

AUSTRALIAN CAPITAL TERRITORY

Dangerous Goods Ordinance 1984

No. 4 of 1984

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 9 February 1984.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

TOM UREN
Minister of State for Territories and Local Government

An Ordinance relating to explosives and other dangerous goods

PART I—PRELIMINARY

Short title

1. This Ordinance may be cited as the *Dangerous Goods Ordinance 1984*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories and Local Government by notice in the *Gazette*.

Interpretation

3. In this Ordinance, unless the contrary intention appears—

“Chief Inspector” means the Chief Inspector of Dangerous Goods appointed under section 6;

“the Dangerous Goods Act” means the Dangerous Goods Act, 1975 of the State of New South Wales;

“the Dangerous Goods Regulation” means the Dangerous Goods Regulation, 1978 of the State of New South Wales made under the Dangerous Goods Act and published in the *Government Gazette* of the State of New South Wales on 11 July 1978, being that Regulation as amended before the commencement of this Ordinance.

Application

4. (1) The Dangerous Goods Act and the Dangerous Goods Regulation in their application in the Territory shall not affect the operation of the Scaffolding and Lifts Act, 1912-1948 of the State of New South Wales or the Scaffolding and Lifts Regulations of that State in their application in the Territory.

(2) The Dangerous Goods Act and the Dangerous Goods Regulation in their application in the Territory shall not apply to or in relation to a member of the Defence Force acting in the course of his duties as such a member.

Ordinance to bind Crown

5. This Ordinance binds the Crown.

Appointment of Chief Inspector, &c.

6. (1) The Minister may, by instrument in writing, appoint a Chief Inspector of Dangerous Goods and such other inspectors as he considers necessary for the purpose of securing observance of this Ordinance and the Regulations.

(2) The Minister shall cause to be issued to each person appointed under sub-section (1) a certificate certifying that that person is an inspector for the purposes of this Ordinance.

(3) The Minister may, by instrument in writing, appoint appropriately qualified persons to be analysts for the purposes of this Ordinance.

Acting Chief Inspector

7. (1) The Minister may appoint a person to act as the Chief Inspector—

- (a) during a vacancy in the office of Chief Inspector, whether or not an appointment has been made to the office; or

- (b) during any period, or during all periods, when the Chief Inspector is absent from duty or from the Territory or, for any other reason, is unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) Where a person is acting as Chief Inspector in accordance with paragraph (1) (b) and the office of Chief Inspector becomes vacant while that person is so acting, then, subject to sub-section (2), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first occurs.

(4) The Minister may at any time terminate the appointment of a person to act in accordance with sub-section (1).

(5) The appointment of a person under this section ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Minister.

(6) While a person is acting as the Chief Inspector in accordance with this section, he has, and may exercise, all the powers and shall perform all the functions of the Chief Inspector.

(7) The validity of any thing done by a person purporting to act in accordance with this section shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.

Delegation

8. (1) The Chief Inspector may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an inspector all or any of his powers, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Chief Inspector.

(3) A delegation under this section does not prevent the exercise of a power by the Chief Inspector.

Annual report

9. The Chief Inspector shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of his operations, and of other matters and things arising or carried out under this Ordinance, during the year ended on that date.

PART II — APPLICATION OF THE DANGEROUS GOODS ACT AND DANGEROUS GOODS REGULATION OF THE STATE OF NEW SOUTH WALES

Application and modification

10. (1) The provisions of the Dangerous Goods Act apply, as from the commencement of this Ordinance, by force of this Ordinance, in the Territory as laws of the Territory, subject to section 11 and to the modifications prescribed in Part 1 of the Schedule.

(2) The provisions of the Dangerous Goods Regulation apply, as from the commencement of this Ordinance, by force of this Ordinance, in the Territory as laws of the Territory, subject to the modifications prescribed in Part 2 of the Schedule.

Interpretation

11. In application in the Territory of the Dangerous Goods Act—

- (a) a reference in that Act to the Minister shall be read as a reference to the Minister for the time being administering this Ordinance;
- (b) a reference in that Act to regulations made under that Act shall be read as a reference to the Dangerous Goods Regulation in its application in the Territory; and
- (c) a reference in that Act to the Gazette shall be read as a reference to the *Commonwealth of Australia Gazette*.

PART III — MISCELLANEOUS

Repeal and saving

12. (1) The Explosives Act, 1905 of the State of New South Wales shall cease to be in force in the Territory.

(2) The *Fireworks Ordinance 1972*, the *Fireworks (Amendment) Ordinance 1982* and the *Fireworks (Amendment) Ordinance 1983* are repealed.

(3) The *Flammable Liquids Ordinance 1976*, the *Flammable Liquids (Amendment) Ordinance 1976*, the *Flammable Liquids (Amendment) Ordinance 1980* and the *Flammable Liquids (Amendment) Ordinance 1981* are repealed.

(4) Where, immediately before the commencement of this Ordinance, a person was the holder of a licence in respect of a store or a certificate of registration in respect of premises, being a licence or registration granted and in force under the *Flammable Liquids Ordinance 1976*, the person shall, for the purposes of the Dangerous Goods Act and the Dangerous Goods Regulation in their application in the Territory, be treated as the holder of a licence issued in respect of that store or those premises under section 8 of that Act until the date of expiry specified in the licence or certificate of registration.

Regulations

13. (1) The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance and, in particular, for prescribing penalties not exceeding a fine of \$500 for offences against the regulations.

(2) The regulations may repeal or amend any of the provisions of the Dangerous Goods Regulation in their application in the Territory.

SCHEDULE

Section 10

PART 1**MODIFICATIONS OF THE DANGEROUS GOODS ACT, 1975 OF THE STATE OF NEW SOUTH WALES IN ITS APPLICATION IN THE TERRITORY**

Item No.	Provision modified	Modification
1	Section 2	Omit.
2	Section 3	Omit.
3	Section 4	<p>(a) Omit the definition of “Chief Inspector”, substitute—</p> <p>“ ‘analyst’ means a person holding office as an analyst under the <i>Dangerous Goods Ordinance 1984</i>;</p> <p>‘Chief Inspector’ means the person holding office as the Chief Inspector of Dangerous Goods under the <i>Dangerous Goods Ordinance 1984</i>, and includes a person acting as that person;</p> <p>‘Commissioner’ means the Commissioner of Police of the Australian Federal Police, and includes a person acting as Commissioner;”.</p> <p>(b) Omit the definition of “court”, substitute—</p> <p>“ ‘court’ means the Court of Petty Sessions;”.</p> <p>(c) Omit the definition of “director”, substitute—</p> <p>“ ‘director’ has the same meaning as in section 5 of the <i>Companies Act 1981</i>;”.</p> <p>(d) Omit the definition of “inspector”, substitute—</p> <p>“ ‘inspector’ means a person holding office as an inspector under the <i>Dangerous Goods Ordinance 1984</i>, and includes the Chief Inspector;”.</p> <p>(e) After the definition of “manufacture”, insert—</p> <p>“ ‘member of the police force’ means member of the Australian Federal Police;”.</p> <p>(f) Omit “any Act other than this Act” from the definition of “pipeline”, substitute “any other law of the Territory”.</p> <p>(g) Insert “structure,” after “land,” in the definition of “premises”.</p> <p>(h) Omit “an aircraft” from the definition of “vehicle”, substitute “a railway conveyance”.</p>
4	Section 6	Omit.

