

2005

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

DANGEROUS SUBSTANCES (EXPLOSIVES) AMENDMENT REGULATION 2005 (No 1)

SL2005-28

EXPLANATORY STATEMENT

**Circulated by authority of the
Minister for Industrial Relations
Ms Katy Gallagher MLA**

DANGEROUS SUBSTANCES (EXPLOSIVES) AMENDMENT REGULATION 2005 (No 1)

Outline

The *Dangerous Substances Act 2004* (the Act) regulates the import, manufacture, transport, storage, handling, sale and use of dangerous substances in the ACT. This statutory framework is designed to minimise the risk these materials can pose to the health and safety of people working with these substances, the general community and the environment.

The Dangerous Substances (Explosives) Regulation 2004 (the Explosives Regulation) made under the Act establishes a regulatory framework of explosives-related licensing. Licences are required to manufacture, import, transport (drivers and vehicles), store (persons who store and storage facilities), supply, and use (shotfirers and fireworks display operators) explosives. In addition, permits are required to use blasting explosives or fireworks with the exception of “general use” and “consumer” fireworks.

The *Dangerous Substances Act 2004* and the Explosives Regulation commenced on 5 April 2004. Under the Explosives Regulation, a licence is required to store explosives unless the storage falls within an exempt storage category listed in table 124 of section 124. Some of the exemptions listed in table 124 are subject to conditions. An example is the storage of airbag inflators, which is exempt if the airbag inflators are incorporated into completed vehicle components. Other exemption conditions include storage of certain explosives for emergency use and storage for personal use.

General use fireworks (including prescribed sparklers, caps and party poppers) are exempt from the import and supply licensing provisions in the Explosives Regulation. It was also intended that general use fireworks (excluding sparklers), and sparklers (up to a maximum quantity of 10 kg), be exempt from storage licensing requirements due to the very low risk associated with these types of fireworks. As such, general use fireworks and sparklers were included in table 124 as exempt storage explosives. The condition—storage for personal use—has been incorrectly applied, however, to general use fireworks and sparklers. The amendments in this Regulation correct that mistake.

Notes on Clauses

Clause 1 – Name of regulation – states that the title of this Regulation is the Dangerous Substances (Explosives) Amendment Regulation 2005 (No 1).

Clause 2 – Commencement – provides that this Regulation commences on the day after the Act is notified on the Legislation Register.

Clause 3 – Legislation amended – states that the provisions of the Dangerous Substances (Explosives) Amendment Regulation 2005 (No 1) amend the Dangerous Substances (Explosives) Regulation 2004.

Clause 4 – Table 124, items 11 and 12, column 3 – omits the “personal use” condition for a storage licence exemption so that supermarkets and other retail stores can stock sparklers (up to a maximum quantity of 10 kg) and other general use fireworks without being required to hold explosives storage licences.

Clause 5 – Section 161, note – adds the words “if any” to the note under section 161 so that the first paragraph now reads “**Exempt storage** is storage of explosives mentioned in table 124 in quantities no greater than those mentioned in the table, subject to conditions (if any) mentioned in the table (see reg 124).” The inclusion of “if any” recognises that not all categories of exempt storage are subject to conditions.