpose.

- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the state of mind.

- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
- (5) An individual who is convicted of an offence cannot be punished by imprisonment for the offence if the individual would not have been convicted of the offence without subsection (3) or (4).

37 Seizure

- (1) An inspector or a police officer may keep any dangerous goods or containers seized under section 31 (1) (c) until the end of 60 days after the seizure or, if proceedings for an offence against this Act in relation to those dangerous goods are instituted within that period, until the proceedings (including any appeal in relation to those proceedings) are terminated.
- (2) The Minister may authorise any dangerous goods or containers seized under section 31 (1) (c) to be released to the owner or to the person from whose possession the dangerous goods or containers were seized, either unconditionally or on the conditions the Minister considers appropriate, including, for dangerous goods, conditions as to the giving of security for payment of their value if they are forfeited under section 38.

38 Forfeiture of dangerous goods

- (1) If a court convicts a person, or finds a person guilty, of an offence against this Act, in relation to dangerous goods, the court may order the forfeiture of the goods to the Territory.
- (2) The forfeiture of any dangerous goods under subsection (1) extends to the forfeiture of any containers in which the dangerous goods are contained.

- (3) Any dangerous goods forfeited under this section may be sold or otherwise disposed of as the Minister considers appropriate.

40 Evidence

- (1) A certificate of an analyst stating that the analyst has analysed or examined a substance and stating the results of his or her analysis is, for this Act (including any proceedings for an offence against this Act), evidence of the facts stated in the certificate and of the correctness of the results of the analysis or examination.
- (2) A document purporting to be a certificate referred to in subsection (1) shall, unless the contrary is proved, be deemed to be such a certificate.
- (3) In proceedings for an offence against this Act—
- (a) a certificate purporting to be signed by a prescribed officer and to certify—
- (i) that a licence or permit of the description specified in the certificate has, or has not, been issued or transferred under this Act or the regulations to any person so specified, and, for a licence or permit that has been so issued or transferred, the date of issue or transfer of the licence or permit, any terms, conditions and other particulars contained in the licence or permit and any date or period on, or during, which the licence was, or was not, in force; or
- (ii) that a person specified in the certificate was an inspector on any date, or during any period, specified in the certificate;
- shall be evidence of the facts so certified; and
- (b) a printed document that is or purports to be a standard, rule, code or specification of a body referred to in section 49 (4) (e) (i) and that has been or purports to have been published or issued by or on behalf of that body is admissible

as evidence in those proceedings and, in the absence of evidence to the contrary, is proof of that standard, rule, code or specification.

Part 7 Miscellaneous

42 Search warrant

- (1) On a complaint made on oath by an inspector or a police officer that the inspector or police officer suspects on reasonable grounds that a breach of this Act has been or is being committed, or that preparation has been or is being made to commit such a breach, within any dwelling house, a Magistrate may issue a search warrant authorising such persons, being inspectors or police officers, as are named in the warrant at any time or times within 14 days from the date of issue of the warrant to enter, if need be by the use of reasonable force, the dwelling house named in the warrant, and to search the dwelling house and any vehicle, vessel, fixtures or fittings therein and to search any persons therein.
- (2) A female shall not be searched under this section except by a female.

43 Search powers

- (1) If a police officer suspects on reasonable grounds that a person is carrying on his or her person an explosive in contravention of this Act, the officer may detain and search the person.
- (2) Where a police officer suspects on reasonable grounds that an explosive is being carried in or on a vehicle or vessel in contravention of this Act, the officer may stop and search the vehicle or vessel.
- (3) A female shall not be searched under this section except by a female.

44 Falsification of records

A person shall not, with intent to deceive—

- (a) obliterate, alter or falsify any entry or signature in a book or record required by this Act to be kept or made; or
- (b) make a false or misleading entry in any such book or record.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

45 Approved forms

- (1) The chief inspector may, in writing, approve forms for this Act.
- (2) If the chief inspector approves a form for a particular purpose, the approved form must be used for the purpose.
- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

46 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

48 Regulations may make provision about fees

- (1) The regulations may make provision with respect to the payment by cheque or credit card of any fee payable under this Act, including, for example, the consequences of a cheque not being met on presentation or a credit card transaction not being honoured.