SCHEDULE—continued

Item No.	Provision modified	Modification
5	Section 7	Omit.
6	Section 8	<p>(a) Omit from sub-section (1) “The”, substitute “Subject to this section, the”.</p> <p>(b) After sub-section (1), insert—</p> <p>“(1A) 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, he is satisfied that—</p> <p>(a) the applicant is a fit and proper person to hold the licence;</p> <p>(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</p> <p>(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.”.</p>
7	Section 9	<p>(a) Omit from paragraph (2) (a) “\$1,000”, substitute “\$2,000”</p> <p>(b) Omit from paragraph (2) (b) “\$5,000,”, substitute “\$10,000”.</p> <p>(c) Omit from sub-section (2) “and, in the case of a subsequent offence, if the offence continues, to a penalty not exceeding \$1,000 for each day the offence continues”.</p>
8	Section 10	<p>(a) Omit from sub-section (1) “The”, substitute “Subject to this section, the”.</p> <p>(b) After sub-section (1), insert—</p> <p>“(1A) The Chief Inspector shall not issue a licence under this section authorizing the carriage of dangerous goods unless, having made due inquiry, he is satisfied that—</p> <p>(a) the applicant is a fit and proper person to hold the licence;</p> <p>(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</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		(c) all reasonable precautions have been taken, to ensure the safe carriage of the goods and the safety of the public.”.
		(c) Omit from paragraph (3) (a) “or transferred”.
9	Section 11	Omit “\$1,000” and “\$5,000”, substitute “\$2,000” and “\$10,000”, respectively.
10	Section 12	(a) Omit from sub-section (1) “\$1,000” and “\$5,000”, substitute “\$2,000” and “\$10,000”, respectively. (b) Omit from sub-section (2) “\$1,000” and “\$5,000”, substitute “\$2,000” and “\$10,000”, respectively.
11	Section 13	Omit.
12	Section 14	Omit “\$1,000”, substitute “\$2,000”.
13	Section 17	(a) Omit from sub-section (1) “The” and “State”, substitute “Subject to this section, the” and “Territory”, respectively. (b) Omit from sub-section (2) “The” and “State”, substitute “Subject to this section, the” and “Territory”, respectively. (c) After sub-section (2), insert— “(2A) The Chief Inspector shall not issue a licence or permit under this section authorizing the importation into the Territory of explosives unless, having made due inquiry, he is satisfied— (a) that the applicant is a fit and proper person to hold the licence or permit; (b) that the purpose for which it is intended to import the explosive into the Territory 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.”. (d) Omit from paragraph (4) (a) “or transferred”.
14	Section 18	(a) Omit “State”, substitute “Territory”. (b) Omit “\$1,000” and “\$5,000”, substitute “\$2,000” and “\$10,000”, respectively.
15	Section 19	(a) Omit from sub-section (1) “The”, substitute “Subject to this section, the”.

SCHEDULE—continued

Item No.	Provision modified	Modification
		<p>(b) After sub-section (1), insert—</p> <p>“(1A) 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, he is satisfied that—</p> <p>(a) the applicant is a fit and proper person to hold the licence;</p> <p>(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</p> <p>(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.”.</p> <p>(c) Omit from paragraph (3) (a) “or transferred”.</p>
16	Section 20	<p>(a) Omit from sub-section (1) “Penalty: \$1,000 or, if a corporation, \$5,000, and, in any case, if the offence continues, \$1,000 for each day the offence continues.”, substitute “Penalty: \$2,000 or, if a corporation, \$10,000.”.</p> <p>(b) Omit from paragraph (2) (a) “practical use or”.</p>
17	Section 21	<p>(a) Omit from sub-section (1) “The”, substitute “Subject to this section, the”.</p> <p>(b) After sub-section (1), insert—</p> <p>“(1A) The Chief Inspector shall not issue a licence under this section authorizing the sale of explosives unless, having made due inquiry, he is satisfied that—</p> <p>(a) the applicant is a fit and proper person to hold the licence; and</p> <p>(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.”.</p>
18	Section 22	<p>(a) Omit from paragraph (a) “or transferred”.</p> <p>(b) At the end of the section, add “, and, in the case of a licence under section 8, 17 or 19, when the licence does not contain a condition prohibiting the sale of the explosive”.</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
19	Section 23	Omit “\$1,000” and “\$5,000”, substitute “\$2,000” and “\$10,000”, respectively.
20	Section 24	<p>(a) Omit from sub-section (1) “Subject to subsection (2), a”, substitute “A”.</p> <p>(b) Omit sub-section (2), substitute—</p> <p>“(2) A person shall not be convicted of an offence against subsection (1) if he adduces evidence that he believes on reasonable grounds that the person in respect of whom the offence was committed was of or above the age of 18 years and that evidence is not rebutted by the prosecution.”.</p>
21	Section 25	Omit from sub-section (1) “Penalty: \$1,000 or imprisonment for 12 months, or both.”, substitute “Penalty: \$2,000.”.
22	Section 26	<p>(a) Omit from sub-section (1) “”, control or custody”.</p> <p>(b) Omit from sub-section (1) “\$1,000” and “\$5,000”, substitute “\$2,000” and “\$10,000”, respectively.</p> <p>(c) After paragraph (2) (a), insert—</p> <p>“(aa) he did not know that the explosives were in his possession;”.</p> <p>(d) At the end of the section, add—</p> <p>“(3) For the purposes of this section, a person shall be treated as being in possession of an explosive if—</p> <p>(a) the explosive is kept in or on any premises occupied by the person; or</p> <p>(b) the person has the custody, use or control of the explosive.”.</p>
23	Section 27	<p>(a) Omit from sub-section (1) “The”, substitute “Subject to this section, the”.</p> <p>(b) Omit from sub-section (1) “or transfer”.</p> <p>(c) Omit sub-section (2), substitute—</p> <p>“(2) The Chief Inspector shall refuse to renew a licence if he is satisfied of the existence of any ground on which an application for the issue of the licence could be refused.”.</p>
24	Section 27A	Omit.
25	Section 28	(a) Omit sub-section (3), substitute—

SCHEDULE—continued

Item No.	Provision modified	Modification
		<p>“(3) The Chief Inspector may cancel a licence or permit if he is satisfied that—</p> <ul style="list-style-type: none"> (a) the holder of the licence or permit has been convicted of an offence against this Act or the regulations or of an offence against any other law of the Commonwealth or of a State or another Territory relating to dangerous goods; (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; (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, <p>or if the holder of the licence or permit surrenders the licence or permit to the Chief Inspector.”.</p>
26	Section 29	<p>Omit, substitute—</p> <p>Notification of decisions</p> <p>“29. (1) Where the Chief Inspector makes a decision—</p> <ul style="list-style-type: none"> (a) refusing to issue or renew a licence for the keeping of dangerous goods, or issuing such a licence subject to a term or condition; (b) refusing to issue or renew a licence for the carriage of dangerous goods, or issuing such a licence subject to a term or condition; (c) refusing to issue or renew a licence for the importation of explosives, or issuing such a licence subject to a term or condition; (d) refusing to issue a permit for the importation of explosives; (e) refusing to issue or renew a licence for the manufacture of explosives, or issuing such a licence subject to a term or condition; (f) refusing to issue or renew a licence for the sale of explosives, or issuing such a licence subject to a term

