



## AUSTRALIAN CAPITAL TERRITORY

### DANGEROUS GOODS ACT 1984

### DANGEROUS GOODS REGULATION (AMENDMENT)

### SUBORDINATE LAW NO. 20 OF 1999

### EXPLANATORY STATEMENT

The *Dangerous Goods Act 1984* (the Act) relates to explosives and other dangerous goods. Section 13(2) of the Act allows the Executive to repeal or amend any of the provisions of the regulations in their application in the Territory.

The *Dangerous Goods Regulation 1978 (NSW)* in their application in the Territory are amended to incorporate the amendments to the regulations under the *ACT Occupational Health and Safety Act 1989*.

The amended *Regulations under the Occupational Health and Safety Act* now regulate the use of explosives by employees or persons at a workplace. The amendments to the *Dangerous Goods Regulations 1978(NSW)* in their application in the Territory facilitate the operation of the amended *Regulations under the Occupational Health and Safety*

The amendments in the schedule are consequential as a result of the repeal of Division 4 Part IV of the *Dangerous Goods Regulations 1978(NSW)*.

The amended *Regulations under the Occupational Health and Safety Act* now regulate the issuance of permits for the use of explosives at a workplace. It will not be necessary for the Police to issue permits for the purchase, possession, conveyance or use of explosives in the future.

The amendments to the *Regulations under the Occupational Health and Safety Act* will ensure that all approvals for the use of explosives can be obtained from the Registrar of Occupational Health and Safety.

1. The amended regulations will commence on the day they are notified in the Gazette.
2. Notifies that the amendments are set out in the schedule.

The schedule notifies the consequential amendments required for the *Dangerous Goods Act 1984* as a result of the amendments to the *Regulations under the Occupational Health and Safety Act*.

Clause 5 is repealed as a later amendment repeals Division 4 Part IV referred to in Clause 5.

Subclauses 43(5)(6) are amended to remove the reference to subclause (7) which is repealed.

Subclause 43(7) is repealed as it refers to a section of the *Scaffolding and Lifts Act 1912-1948* in its application in the Territory which is repealed.

Subclause 52(2) is amended to remove a reference to a Division and Part of the regulations that is repealed and to include a reference to a subclause of the *Regulations under the Occupational Health and Safety Act*.

Subclause 53(2) is amended to remove a reference to a Division and Part of the regulations that is repealed and to include a reference to a subclause of the *Regulations under the Occupational Health and Safety Act*.

Paragraph 56(2)(c) is deleted as a later amendment repeals the Division and Part referred to in the subclause.

Subclauses 56(4)(5) are repealed as they refer to a Division 4 Part IV of the regulations which is repealed by a later amendment. They are replaced by a new subclause which details what evidence of an authority to receive explosives is.

Division 4 of Part IV which allowed for the issuance by members of the police force permits to purchase, possess, convey and use explosives is repealed in its entirety.

Paragraph 93(2)(a) is amended to remove a reference to Division 4 of Part IV which is repealed.

Subparagraph 93(2)(e)(ii) is amended to remove a reference to Division 4 of Part IV which is repealed.

Clause 373 is deleted and the provisions are incorporated in to the amended subclause 374(2).

Paragraph 374(1)(i) and (j) are deleted as they refer to Division 4 of Part IV which is repealed.

Subclause 374(2) is deleted and replaced by a new subclause which references the requirements for an application to appeal a decision of the Chief Inspector.

The determination of the amendment to the regulations is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.