- (2) Without limiting subsection (1), the regulations may make provision for or with respect to—
- (a) the suspension, cancellation or revocation of any licence, permit, condition, document, or anything else done, given or issued under this Act if any fee payable for or in relation to it—
 - (i) is not paid when it is required to be paid; or
 - (ii) is paid by cheque and the cheque is not met on presentation; or
 - (iii) is paid by credit card and the credit card transaction is not honoured; or
 - (b) the restoration (whether prospectively or during any past period of suspension, cancellation or revocation) of any licence, permit, document, or anything else so suspended, cancelled or revoked.

49 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision for or with respect to—
- (a) the issue, renewal, suspension, cancellation, duration and terms of permits and licences and the conditions subject to which they are issued; and
 - (b) the import or export of dangerous goods into or from the ACT; and
 - (c) the preparation for use, packing, keeping, conveying, manufacture, use, sale, abandonment, disposal, destruction and rendering harmless of dangerous goods and containers that are intended for use, are being used or have been used in connection with dangerous goods; and

- (d) the design, construction, cleanliness, venting, ventilation, marking and maintenance of vehicles, vessels, containers, pipelines and any other equipment or things that are intended for use, are being used or have been used in connection with dangerous goods; and
- (e) regulating or prohibiting the installation, alteration, connection and disconnection of containers, pipelines and any other equipment or things that are intended for use, are being used or have been used in connection with dangerous goods; and
- (f) the siting, design, construction, ventilation, illumination, fittings, fixtures and management of premises intended for use or used in connection with dangerous goods; and
- (g) regulating or prohibiting smoking, the lighting or use of fire and any other dangerous, or potentially dangerous, prescribed activities in the vicinity of dangerous goods and on or in, or in the vicinity of, premises, vehicles, vessels, containers or pipelines used or that have been used in connection with dangerous goods; and
- (h) prescribing the procedures to be followed in relation to any premises licensed under this Act that cease to be so licensed and the persons by whom those procedures are to be followed; and
- (i) the provision, maintenance, testing and use of safety and first aid facilities, including firefighting equipment, in any premises licensed under this Act, in a vehicle, vessel or container used for the conveyance of dangerous goods and in prescribed circumstances involving a risk of injury or damage arising from dangerous goods; and
- (j) prescribing the procedures to be followed in the event of an escape or a spillage of dangerous goods or of damage to any vehicle, vessel, container, pipeline or other equipment or thing while being used in connection with dangerous goods; and

- (k) applications to have an explosive declared to be an authorised explosive under section 16; and
 - (l) the inspection, examination and testing of dangerous goods and equipment intended for use or used in connection therewith; and
 - (m) the driving of vehicles and the navigation and mooring of vessels conveying dangerous goods; and
 - (n) the making, keeping, production and inspection of records relating to dangerous goods and the furnishing of returns and other information relating to dangerous goods.
- (3) The regulations may also prescribe offences for contraventions of the regulations and may prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.
- (4) A regulation may—
- (a) apply differently according to such factors as may be specified in the regulation; and
 - (b) provide that any act or thing shall be done or be in accordance wholly or partly with the approval or to the satisfaction of a prescribed person or a person of a prescribed class of persons; and
 - (c) confer upon a prescribed person, or class of persons, a discretionary authority; and
 - (d) confer on a prescribed person, or class of persons, power to give, in such manner as may be prescribed, instructions, orders, directions or requirements; and
 - (e) adopt wholly or partly or by reference—
 - (i) any of the standards, rules, codes or specifications specified in the regulation that have been recommended or adopted by the American Petroleum Institute, the British Standards Institution, the Institute of Petroleum or the Standards Association of Australia (whether

published before or after the commencement of this section); or

- (ii) any standards, rules, codes or specifications approved, in writing, by the Minister (whether published before or after the commencement of this section);

relating to the matter with which the regulation deals together with any additions or amendments (whether made or published before or after the commencement of this section) that are so specified; and

- (f) exempt persons, or classes of persons, either absolutely or subject to conditions, from provisions of the regulations or provide for the grant of absolute or conditional exemption from provisions of the regulations by a prescribed person, or class of persons, or both; and
- (g) exempt the Territory, either absolutely or subject to conditions, from any provisions of this Act or provide for the grant to the Territory of absolute or conditional exemption from any provisions of this Act by a prescribed person, or class of persons, or both.