SCHEDULE—continued

Item No.	Provision modified	Modification
		or condition; or
		(g) suspending or canceling a licence or permit,
		the Chief Inspector shall cause a notice in writing to be given to the person whose interests are adversely affected by the decision—
		(h) setting out the decision, the findings on material question of fact, referring to the evidence or other material on which those findings were based, and giving the reasons for the decision; and
		(i) including a statement to the effect that, subject to the <i>Administrative Appeals Tribunal Act 1975</i> , the person is entitled to apply to the Administrative Appeals Tribunal for a review of the decision.
		“(2) The validity of a decision of the Chief Inspector referred to in this section shall not be taken to be affected by a failure to include in a notice for the purpose of subsection (1) a statement in accordance with subsection (1) (i).
		Appeals
		“29A. Application may be made to the Administrative Appeals Tribunal for review of a decision of the Chief Inspector—
		(a) refusing to issue or renew a licence for the keeping of dangerous goods, or issuing such a licence subject to a term or condition;
		(b) refusing to issue or renew a licence for the carriage of dangerous goods, or issuing such a licence subject to a term or condition;
		(c) refusing to issue or renew a licence for the importation of explosives, or issuing such a licence subject to a term or condition;
		(d) refusing to issue a permit for the importation of explosives;
		(e) refusing to issue or renew a licence for the manufacture of explosives, or issuing such a licence subject to a term or condition;
		(f) refusing to issue or renew a licence for the sale of explosives, or issuing such a licence subject to a term or condition; or

SCHEDULE—continued

Item No.	Provision modified	Modification
		(g) suspending or cancelling a licence or permit.”.
27	Section 30	<p>(a) Omit sub-sections (1), (2) and (3).</p> <p>(b) Omit from sub-section (4) “or transferred” (wherever occurring).</p> <p>(c) Omit from the end of the section “Penalty: \$200 or imprisonment for 3 months, or both.”, substitute “Penalty: \$500.”.</p>
28	Section 31	<p>(a) Omit from sub-section (1) “An inspector may at any time”, substitute “An inspector, or a member of the police force authorized by the Commissioner for the purpose of this section, may at any reasonable time”.</p> <p>(b) Omit from paragraph (1) (a) “examine any place”, substitute “search any premises”.</p> <p>(c) Omit paragraph (1) (d), substitute— “(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 retain 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 member of the police force is reasonably satisfied the substance or article may be retained with least danger to the public safety;”.</p> <p>(d) Omit from paragraph (1) (j) “any inquiry he thinks necessary and” and “place”, substitute “such inquiries relating to that loss of life, injury, damage or danger as he believes on reasonable grounds to be necessary and, subject to subsection (2),” and “premises, vehicle or vessel”, respectively.</p> <p>(e) Omit paragraph (1) (l).</p> <p>(f) Insert in sub-section (2) “or a member of the police force” after “inspector”.</p> <p>(g) Insert in sub-section (2) “or (j)” after “subsection (1) (a)”.</p> <p>(h) Insert in sub-section (3) “or a member of the police force” after “An inspector”.</p> <p>(i) Omit from sub-section (3) all words after “that appear to”, substitute “him to be in the custody of a person unless he makes out and tenders to the person a receipt in a form approved by the Chief Inspector.”.</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		<p>(j) Omit sub-sections (4) and (5), substitute—</p> <p>“(4) The amount of the cost of destroying or rendering harmless any dangerous goods under subsection (1) (g) is an amount due to the Commonwealth by the owner or person in possession of the dangerous goods.”.</p> <p>(k) Omit sub-sections (6) and (7), substitute—</p> <p>“(6) A person is not excused from answering a question that he 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).</p> <p>“(7) An inspector who enters any premises, vehicle or vessel in pursuance of this section is not authorized 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 the certificate issued to him under section 6 of the <i>Dangerous Goods Ordinance 1984</i>.”.</p>
29	Section 32	<p>(a) Insert in sub-section (1) “,without reasonable excuse” after “shall not”.</p> <p>(b) Omit from sub-section (1) “Penalty: \$1,000.”, substitute “Penalty: \$1,000 or imprisonment for 6 months, or both.”.</p> <p>(c) Insert in sub-section (2) “or a member of the police force” after “an inspector”.</p> <p>(d) Omit from sub-section (2) “by the inspector”.</p>
30	Section 33	<p>(a) Omit sub-section (1), substitute—</p> <p>“(1) Proceedings for an offence against this Act may be dealt with summarily.”.</p> <p>(b) Omit sub-section (2).</p>
31	Section 34	Omit.
32	Section 35	Omit.
33	Section 36	<p>(a) Omit from sub-section (1) “an offence against this Act or the regulations, as the case may be”, substitute “the same offence and liable to be punished accordingly”.</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		(b) Omit paragraph (2) (a).
34	Section 37	<p>Omit, substitute—</p> <p>Seizure</p> <p>“37. (1) An inspector may retain any dangerous goods or containers seized under section 31 (1) (c) until the expiration of the period of 60 days after the seizure or, if proceedings for an offence against this Act or the regulations in respect of those dangerous goods are instituted within that period, until the proceedings (including any appeal in relation to those proceedings) are terminated.</p> <p>“(2) The Minister may authorize 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 such conditions as the Minister thinks fit, including, in the case of dangerous goods, conditions as to the giving of security for payment of their value if they are forfeited under section 38.”.</p>
35	Section 38	<p>Omit, substitute—</p> <p>Forfeiture of dangerous goods</p> <p>“38. (1) Where the court convicts a person of an offence against this Act or the regulations in respect of any dangerous goods, the court may order the forfeiture to the Commonwealth of those dangerous goods.</p> <p>“(2) The forfeiture of any dangerous goods under subsection (1) extends to the forfeiture of any containers in which the dangerous goods are contained.</p> <p>“(3) Any dangerous goods forfeited under this section may be sold or otherwise disposed of as the Minister thinks fit.”.</p>
36	Section 39	Omit.
37	Section 40	<p>(a) Omit sub-section (1), substitute—</p> <p>“(1) A certificate of an analyst stating that he has analysed or examined a substance and stating the results of his analysis is, for the purposes of this Act (including any proceedings for an offence against this Act or the regulations), evidence of the facts stated in the certificate and of the correctness of the results of the analysis or examination.</p> <p>“(1A) A document purporting to be a certificate referred to in sub-section (1) shall, unless the contrary is proved, be deemed</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		to be such a certificate.”.
		(b) At the end of paragraph (2) (a) add “and”.
		(c) Omit from paragraph (2) (b) “specification; and”, substitute “specification.”.
		(d) Omit paragraph (2) (c).
38	Section 41	<p>(a) Omit from sub-section (1) “The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular,” substitute—</p> <p>“The power of the Minister under the <i>Dangerous Goods Ordinance 1984</i> to make regulations shall be deemed to include power to make regulations, not inconsistent with this Act”.</p> <p>(b) Omit from paragraph (1) (a) “transfer,”.</p> <p>(c) Omit from paragraph (1) (b) “State”, substitute “Territory”.</p> <p>(d) Omit sub-section (2).</p> <p>(e) At the end of paragraph (3) (e) add “and”.</p> <p>(f) Omit from paragraph (3) (f) “both; and”, substitute “both.”.</p> <p>(g) Omit paragraph (3) (g).</p>
39	Section 42	<p>(a) Omit “an inspector that the inspector suspects”, substitute “an inspector or a member of the police force that he suspects”.</p> <p>(b) Omit “justice of the peace”, substitute “Magistrate”.</p> <p>(c) Omit “an inspector named in the warrant together with a member of the police force”, substitute “such persons, being inspectors or members of the police force, as are named in the warrant”.</p> <p>(d) Omit “fixtures or fittings therein”, substitute “vehicle, vessel, fixtures or fittings therein and to search any persons therein”.</p> <p>(e) At the end of the section, add—</p> <p>“(2) A female shall not be searched under this section except by a female.”.</p>
40	Section 43	<p>(a) Omit from paragraph (1) (a) “or a member of the police force”.</p> <p>(b) Omit from paragraph (1) (c) “or member”.</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		<p>(c) Insert in paragraph (1) (c) “and that proceedings by way of summons would not be effective” after “exists”.</p> <p>(d) Omit from sub-section (1) “or a member of the police force”.</p> <p>(e) Omit from sub-section (2) “a court of summary jurisdiction”, substitute “the court”.</p> <p>(f) At the end of the section, add—</p> <p>“(3) Where a member of the police force suspects on reasonable grounds that a person is carrying on his person any explosive in contravention of this Act or the regulations, the member may detain and search the person.</p> <p>“(4) Where a member of the police force suspects on reasonable grounds that an explosive is being carried in or on any vehicle or vessel in contravention of this Act or the regulations, the member may stop and search the vehicle or vessel.</p> <p>“(5) A female shall not be searched under this section except by a female.”.</p>
41	Section 44	<p>Omit, substitute—</p> <p>Falsification of records</p> <p>“44. A person shall not, with intent to deceive—</p> <p>(a) obliterate, alter or falsify any entry or signature in a book or record required by this Act or the regulations to be kept or made; or</p> <p>(b) make a false or misleading entry in any such book or record.</p> <p>Penalty: \$1,000 or imprisonment for 6 months, or both.”.</p>
42	Section 45	Omit.
43	Schedule 1	Omit.
44	Schedule 2	Omit.
45	Schedule 3	Omit.