(5) Where a reference to a temperature reading in any standard, rule, code or specification adopted pursuant to subsection (3) is a reference to a temperature reading expressed in terms or in a manner used in connection with the Fahrenheit scale, that reading shall, unless the context or subject matter is such that it would be inappropriate or the contrary intention appears, be construed as a reference to a reading in terms or in a manner used in connection with the Celsius scale that is—

- (a) its equivalent; or
- (b) where its equivalent is not a whole number—the next higher whole number to its equivalent.

- (6) A regulation that prescribes dangerous goods or explosives may describe the goods or explosives, as the case may be, by reference to—
- (a) a class or classes of substances, articles, dangerous goods or explosives; or
 - (b) a quantity; or
 - (c) circumstances in which, or other than in which, substances, articles, dangerous goods or explosives shall be prescribed, or prescribed as, dangerous goods or explosives.
- (7) A regulation that prescribes dangerous goods may describe the goods by reference to a flashpoint.
- (8) A standard, rule, code or specification approved under subsection (4) (e) (ii) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Dictionary

(see s 2)

analyst means a person who is appointed as an analyst under section 6.

chief inspector means a person who is the chief inspector under section 4.

container includes any receptacle and any covering.

convey, in relation to dangerous goods, includes carry, load, unload, transfer, transmit, pump or discharge the goods.

credit card includes debit card.

dangerous goods means any substance or article prescribed as dangerous goods for this Act.

director—see the Corporations Act, section 9.

Note The Corporations Act, section 9 defines ***director***, of a company or other body, as the following:

- (a) a person who—
 - (i) is appointed to the position of a director; or
 - (ii) is appointed to the position of an alternate director and is acting in that capacity;regardless of the name that is given to their position; and
- (b) unless the contrary intention appears, a person who is not validly appointed as a director if—
 - (i) they act in the position of a director; or
 - (ii) the directors of the company or body are accustomed to act in accordance with the persons' instructions or wishes.

Under the Corporations Act, paragraph (b) (ii) does not apply merely because the directors act on advice given by the person in the proper performance of functions attaching to the person's professional capacity, or the person's business relationship with the director or the company or body.

explosive means any dangerous goods prescribed as an explosive for this Act.

flashpoint, in relation to any substance, means the lowest temperature at which the substance, when tested in a prescribed type of apparatus in a prescribed way, liberates a vapour at a rate sufficient to produce an explosive mixture with the air that is in immediate contact with the substance.

identity card means an identity card issued under section 7A.

inspector means a person who is an inspector under section 5.

licence means a licence under this Act.

manufacture, in relation to any explosive, includes the blending together of any substances to make the explosive, the breaking up of the explosive and the remaking, altering or repairing of the explosive.

permit means a permit under this Act.

pipeline means any—

- (a) pipe; or
- (b) system of pipes;

less than 10km in length, other than a pipe or system of pipes constructed or required to be constructed under, or under an authority granted under, any other Territory law.

premises means any land, structure, building or enclosed place, or part thereof, or any portable structure.

safety cartridges means cartridges for guns, rifles, pistols, revolvers or other small arms, the case of which can be extracted from the small arm after firing, and which are so enclosed as to prevent any explosion in one cartridge being communicated to other cartridges.

sell includes—

- (a) offer for sale; and
- (b) expose for sale; and
- (c) barter (or offer or expose for barter); and
- (d) exchange (or offer or expose for exchange); and
- (e) supply for value (or offer or expose for supply for value);
and
- (f) supply for free (or offer or expose for supply for free), to
gain or maintain custom, or otherwise for commercial
gain.

substance includes any gas, any liquid, any gas mixture and any liquid mixture.

vehicle includes a railway conveyance.

vessel means any kind of vessel used in navigation.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a NSW Act—the *Dangerous Goods Act 1975* (NSW).

The *Dangerous Goods Act 1975* (NSW) was applied, in a modified form, as an ACT law by the *Dangerous Goods Act 1984* (now repealed).

Under the *Interpretation Act 1967* (now repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

NSW legislation

Dangerous Goods Act 1975 No 68

assented 31 October 1975

s 1, s 2 commenced 31 October 1975 (s 2 (1))

remainder commenced 17 July 1978 (s 2 and NSW Gaz GG No 81 11 July 1978)

as amended by

Scaffolding and Lifts (Amendment) Act 1978 No 69 sch 2

assented 6 April 1978

s 1, s 2 commenced 6 April 1978 (s 2 (1))

sch 2 commenced 1 January 1979 (s 2 (4) and NSW Gaz GG No 171 8 December 1978)

Dangerous Goods (Amendment) Act 1982 No 52

assented 12 May 1982

sch 2 commenced 1 January 1983 (s 2 (2) and NSW Gaz GG No 179 24 December 1982)

remainder commenced 12 May 1982 (s 2 (1))

Endnotes

3 Legislation history

Miscellaneous Acts (Coal Mines Regulation) Repeal and Amendment Act 1982 No 69 sch 2

assented 20 May 1982

s 1, s 2 commenced 20 May 1982 (s 2 (1))

sch 2 commenced 26 March 1984 (s 2 (2) and see NSW Gaz GG No 24 17 Feb 1984)

Occupational Health and Safety Act 1983 No 20 sch 6

assented 21 April 1983

s 1, s 2 commenced 21 April 1983 (s 2 (1))

sch 6 commenced 4 May 1983 (s 2 (2) and NSW Gaz GG No 67 4 May 1983)

Commonwealth legislation

Dangerous Goods Act 1984 No 4 sch pt 1

notified 16 February 1984 (Cwlth Gaz 1984 No S57)

sch pt 1 commenced 1 March 1984 (s 2 and see Cwlth Gaz 1984 No S71)

Dangerous Goods (Amendment) Ordinance 1984 No 69

notified 5 December 1984 (Cwlth Gaz 1984 No S515)

commenced 5 December 1984

Dangerous Goods (Amendment) Ordinance (No 2) 1984 No 75

notified 19 December 1984 (Cwlth Gaz 1984 No S530)

commenced 19 December 1984

Magistrates Court Act 1985 No 67 sch pt 1

notified 19 December 1984 (Cwlth Gaz 1985 No S542)

commenced 1 February 1985 (s 2 and Cwlth Gaz 1986 No G3)

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 2 pt 1

notified 10 May 1979 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1979 (s 2 (1))

sch 2 pt 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment**Acts Revision (Arrest Without Warrant) Act 1989 No 23 s 4**

notified 1 December 1989 (Gaz 1989 No S38)
commenced 1 December 1989

Acts Revision (Position of Crown) Act 1993 No 44 sch 2

notified 27 August 1993 (Gaz 1993 No S165)
commenced 27 August 1993 (s 2 and see Gaz 1993 No S165)

Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Statute Law Revision Act 1995 No 46 sch

notified 18 December 1995 (Gaz 1995 No S306)
amdt commenced 18 December 1995 (s 2)

Dangerous Goods (Amendment) Act 1998 No 36 sch pt 1

notified 14 October 1998 (Gaz 1998 No 41)
commenced 14 October 1998 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Dangerous Goods (Amendment) Act 1999 No 25

notified 6 May 1999 (Gaz 1999 No S22)
ss 1-3 commenced 6 May 1999 (s 2 (1))
remainder commenced 6 November 1999 (s 2 (3))

Endnotes

4 Amendment history

Dangerous Goods Amendment Act 2000 No 63

notified 2 November 2000 (Gaz 2000 No 44)
commenced 2 November 2000 (s 2)

Statute Law Amendment Act 2001 No 11 sch 3

notified 29 March 2001 (Gaz 2001 No 13)
commenced 29 March 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 97 (as am by Act 2001 No 70 sch 1, Act 2002 No 30 amdt 3.576)

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 97 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Statute Law Amendment Act 2001 (No 2) No 56 pt 1.1

notified 5 September 2001 (Gaz 2001 No S65)
s 1, s 2 commenced 5 September 2001 (IA s 10B)
pt 1.1 commenced 5 September 2001 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2001 No 70 sch 1

notified LR 14 September 2001
s 1, s 2 commenced 14 September 2001 (LA s 75)
amds commenced 12 September 2001 (s 2 (2))

Note This Act only amends the Legislation (Consequential Amendments) Act 2001 No 44.