SCHEDULE—continued

PART 2

MODIFICATIONS OF THE DANGEROUS GOODS REGULATION OF THE STATE
OF NEW SOUTH WALES IN ITS APPLICATION IN THE TERRITORY

Item No.	Provision modified	Modification
1	Clause 2	Omit.
2	Clause 3	Omit.
3	Clause 4	<p>(a) Omit from sub-clause (1) the definition of “amorces”, substitute—</p> <p>“ ‘amorces’ means a firework, other than a starting pistol cap, comprising a quantity of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or an admixture of any of those substances, enclosed between 2 pieces of paper or other material, the quantity of explosive substance in each amorces being not substantially more than 0.0075 grams;”.</p> <p>(b) Omit from sub-clause (1) the definition of “city”, substitute—</p> <p>“ ‘city’ means the City Area within the meaning of the <i>City Area Leases Ordinance 1936</i>;”.</p> <p>(c) Omit from sub-clause (1) the definition of “confetti bomb”, substitute—</p> <p>“ ‘confetti bomb’ means a firework containing not more than 30 milligrams of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or an admixture of any of those substances, being a firework that is designed to emit confetti together with a report when an igniting string is pulled;”.</p> <p>(d) Omit from sub-clause (1) the definition of “council”.</p> <p>(e) Omit “small” from the definition of “detonator” in sub-clause (1).</p> <p>(f) Omit “State” from the definition of “exposure” in sub-clause (1), substitute “Territory”.</p> <p>(g) Omit from sub-clause (1) the definition of “fire-resisting”, substitute— “ ‘fire-resisting’, in relation to—</p> <p>(a) a structural member or other part of a building—means that the structural member or part has the fire-resistance rating</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		required by the Building Manual published in accordance with section 25 of the <i>Building Ordinance 1972</i> ; or
		(b) a screen wall that is not a structural member or other part of a building—means that the screen wall has the fire-resistance rating required by that Building Manual for a non-load bearing internal or external wall, not being a common or party wall, of a building;”.
		(h) Omit from sub-clause (1) the definition of “firework”, substitute— “ ‘firework’ means an article that is designed to produce a sound or a visual display or signal by means of the ignition or explosion of an explosive substance;”.
		(i) Omit from sub-clause (1) the definitions of “firework wholesaler” and “firework wholesaler’s permit”.
		(j) Omit from sub-clause (1) the definition of “Form”.
		(k) Insert after the definition of “general store” in sub-clause (1)— “ ‘gun licence’ means a gun licence granted and in force under the <i>Gun Licence Ordinance 1937</i> ;”.
		(l) Omit from sub-clause (1) the definition of “holder”, substitute— “ ‘holder’ means, in relation to a licence or permit, the person to whom it was issued;”.
		(m) Omit from sub-clause (1) the definition of “liquid oxygen explosive”.
		(n) Omit from sub-clause (1) the definition of “marine distress fireworks”, substitute— “ ‘marine distress firework’ means a firework that is designed for use in an emergency, whether at sea or on land;”.
		(o) Omit from sub-clause (1) the definition of “pistol licence”, substitute— “ ‘pistol licence’ means a pistol licence granted and in force under the <i>Gun Licence Ordinance 1937</i> ;”.
		(p) Omit “or of an order in writing by the Chief Inspector” from the definition of “process building” in sub-clause (1).
		(q) Omit “State” from paragraph (e) of the definition of “protected work” in sub-clause (1), substitute “Territory”.
		(r) Omit from sub-clause (1) the definition of “public display

SCHEDULE—continued

Item No.	Provision modified	Modification
		firework”.
(s)		Omit from sub-clause (1) the definition of “public hall”, substitute— “ ‘public hall’ has the same meaning as in the <i>Theatres and Public Halls Ordinance 1928</i> ;”.
(t)		Omit “,and includes a public road” from the definition of “public place” in sub-clause (1).
(u)		Omit, “Crown, a council or any other” from the definition of “public reservoir” in sub-clause (1), substitute “Commonwealth or any”.
(v)		Omit from sub-clause (1) the definition of “public road”.
(w)		Omit from sub-clause (1) the definition of “rural industry”, substitute— “ ‘rural industry’ means an industry in which persons are engaged, whether as employees or otherwise, for hire or reward— (a) upon any farm, station, orchard, vineyard or agricultural holding in, or in connection with— (i) dairying, poultry farming or bee farming; (ii) the sowing, raising, harvesting or treating of grain, fodder, fruit or other farm produce; (iii) the management, rearing or grazing of horses, cattle, sheep or other live-stock; (iv) the shearing or crutching of sheep; (v) the classing, scouring, sorting or pressing of wool; or (vi) any other farm or station work; (b) in, or in connection with, the formation, tending, protection or regeneration of forests; (c) in, or in connection with, timber-getting or the transport of storing of timber; (d) in the conduct of flower or vegetable market gardens or nurseries; or (e) in clearing, fencing, trenching, draining or otherwise preparing land for the purposes of any of the activities

SCHEDULE—continued

Item No.	Provision modified	Modification
		referred to in paragraphs (a) to (d) (inclusive);”.
(x)		Omit from sub-clause (1) the definition of “shooter’s licence”.
(y)		Omit from sub-clause (1) the definition of “shopgoods fireworks”, substitute— “ ‘shopgoods fireworks’ means fireworks that contain less than 40 grams of an explosive substance, being fireworks other than marine distress fireworks, starting pistol caps and fireworks known as gerbes, lances, mines, mortar shells, Roman candles, rockets, wheels, salutes and torches;”.
(z)		Omit from sub-clause (1) the definition of “snap for bon-bon crackers”, substitute— “ ‘snap for bon-bon crackers’ means a firework designed to emit a report when the ends of 2 connected strips, to one or both of which there is applied a quantity of an explosive substance, are pulled away from each other, the quantity of explosive substance in each firework being not substantially more than 0.002 grams;”.
(za)		Omit from sub-clause (1) the definition of “starting pistol caps”, substitute— “ ‘starting pistol cap’ means a firework comprising a quantity of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or an admixture of any of those substances, enclosed between 2 pieces of paper or other material and designed to be used in a starting pistol;”.
(zb)		Omit from sub-clause (1) the definition of “streamer cone”, substitute— “ ‘streamer cone’ means a firework containing not more than 30 milligrams of an explosive substance, the principal ingredient of which is potassium chlorate, amorphous phosphorus, antimony sulphide or sulphur, or an admixture of any of those substances, being a firework that is designed to emit streamers together with a report when an igniting string is pulled;”.
(zc)		Omit from sub-clause (1) the definition of “theatre”, substitute— “ ‘theatre’ has the same meaning as in the <i>Theatres and Public Halls Ordinance 1928</i> ;”.
(zd)		Omit from sub-clause (1) the definition of “town”.

SCHEDULE—continued

Item No.	Provision modified	Modification
4	Clause 5	Omit “,except in clause 12,”.
5	Clause 6	Omit “or transfer”.
6	Clause 7	Omit, substitute— “7. An application referred to in clause 6 shall be— (a) in accordance with the form of application provided by the Chief Inspector for the purpose of making that application; and (b) lodged with the Chief Inspector.”.
7	Clause 8	Omit from sub-clause (1) “referred to in clause 7 (2) (a), (b) or (c)”, substitute “under section 8, 10 or 19 of the Act”.
8	Clause 9	Omit.
9	Clause 10	(a) Omit from paragraph (1) (a) “or transfer (or, where there has been more than one transfer, the last transfer)”. (b) Omit sub-clause (2).
10	Clause 12	Omit.
11	Clause 13	Omit sub-clauses (3) and (5).
12	Clause 14	Omit from sub-clause (1) “and clause 15”.
13	Clause 15	Omit.
14	Clause 16	Insert in paragraph (a1) “, other than the substances and articles designated as of Class 7 in that Section”.
15	Clause 19	Omit from paragraph (g) “, or that is not reasonably necessary for the purposes of, or properly incidental to the keeping or manufacture of dangerous goods”.
16	Clause 22	Omit from paragraph (b) “State”, substitute “Territory”.
17	Clause 23	(a) Omit sub-clause (1), substitute— “(1) Subject to subclause (2), every person referred to in clause 19 shall take all practicable precautions to prevent water from coming into contact with any dangerous goods in or on the premises referred to in that clause.”. (b) Omit from paragraph (2) (c) “in an emergency”.
18	Clause 25	(a) Omit from paragraph (1) (c) “pump” (wherever occurring), substitute “unit”. (b) Insert in sub-clause (2) “or vessel” after “vehicle” (wherever

SCHEDULE—continued

Item No.	Provision modified	Modification
		occurring).
		(c) Insert in sub-clause (3) “or vessel” after “vehicle”.
19	Clause 26	Omit.
20	Clause 28	Omit sub-clause (1).
21	Clause 29	(a) Omit sub-clause (1), substitute— <p>“ (1) The Chief Inspector shall, in deciding whether to give, rescind or vary an approval or to give a direction or make a requirement under this Regulation, being a decision in respect of which no criteria are specified in this Regulation, have regard to the safety of the public.”.</p> <p>(b) Omit from sub-clause (3), “or deemed to have been given”.</p> <p>(c) After sub-clause (3), insert— <p>“ (3A) A notice under subclause (3) shall set out the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and shall give the reasons for the decision.”.</p> </p>
22	Clause 31	Omit “and in addition, where the breach continues, to a penalty not exceeding \$100 for every day the breach continues”.
23	Clause 36	Omit, substitute— <p>“36. For the purposes of section 15 of the Act—</p> <p>(a) the following explosives are prescribed as explosives in respect of which Divisions 2, 4 and 5 of Part IV of the Act do not apply:</p> <p>(i) shopgoods fireworks, marine distress fireworks and starting pistol caps; and</p> <p>(ii) the explosives classified as dangerous goods of Class 1.4, Group S, other than safety cartridges; and</p> <p>(b) safety cartridges are prescribed as explosives in respect of which Divisions 2 and 5 of Part IV of the Act do not apply.”.</p>
24	Clause 38	Omit from sub-clause (6) “clauses 14 (2) and 15”, substitute “clause 14 (2)”.
25	Clause 41	(a) Omit sub-clause (1), substitute— <p>“(1) Subject to this clause, a person shall not import into the Territory, manufacture, sell or expose for sale—</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		<ul style="list-style-type: none"> (a) fireworks (other than shopgoods fireworks, amorces, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bon-bon crackers, sparklers, starting pistol caps and streamer cones); (b) fireworks (other than amorces, confetti bombs, starting pistol caps and streamer cones) containing an explosive substance that contains a chlorate admixed with sulphur, a sulphide or phosphorus; (c) fireworks containing an explosive substance that contains arsenic or a compound of arsenic; (d) fireworks (other than amorces, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bon-bon crackers, sparklers, starting pistol caps and streamer cones) which are designed to be ignited or discharged by means other than the lighting of a wick or touch paper; (e) fireworks (other than amorces, confetti bombs, marine distress fireworks, snaps for bon-bon crackers, starting pistol caps and streamer cones) which are designed to explode, wholly or in part; (f) fireworks which, on ignition, are liable to project themselves through the air in an erratic or unpredictable flight; (g) any firework that is so constructed that any explosive substance contained in the firework may escape from the firework before it is ignited or discharged; (h) any firework that discharges less than 3 seconds, or more than 15 seconds, after the firework is ignited in accordance with the instructions contained in the statement referred to in sub-clause (3); or (i) any firework that has printed on or attached to it a statement referred to in subclause (3), being a statement that is false or misleading in any material particular.”.
		(b) Omit from sub-clause (2) “, keeping, conveyance”.
		(c) Omit from paragraph (2) (b) “State” (wherever occurring), substitute “Territory”.
		(d) At the end of the clause, add—

SCHEDULE—continued

Item No.	Provision modified	Modification
		<p>“(3) A person who manufactures fireworks (other than for the purposes of a public display) shall cause to be printed on or attached to each firework a statement containing instructions on the manner in which the firework is to be ignited and a description of the manner in which the firework is designed to behave after it is so ignited.</p> <p>“(4) A person shall not import any firework into the Territory (other than for the purposes of a public display) or sell any firework by retail to any person (other than the holder of a permit under clause 54) unless the firework has printed on or attached to it a statement referred to in subclause (3).</p> <p>“(5) A person shall not sell any shopgoods fireworks (other than amorces, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bon-bon crackers, sparklers and streamer cones) by retail to any person (other than the holder of a permit under clause 54) in a packet or container unless the packet or container has printed on or attached to it a statement containing instructions on the manner in which the fireworks contained in it are to be ignited and a description of the manner in which those fireworks are designed to behave after they are so ignited.</p> <p>“(6) Subclauses (3) and (4) do not apply in relation to a firework that is of such a kind that it is not reasonably practicable to print on or attach to the firework a statement referred to in subclause (3).</p> <p>“(7) It is a defence to a prosecution for importing into the Territory or selling or exposing for sale any firework specified in subclause (1) in contravention of that subclause, if the defendant establishes that—</p> <ul style="list-style-type: none"> (a) he acted in reasonable reliance on information supplied to him by another person; or (b) the contravention was due to the act or default of another person or to a cause beyond the control of the defendant, <p>and that the defendant took reasonable precautions and exercised due diligence to avoid the contravention.”.</p>
26	Clause 42	<ul style="list-style-type: none"> (a) Omit “keep, or convey”, substitute “import or sell”. (b) At the end of paragraph (a) add “or”. (c) Omit from paragraph (b) “or” (last occurring).