Statute Law Amendment Act 2002 No 30 amdt 3.576

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
amdt 3.576 taken to have commenced 12 September 2001 (s 2 (2))

Note This Act only amends the Legislation (Consequential Amendments) Act 2001 No 44.

4 Amendment history

Title

title sub 2001 No 11 amdt 3.7

Name of Act

s 1 sub 2001 No 11 amdt 3.8

Dictionary

s 2 om 1984 No 4 sch pt 1
ins 2001 No 11 amdt 3.9

Application and relationship of Act to other laws

s 3 am 1983 No 20 sch 6 (1)
om 1984 No 4 sch pt 1
ins 2001 No 11 amdt 3.12

Administration

pt 2 hdg ins 2001 No 11 amdt 3.13

Chief inspector

s 4 defs reloc to dict 2001 No 11 amdt 3.10
om 2001 No 11 amdt 3.11
ins 2001 No 11 amdt 3.13
def **analyst** ins 1984 No 4 sch pt 1
om 2001 No 11 amdt 3.11
def **chief inspector** sub 1984 No 4 sch pt 1; 1994 No 97 sch
pt 1
om 2001 No 11 amdt 3.11
def **commissioner** sub 1984 No 4 sch pt 1
om 2001 No 11 amdt 3.11
def **container** reloc to dict 2001 No 11 amdt 3.10
def **convey** reloc to dict 2001 No 11 amdt 3.10
def **court** sub 1984 No 4 sch pt 1
am 1985 No 67 sch pt 1
om 2001 No 11 amdt 3.11
def **dangerous goods** reloc to dict 2001 No 11 amdt 3.10
def **director** sub 1984 No 4 sch pt 1
am 1995 No 46 sch
om 2001 No 11 amdt 3.11
def **determined fee** ins 1984 No 75 s 4
om 2001 No 11 amdt 3.11
def **explosive** reloc to dict 2001 No 11 amdt 3.10
def **flash point** reloc to dict 2001 No 11 amdt 3.10
def **identity card** ins 1994 No 97 sch pt 1
om 2001 No 11 amdt 3.11
def **inspector** sub 1984 No 4 sch pt 1; 1994 No 97 sch pt 1
om 2001 No 11 amdt 3.11
def **licence** reloc to dict 2001 No 11 amdt 3.10
def **manufacture** reloc to dict 2001 No 11 amdt 3.10
def **member of the police force** ins 1984 No 4 sch pt 1
om 2001 No 11 amdt 3.11
def **permit** reloc to dict 2001 No 11 amdt 3.10
def **pipeline** am 1984 No 4 sch pt 1
reloc to dict 2001 No 11 amdt 3.10
def **premises** am 1984 No 4 sch pt 1
reloc to dict 2001 No 11 amdt 3.10
def **regulations** om 2001 No 11 amdt 3.11

Endnotes

4 Amendment history

def **safety cartridges** reloc to dict 2001 No 11 amdt 3.10
def **sell** om 2001 No 11 amdt 3.11
def **substance** reloc to dict 2001 No 11 amdt 3.10
def **tribunal** ins 1989 No 38 sch 2 pt 1
om 1994 No 60 sch 1
def **vehicle** am 1984 No 4 sch pt 1
reloc to dict 2001 No 11 amdt 3.10
def **vessel** reloc to dict 2001 No 11 amdt 3.10

Inspectors

s 5 am 1978 No 69 sch 2; 1982 No 69 sch 2; 1983 No 20 sch 6 (2)
om 2001 No 11 amdt 3.12
ins 2001 No 11 amdt 3.13

Act to bind the Crown

s 5A ins 1983 No 20 sch 6 (3)
am 1989 No 38 sch 2 pt 1
om 1993 No 44 sch 2

Analysts

s 6 om 1984 No 4 sch pt 1
ins 2001 No 11 amdt 3.13

Delegation by chief inspector

s 7 om 1984 No 4 sch pt 1
ins 2001 No 11 amdt 3.13
am 2001 No 56 amdt 1.1

Identity cards

s 7A ins 2001 No 11 amdt 3.13

Keeping

div 3.1 hdg (prev pt 3 div 1 hdg) renum R4 LA (see 2001 No 11 amdt 3.112)