SCHEDULE—continued

Item No.	Provision modified	Modification
		(d) Omit paragraph (c).
27	Clause 43	<p>(a) After sub-clause (6), insert—</p> <p>“(6A) A person who has possession of any explosive shall, if that explosive is lost or stolen, give or cause to be given notice in writing to the Commissioner of the loss or theft not later than 24 hours after the loss or theft comes to the knowledge of the person.</p> <p>“(6B) A person who, without reasonable excuse, refuses or fails to comply with the requirements of subclause (6A) is guilty of a breach of this Regulation.”.</p> <p>(b) Omit from sub-clause (7) “the Mines Inspection Act, 1901, the Coal Mines Regulation Act, 1912, or the Scaffolding and Lifts Act, 1912,”, substitute “the Scaffolding and Lifts Act, 1912-1948 of the State of New South Wales in its application in the Territory”.</p>
28	Clause 44	<p>(a) Omit paragraph (2) (b).</p> <p>(b) Omit from paragraph (5) (a) “Act”, substitute “law of the Commonwealth or of a State or another Territory”.</p> <p>(c) Omit from paragraph (5) (b) all words after “Chief Inspector”.</p>
29	Clause 45	Omit from sub-clause (1) “an Act”, substitute “a law of the Commonwealth”.
30	Clause 46	<p>(a) Omit from sub-clause (1) the definition of “area”.</p> <p>(b) After the definition of “sell” in sub-clause (1), insert—</p> <p>“ ‘shopgoods fireworks’ does not include amorces, confetti bombs, model rocket propellant devices, snaps for bon-bon crackers, sparklers and streamer cones.”.</p> <p>(c) Omit paragraph (2) (a), substitute—</p> <p>“(a) on the second Monday in June in any year; or”.</p> <p>(d) Omit from subclause (3) “, the council of the area in which it is to be held, or a servant of that council authorized generally in that behalf by that council”.</p> <p>(e) After sub-clause (3), insert—</p> <p>“(3A) The Chief Inspector shall not issue an authority under subclause (3) unless he is satisfied that—</p> <p>(a) the applicant is a fit and proper person to receive, have in</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		his possession, convey and use shopgoods fireworks; and
		(b) that the use of shopgoods fireworks at the display, ceremony, celebration of other activity is not likely to endanger the public.”.
		(f) Omit sub-clause (5).
31	Clause 46A	<p>(a) Omit “A person”, substitute “Subject to subclause (2), a person”.</p> <p>(b) At the end of the clause, add—</p> <p>“(2) A person shall not be convicted of a breach of this Regulation by reason of failing to comply with subclause (1) if he adduces evidence that he believes on reasonable grounds that the person to whom he sold the shopgoods fireworks was of or above the age of 18 years and that evidence is not rebutted by the prosecution.”.</p> <p>“(3) A person who is under the age of 18 years shall not—</p> <p>(a) receive any shopgoods fireworks, knowing them to be shopgoods fireworks; or</p> <p>(b) use any shopgoods fireworks, knowing them to be shopgoods fireworks, except under the immediate supervision of a person who is of or above the age of 18 years.</p> <p>“(4) A person shall not use any firework (other than amorces, confetti bombs, marine distress fireworks, model rocket propellant devices, snaps for bon-bon crackers, sparklers, starting pistol caps or streamer cones) in a public place except—</p> <p>(a) in a display, ceremony, celebration or other activity specified in an authority issued by the Chief Inspector under subclause 46 (3);</p> <p>(b) in a public fireworks display in respect of which the holder of a general permit issued by the Chief Inspector under clause 54 has notified the Chief Inspector in accordance with subclause 54 (4); or</p> <p>(c) in a public fireworks display in relation to which the Chief Inspector has issued a special permit under clause 54.</p> <p>“(5) A person shall not knowingly use a firework in a manner that is likely to endanger the safety of any other person.</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		“(6) A person shall not knowingly use a marine distress firework in a public place except in an emergency.
		“(7) In this clause, ‘shopgoods fireworks’ does not include amorces, confetti bombs, model rocket propellant devices, snaps for bon-bon crackers, sparklers or streamer cones.”.
32	Clause 46B	Omit.
33	Clause 48	Omit “State” (wherever occurring), substitute “Jervis Bay Territory”.
34	Clause 49	(a) Omit from sub-clause (1) “State” (wherever occurring), substitute “Jervis Bay Territory”. (b) Omit from sub-clause (1) “, in or to the effect of Form 20,”, substitute “, in accordance with the form of notice provided by the Chief Inspector for the purpose of this clause,”. (c) Insert in paragraph (2) (a) “as suitable” after “passed”.
35	Clause 50	(a) Omit “State”, substitute “Jervis Bay Territory”. (b) Omit from paragraph (a) “in or to the effect of Form 21”, substitute “in accordance with the form provided by the Chief Inspector for the purpose of this clause”. (c) Omit from paragraph (b) “the certificate set out in that Form”, substitute “a certificate on that form certifying that the vessel named in the certificate will carry the explosives specified in the notice in compliance with the requirements of the International Maritime Dangerous Goods Code and that the explosives will be received, loaded and carried in accordance with the requirements of the Act and this Regulation”.
36	Clause 51	(a) Omit from sub-clause (1) “shooter’s licence”, substitute “gun licence”. (b) Insert in sub-clause (1) “or 2,000 rounds of safety cartridges” after “propellant powder”.
37	Clause 52	(a) Omit from sub-clause (1) “The Chief Inspector”, substitute “Subject to subclause (2), the Chief Inspector”. (b) Omit from paragraph (1) (a) “the Department of Technical and Further Education”, substitute “a college of technical and further education or other similar educational institution”. (c) Omit sub-clause (2), substitute— “(2) The Chief Inspector shall refuse to issue a shotfirer’s permit if, having made due inquiry, he is satisfied of the