Licensing of premises

s 8 am 1984 No 4 sch pt 1; 2001 No 11 amdt 3.14; ss renum R7 LA

Keeping—generally

s 9 am 1984 No 4 sch pt 1; 1998 No 54 sch; 2001 No 11 amdts
3.15-1.17; 2001 No 44 amdt 1.1020, amdt 1.1021

Conveyance

div 3.2 hdg (prev pt 3 div 2 hdg) renum R4 LA (see 2001 No 11 amdt 3.112)

Licensing of vehicles and vessels

s 10 am 1982 No 52 sch 1 (1); 1984 No 4 sch pt 1; 2001 No 11
amdts 3.18-3.20; ss renum R7 LA

Transport of small quantities or short trips after import

s 10A ins 1998 No 36 sch pt 1

Offence of unlicensed conveyance

s 11 sub 1982 No 52 sch 1 (2)
am 1984 No 4 sch pt 1; 1998 No 54 sch; 2001 No 11 amdt 3.21,
amdt 3.22

Conveyance, generally

s 12 am 1984 No 4 sch pt 1; 1998 No 54 sch; 2001 No 11 amdt 3.23,
amdt 3.24

Offence of sale in public place

s 13 om 1984 No 4 sch pt 1

General

div 3.3 hdg (prev pt 3 div 3 hdg) renum R4 LA (see 2001 No 11 amdt 3.112)

Negligent or careless use etc

s 14 am 1984 No 4 sch pt 1; 1998 No 54 sch; 2001 No 11 amdt 3. 25

Preliminary

div 4.1 hdg (prev pt 4 div 1 hdg) renum R4 LA (see 2001 No 11 amdt 3.112)

Declaration of authorised explosives

s 16 sub 2001 No 44 amdt 1.1022

Import

div 4.2 hdg (prev pt 4 div 2 hdg) renum R4 LA (see 2001 No 11 amdt 3.112)

Import licences and permits

s 17 am 1984 No 4 sch pt 1; 2001 No 11 amdts 3.26-3.28; ss renum
R7 LA

Offence of unlicensed importing

s 18 am 1984 No 4 sch pt 1; 1998 No 54 sch; 2001 No 11 amdt 3.29,
amdt 3.30

Manufacture

div 4.3 hdg (prev pt 4 div 3 hdg) renum R4 LA (see 2001 No 11 amdt 3.112)

Manufacturing licence

s 19 am 1984 No 4 sch pt 1; 2001 No 11 amdts 3.31-3.33; ss renum
R7 LA

Offence of unlicensed manufacture

s 20 am 1984 No 4 sch pt 1; 1984 No 69 s 2; 1998 No 54 sch; 2001
No 11 amdts 3.34-3.36

Sale, supply and receipt

div 4.4 hdg (prev pt 4 div 4 hdg) renum R4 LA (see 2001 No 11 amdt 3.112)

Sale licence

s 21 am 1984 No 4 sch pt 1; 2001 No 11 amdt 3.37, amdt 3.38; ss
renum R7 LA

Authority to sell

s 22 am 1984 No 4 sch pt 1; 2001 No 11 amdt 3.39

Endnotes

4 Amendment history

Offence of unlicensed sale

s 23 am 1984 No 4 sch pt 1; 1998 No 54 sch; 2001 No 11 amdt 3.40, amdt 3.41

Supply to children

s 24 am 1984 No 4 sch pt 1; 1984 No 69 s 2; 1998 No 54 sch; 2001 No 11 amdt 3.42, amdt 3.43

Receipt to be authorised

s 25 am 1984 No 4 sch pt 1; 1998 No 54 sch; 2001 No 11 amdt 3.44-3.47

Possession

div 4.5 hdg (prev pt 4 div 5 hdg) renum R4 LA (see 2001 No 11 amdt 3.112)

Possession of explosives

s 26 am 1984 No 4 sch pt 1; 1984 No 69 s 2; 1998 No 54 sch; 2001 No 11 amdt 3.48-3.53

Licences and permits

pt 5 hdg om 2001 No 11 amdt 3.54
(prev pt 5 div 1 hdg) sub 2001 No 11 amdt 3.55

Licences—generally

s 27 am 1982 No 52 sch 1 (3); 1984 No 4 sch pt 1; 2001 No 11 amdt 3.56

Commissioner of police to report on certain licences etc relating to explosives

s 27A ins 1982 No 52 sch 1 (4)
om 1984 No 4 sch pt 1

Suspension and cancellation

s 28 am 1984 No 4 sch pt 1; 1989 No 38 sch 2 pt 1; 2001 No 11 amdt 3.57-3.59

Review of decisions

s 29 sub 1984 No 4 sch pt 1
am 1989 No 38 sch 2 pt 1
sub 1994 No 60 sch 1
pars renum R7 LA

Notification of decisions

s 29A ins 1984 No 4 sch pt 1
am 1989 No 38 sch 2 pt 1
sub 1994 No 60 sch 1

Offence to lend or allow other person to use licence or permit

s 30 am 1982 No 52 sch 1 (5); 1984 No 4 sch pt 1; 1998 No 54 sch
sub 2001 No 11 amdt 3.60

Enforcement

pt 6 hdg (prev pt 5 div 2 hdg) sub 2001 No 11 amdt 3.61

Powers of inspectors

s 31 am 1982 No 52 sch 1 (6); 1984 No 4 sch pt 1; 1989 No 38 sch 2 pt 1; 1994 No 97 sch pt 1; 2001 No 11 amdts 3.62-3.76

Obstruction of inspector etc

s 32 am 1984 No 4 sch pt 1; 1998 No 54 sch; 2001 No 11 amdts 3.77-3.80

Proceedings for offences

s 33 am 1983 No 20 sch 6 (4); 1984 No 4 sch pt 1; 1999 No 25 s 4; 2000 No 63 s 4

Offences by corporation

s 34 om 1984 No 4 sch pt 1

Third party procedure

s 35 om 1984 No 4 sch pt 1

Legal proceedings

pt 5 div 3 hdg om 2001 No 11 amdt 3.80

Acts and omissions of representatives

s 36 am 1984 No 4 sch pt 1; 1984 No 69 s 2 sub 2001 No 11 amdt 3.82

Seizure

s 37 sub 1984 No 4 sch pt 1
am 2001 No 11 amdt 3.83, amdt 3.84

Forfeiture of dangerous goods

s 38 sub 1984 No 4 sch pt 1
am 1989 No 38 sch 2 pt 1; 2001 No 11 amdt 3.85

Disposal of forfeited property

s 39 om 1984 No 4 sch pt 1

Evidence

s 40 am 1984 No 4 sch pt 1; 2001 No 11 amdts 3.86-3.88; ss renum R7 LA

Miscellaneous

pt 7 hdg (prev pt 5 div 4 hdg) sub 2001 No 11 amdt 3.89

Regulation-making power

s 41 renum and reloc as s 49 2001 No 11 amdt 3.101

Miscellaneous

pt 5 div 5 hdg om 2001 No 11 amdt 3.102

Search warrant

s 42 am 1984 No 4 sch pt 1; 2001 No 11 amdts 3.103-3.105

Endnotes

4 Amendment history

Search powers

s 43 am 1984 No 4 sch pt 1
sub 1989 No 23 s 4
am 2001 No 11 amdt 3.106

Falsification of records

s 44 sub 1984 No 4 sch pt 1
am 1998 No 54 sch; 2001 No 11 amdts 3.106-3.108

Approved forms

s 45 om 1984 No 4 sch pt 1
ins 2001 No 11 amdt 3.109
am 2001 No 44 amdt 1.1023, amdt 1.1024