SCHEDULE—continued

Item No.	Provision modified	Modification
		existence of any ground on which an application for a permit under Division 4 of this Part could be refused.”.
38	Clause 53	<p>(a) Omit from sub-clause (1) “The Chief Inspector”, substitute “Subject to subclause (2), the Chief Inspector”.</p> <p>(b) Omit sub-clause (2), substitute—</p> <p>“(2) The Chief Inspector shall refuse to issue a collector’s permit if, having made due inquiry, he is satisfied of the existence of any ground on which an application for a permit under Division 4 of this Part could be refused.”.</p>
39	Clause 54	<p>(a) Omit paragraph (2) (c), substitute—</p> <p>“(c) can be expected to receive, have in his possession and use fireworks of the type or types specified in the application without danger to the public safety; and”.</p> <p>(b) Omit from paragraph (3) (b) “public display”.</p> <p>(c) Omit from paragraph (4) (b) “public display”.</p> <p>(d) Omit from sub-clause (6) “receive public display”, substitute “receive”.</p>
40	Clauses 54A to 54D (inclusive)	Omit.
41	Clause 56	Omit from paragraph (2) (a) “shooter’s”, substitute “gun”.
42	Clause 58	<p>(a) Omit paragraph (a), substitute—</p> <p>“(a) in accordance with the form provided by the Chief Inspector for the purposes of this clause; and”.</p> <p>(b) Omit from paragraph (b) “made to” and “State”, substitute “lodged with the Chief Inspector or” and “Territory”, respectively.</p>
43	Clause 59	<p>(a) Insert in sub-clause (1) “the Chief Inspector or” after “clause,”.</p> <p>(b) Omit from sub-clause (2) “An officer”, substitute “The Chief Inspector or an officer”.</p> <p>(c) Insert in paragraph (2) (b) “the Chief Inspector or” after “inquiry”.</p> <p>(d) Omit from sub-paragraph (2) (b) (i) “State”, substitute “Territory”.</p> <p>(e) At the end of sub-paragraph (2) (b) (i), add “or”.</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		(f) Omit from sub-paragraph (2) (b) (ii) “State”, substitute “Territory”. (g) Omit from sub-paragraph (2) (b) (ii) “or” (last occurring). (h) Omit sub-paragraph (2) (b) (iii). (i) Omit from sub-paragraph (2) (c) (iv) “trusted”, substitute “expected”. (j) Omit from sub-clause (3) “An officer”, substitute “The Chief Inspector or an officer”. (k) Omit sub-clause (4).
44	Clause 61	(a) Omit “The officer”, substitute “The Chief Inspector or the officer”. (b) Insert “the Chief Inspector or” after “furnishes to”.
45	Clause 63	(a) At the end of paragraph (2) (a) add “or”. (b) Insert in paragraph (2) (b) “the Chief Inspector or” after “where”. (c) Omit from paragraph (2) (b) “or” (last occurring). (d) Omit paragraph (2) (c).
46	Clause 65	(a) Insert in sub-clause (1) “Chief Inspector or” after “The”. (b) After sub-clause (2) insert— “(2A) A notice under subclause (2) shall set out the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and shall give the reasons for the decision.”.
47	Clause 66	(a) Omit from sub-clause (5) “The holder of a licence under section 8 of the Act”, substitute “The holder of a licence for the keeping of explosives in or on any premises or a licence under section 19 of the Act, in respect of any premises, for the manufacture of explosives otherwise than for immediate use”. (b) Insert in paragraph (5) (a) “the Chief Inspector or” after “marked by”. (c) Insert in paragraph (5) (b) “the Chief Inspector or” after “produce it to”.
48	Clause 67	Omit sub-clause (6), substitute— “(6) The holder of a licence under section 10 of the Act in

SCHEDULE—continued

Item No.	Provision modified	Modification
		respect of a vehicle or vessel—
		(a) shall not commence to use or to cause to be used a book in pursuance of subclause (1) (a) unless it has been identified and marked by the Chief Inspector or the member of the police force in charge of the police station nearest to the place of residence or business of the holder of the licence; and
		(b) when the use of the book is terminated shall produce it to the Chief Inspector or the member of the police force in charge of that police station for notation thereon of the date on which use of the book was terminated.
		“(7) The holder of a licence under section 10 of the Act in respect of a vehicle or vessel who in accordance with this clause makes or causes to be made any record in a book shall—
		(a) retain in or on that vehicle or vessel for a period of at least 3 years after the making of the record the book in which the record was made; and
		(b) whenever required to do so within that period of 3 years, by a member of the police force of or above the rank of sergeant, produce the book to that member and allow him to inspect, examine and take copies of or extracts from it.”.
49	Clause 68	(a) After sub-clause (4), insert— “(4A) The holder of a licence under section 17 or 21 of the Act— (a) shall not commence to use or to cause to be used a book in pursuance of subclause (1) unless it has been identified and marked by the Chief Inspector or the member of the police force in charge of the police station which is nearest to the place of residence or business of the holder of the licence; and (b) when the use of the book is terminated shall produce it to the Chief Inspector or the member of the police force in charge of that police station for notation thereon of the date on which use of the book was terminated.”.
		(b) Omit from paragraph (6) (a) “12 months”, substitute “3 years”.
		(c) Omit from paragraph (6) (b) “12 months”, substitute “3 years”.
50	Clause 70	(a) At the end of paragraph (1) (c), add “or”. (b) Omit from paragraph (1) (d) “or”.

SCHEDULE—continued

Item No.	Provision modified	Modification
		(c) Omit paragraph (1) (e).
51	Clause 95	After the definition of “receptacle” in sub-clause (1), insert— “ ‘shopgoods fireworks’ does not include amorces, confetti bombs, model rocket propellant devices, snaps for bon-bon crackers, sparklers and streamer cones.”.
52	Clause 95A	(a) Omit from paragraph (1) (b) “proclaimed as a public holiday as”. (b) At the end of the clause, add— “(4) In this clause, ‘shopgoods fireworks’ does not include amorces, confetti bombs, model rocket propellant devices, snaps for bon-bon crackers, sparklers and streamer cones.”.
53	Clause 109A	Omit sub-clause (1), substitute— “(1) In this clause and clause 109B— ‘depot’ means the place referred to in a licence issued under section 8 or 19 of the Act in respect of shopgoods fireworks; ‘shopgoods fireworks’ does not include amorces, confetti bombs, model rocket propellant devices, snaps for bon-bon crackers, sparklers and streamer cones.”.
54	Clause 113	Omit from paragraph (1) (a) “Chief Inspector of Boilers” (wherever occurring), substitute “Chief Inspector of Machinery appointed under the <i>Machinery Ordinance 1949</i> ”.
55	Clause 124	Omit from paragraph (5) (a) “Chief Inspector of Boilers”, substitute “Chief Inspector of Machinery appointed under the <i>Machinery Ordinance 1949</i> ”.
56	Clause 125	Omit sub-paragraph (2) (b) (ii), substitute— “(ii) being a building or structure in or on licenced premises, is equipped with a sprinkler system that conforms to this Regulation,”.
57	Clause 126	Omit from sub-clause (1) “Chief Inspector of Boilers”, substitute “Chief Inspector of Machinery appointed under the <i>Machinery Ordinance 1949</i> ”.
58	Clause 132	Omit from paragraph (b) “of a city or town”.
59	Clause 134	(a) Omit from sub-clause (5) “Board of Fire Commissioners or other community fire-fighting service”, substitute “Australian Capital Territory Fire Brigade”.