Determination of fees

s 46 ins 2001 No 11 amdt 3.109
sub 2001 No 44 amdt 1.1025

Fees payable to Territory in accordance with determinations etc

s 47 ins 2001 No 11 amdt 3.109
om 2001 No 44 amdt 1.1025

Regulations may make provision about fees

s 48 ins 2001 No 11 amdt 3.109

Regulation-making power

s 49 hdg (prev s 41 hdg) sub 2001 No 11 amdt 3.90
s 49 (prev s 41) am 1982 No 52 sch 1 (7), sch 2; 1982 No 69 sch 2;
1983 No 20 sch 6 (5); 1984 No 4 sch pt 1; 1984 No 75 s 4;
1989 No 38 sch 2 pt 1; 2001 No 11 amdts 3.91-3.100
renum and reloc 2001 No 11 amdt 3.101
am 2001 No 44 amdt 1.1026 (as am 2001 No 70 amdt 1.10;
2002 No 30 amdt 3.576), amdt 1.1027 (as am 2001 No 70
amdt 1.10; 2002 No 30 amdt 3.576), amdts 1.1028-1.1030

Transitional

pt 8 hdg ins 2001 No 11 amdt 3.110
exp 29 March 2002 (s 56 (1))

Existing chief inspector

s 50 ins 2001 No 11 amdt 3.110
exp 29 March 2002 (s 56 (1))

Existing inspectors

s 51 ins 2001 No 11 amdt 3.110
exp 29 March 2002 (s 56 (1))

Existing delegations

s 52 ins 2001 No 11 amdt 3.110
exp 29 March 2002 (s 56 (1))

Existing identity cards

s 53 ins 2001 No 11 amdt 3.110
exp 29 March 2002 (s 56 (1))

Existing fees

s 54 ins 2001 No 11 amdt 3.110
exp 29 March 2002 (s 56 (1))

Existing regulations

s 55 ins 2001 No 11 amdt 3.110
am 2001 No 44 amdt 1.1031
exp 29 March 2002 (s 56 (1))

Expiry of pt 8

s 56 ins 2001 No 11 amdt 3.110
am 2001 No 44 amdt 1.1032
exp 29 Mar 2002 (s 56 (1))

Repeals

sch 1 om 1984 No 4 sch pt 1

Amendment of Acts

sch 2 om 1984 No 4 sch pt 1

Transitional and other provisions

sch 3 om 1984 No 4 sch pt 1

Dictionary

dict ins 2001 No 11 amdt 3.111
def **analyst** ins 2001 No 11 amdt 3.111
def **chief inspector** ins 2001 No 11 amdt 3.111
def **container** reloc from s 4 2001 No 11 amdt 3.10
def **convey** reloc from s 4 2001 No 11 amdt 3.10
def **credit card** ins 2001 No 11 amdt 3.111
def **dangerous goods** reloc from s 4 2001 No 11 amdt 3.10
def **director** ins 2001 No 11 amdt 3.111
def **explosive** reloc from s 4 2001 No 11 amdt 3.10
def **flash point** reloc from s 4 2001 No 11 amdt 3.10
def **identity card** ins 2001 No 11 amdt 3.111
def **inspector** ins 2001 No 11 amdt 3.111
def **licence** reloc from s 4 2001 No 11 amdt 3.10
def **manufacture** reloc from s 4 2001 No 11 amdt 3.10
def **permit** ins 2001 No 11 amdt 3.111
def **pipeline** am 1984 No 4 sch pt 1
reloc from s 4 2001 No 11 amdt 3.10
def **premises** am 1984 No 4 sch pt 1
reloc from s 4 2001 No 11 amdt 3.10
def **safety cartridges** reloc from s 4 2001 No 11 amdt 3.10
def **sell** ins 2001 No 11 amdt 3.111
def **substance** reloc from s 4 2001 No 11 amdt 3.10
def **vehicle** am 1984 No 4 sch pt 1

Endnotes

5 Earlier republications

reloc from s 4 2001 No 11 amdt 3.10
def *vesse!* reloc from s 4 2001 No 11 amdt 3.10

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1989 No 23	31 July 1992
2	Act 1993 No 44	31 January 1994
3	Act 1995 No 46	1 January 1996
4	Act 2001 No 56	12 September 2001
4 (RI)	Act 2001 No 56 ‡	3 October 2002
5	Act 2001 No 70	30 November 2001
5 (RI)	Act 2001 No 70 ‡	3 October 2002
6	Act 2001 No 70	29 March 2002
6 (RI)	Act 2001 No 70 ‡	3 October 2002
7	Act 2001 No 70	17 July 2002

‡ includes retrospective amendment by Act 2002 No 30

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