SCHEDULE—continued

Item No.	Provision modified	Modification
		(b) Omit from sub-clause (15) “tested, and passed, by an inspector, for compliance with this Regulation”, substitute “approved by the Chief Inspector”.
60	Clause 173	(a) Omit from paragraph (2) (b) “State”, substitute “Territory”. (b) Omit sub-clause (2A).
61	Clause 177	Omit.
62	Clause 192	(a) Omit from paragraph (a) “a city”, substitute “the city”. (b) Omit from paragraph (g) “an Act”, substitute “a law of the Commonwealth”. (c) Omit from paragraph (h) “an inspector”, substitute “the Chief Inspector”.
63	Clause 207	Omit from sub-clause (6) “,tramway vehicle or an aircraft”, substitute “or a tramway vehicle”.
64	Clause 211	Omit from sub-clause (3) “an inspector”, substitute “the Chief Inspector”.
65	Clause 217	Omit from paragraph (3) (c) “an Act”, substitute “a law of the Commonwealth”.
66	Clause 224	Omit from paragraph (b) “to section 5.1.5 of the specification DG 2001-1978, entitled ‘Code for Uninsulated Road Tank Vehicles for Liquefied Gases’ issued by the Department of Industrial Relations, approved by the Minister and published in Gazette No. 41 of the 14 th April 1978,”.
67	Clause 228	Omit from sub-clause (4) “Chief Inspector of Boilers”, substitute “Chief Inspector of Machinery appointed under the <i>Machinery Ordinance 1949</i> ”.
68	Clause 238	Omit from paragraph (a) “Chief Inspector of Factories, Shops and Industries”, substitute “Chief Inspector of Machinery, appointed under the <i>Machinery Ordinance 1949</i> ”.
69	Clause 239	Omit from paragraph (2) (b) “State”, substitute “Territory”.
70	Clause 247	Omit “any Act”, substitute “a law of the Commonwealth”.
71	Clause 248	(a) Omit from paragraph (1) (b) “State”, substitute “Territory”. (b) Omit from paragraph (2) (c) “State”, substitute “Territory”.
72	Clause 253	(a) Omit from sub-clause (4) “approved by the Minister and published in Gazette”, substitute “published in the <i>Government Gazette</i> of New South Wales”.

SCHEDULE—continued

Item No.	Provision modified	Modification
		(b) Omit from paragraph (4) (b) “State”, substitute “Territory”.
73	Clause 274	Omit.
74	Clause 275	Omit.
75	Clause 276	Omit “or 274”.
76	Clause 283	Omit “issued in 1973 by the Department of Mines, as approved by the Minister and published in Gazette”, substitute “published in the <i>Government Gazette</i> of New South Wales”.
77	Clause 284A	Omit
78	Clause 290	Omit from sub-clause (2) “a city”, substitute “the city”.
79	Clause 292	Omit sub-clause (1), substitute— <ul style="list-style-type: none"> (1) For the purposes of this clause, a person shall be deemed to be engaged in the business of hairdressing if he is engaged in— <ul style="list-style-type: none"> (a) the arranging, dressing, curling, waving, cleansing, cutting, trimming, shaving, singeing, bleaching, tinting, colouring or otherwise treating the hair or beard of any person, whether by hand or by means of any mechanical or electrical apparatus or appliance; (b) the massaging, cleansing or stimulating of the scalp, face or neck of any person, whether with the use of cosmetic, antiseptic, or similar preparations, or of tonics, lotions or creams, or otherwise; or (c) the carrying out of any beauty treatment in or on the premises of any person engaged in the business of hairdressing.”.
80	Clauses 295 to 372 (inclusive)	Omit.
81	Clause 373	Omit, substitute— <ul style="list-style-type: none"> “373. (1) Where the Chief Inspector makes a decision— <ul style="list-style-type: none"> (a) refusing to permit the use of premises or of a vehicle or vessel or refusing to permit the reconstruction of any building, structure or installation or of any vehicle or vessel under clause 21; (b) refusing to give an approval under paragraph 39 (3) (d) or 248 (1) (e) or under subclause 225 (3), 235 (2), 235 (4) or 294 (3), or giving such an approval subject to conditions;

SCHEDULE—continued

Item No.	Provision modified	Modification
		<p>(c) rescinding or varying an approval referred to in paragraph (b);</p> <p>(d) making a requirement under subclause 235 (5);</p> <p>(e) refusing to issue an authority under subclause 46 (3);</p> <p>(f) refusing to issue a shotfirer's permit under clause 52, or issuing such a permit subject to conditions;</p> <p>(g) refusing to issue a collector's permit under clause 53, or issuing such a permit subject to conditions; or</p> <p>(h) refusing to issue a public display fireworks permit under clause 54, or issuing such a permit subject to conditions,</p> <p>or the Chief Inspector or a member of the police force makes a decision refusing to issue a permit under Division 4 of Part IV of this Regulation, or issuing such a permit subject to conditions, the Chief Inspector or the member, as the case may be, shall cause a notice in writing to be given to the person whose interests are adversely affected by the decision setting out the decision, the findings on material questions of fact, referring to the evidence or other material on which those findings were based, and giving the reasons for the decision.</p> <p>“(2) A notice referred to in subclause (1), subclause 29 (3) or clause 65 shall include a statement to the effect that, subject to the <i>Administrative Appeals Tribunal Act 1975</i>, a person whose interests are adversely affected by the decision to which the notice relates is entitled to apply to the Administrative Appeals Tribunal for a review of the decision.</p> <p>“(3) The validity of a decision to which this clause refers or a decision under subclause 29 (3) or clause 65 shall not be taken to be affected by a failure to include in a notice for the purpose of subclause (1) or a notice under subclause 29 (3) or clause 65, as the case may be, a statement in accordance with subclause (2).”.</p>
82	Clause 374	<p>Omit, substitute—</p> <p>“374. (1) Application may be made to the Administrative Appeals Tribunal for review of a decision of the Chief Inspector—</p> <p>(a) refusing to permit the use of premises or of a vehicle or vessel or refusing to permit the reconstruction of any building, structure or installation or of any vehicle or vessel under clause 21;</p>

SCHEDULE—continued

Item No.	Provision modified	Modification
		<p>(b) refusing to give an approval under paragraph 39 (3) (d) or 248 (1) (e) or under subclause 225 (3), 235 (2), 235 (4) or 294 (3), or giving such an approval subject to conditions;</p> <p>(c) rescinding or varying an approval referred to in paragraph (b);</p> <p>(d) making a requirement under subclause 235 (5);</p> <p>(e) refusing to issue an authority under subclause 46 (3);</p> <p>(f) refusing to issue a shotfirer's permit under clause 52, or issuing such a permit subject to conditions;</p> <p>(g) refusing to issue a collector's permit under clause 53, or issuing such a permit subject to conditions;</p> <p>(h) refusing to issue a public display fireworks permit under clause 54, or issuing such a permit subject to conditions;</p> <p>(i) refusing to issue a permit under Division 4 of Part IV of this Regulation, or issuing such a permit subject to conditions; or</p> <p>(j) cancelling a permit issued under Division 4 of Part IV of this Regulation.</p> <p>“(2) Application may be made to the Administrative Appeals Tribunal for review of a decision of a member of the police force—</p> <p>(a) refusing to issue a permit under Division 4 of Part IV of this Regulation, or issuing such a permit subject to conditions; or</p> <p>(b) cancelling a permit issued under Division 4 of Part IV of this Regulation.”.</p>
83	Clause 376	Omit, substitute— “376. For the purposes of section 40 (2) (a) of the Act, the Chief Inspector is a prescribed officer.”.
84	Schedule 2	Omit.
85	Schedule 5	Omit.
86	Schedule 6	Omit.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 16 February 1984.