



AUSTRALIAN CAPITAL TERRITORY

DANGEROUS GOODS ACT 1984

DANGEROUS GOODS REGULATION (AMENDMENT)

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.

In 1998, the ACT Government conducted a review into the use, sale and availability of fireworks in the ACT. Following consideration of the review, the Government decided to introduce a new regulatory regime for the use, sale and availability of fireworks.

The regulations are amended as follows:

1. The amended regulations will commence on 15 June 1999.
2. The regulations apply in the Territory under the provisions of the *Dangerous Goods Act 1975 (New South Wales)* and *Dangerous Goods Act 1984*.
3. Amends the interpretation of the regulations to include the definition of a 'purchaser's permit' for the purposes of purchasing shopgoods fireworks.
4. Inserts the following requirements to regulations as clause 9B, which specify that:
 - shopgoods fireworks will only be available for sale for the 14 day period ending at the end of the Queen's Birthday public holiday;
 - these requirements apply to licences for the sale, keeping, import and manufacture of shopgoods fireworks; and
 - a licensee for the sale, keeping, import and manufacture of shopgoods fireworks will satisfy the testing requirements for shopgoods fireworks under clause 65L (explained at 9 below).
5. Amends clause 36 of the regulations which previous exempted shopgoods fireworks from the provisions of Divisions 2 (Import), 4 (Sale, supply and receipt) and 5 (Possession) of Part IV of the Act.

6. Amends clause 41 of the regulations to include a definition of a 'model rocket propellant device' for the purposes of defining 'Prohibited explosives (fireworks)'.
7. Removes clause 46 of the regulations which previously set out the conditions for the use, sale and availability of shopgoods fireworks in the Territory. Clauses 65A to 65K (explained in 9 below) of the amended regulations sets out the new requirements for the use, sale and availability of shopgoods fireworks.
8. Removes clause 46A of the regulations which previously prevented the use, sale and availability of shopgoods fireworks to persons under the age of 18 years in the Territory. Clause 65D (explained in 9 below) of the amended regulations sets out the new requirements for the sale, use and availability of shopgoods fireworks.
9. Inserts 'Division 4A', clauses 65A to 65L into the regulations as applied to fireworks. The clauses inserted relate to the following:
 - 65A Defines the type of shopgoods fireworks considered for the purpose of this Division;
 - 65B Restricts the use of shopgoods firework, other than the 14 day period ending at the end of the Queens Birthday public holiday, to people with public display fireworks permits;
 - 65C Prevents any person from knowingly using fireworks in a manner that is dangerous to people, animals or property;
 - 65D Restricts the use of shopgoods fireworks, by members of the general public, to the 14 day period ending at the end of the Queens Birthday public holiday in a year. This clause allows people under the age of 18 to use shopgoods fireworks under the immediate supervision of a person over the age of 18 years;
 - 65E Requires the retail purchase of shopgoods fireworks to be made in accordance with the conditions placed on a 'purchaser's permit';
 - 65F Restricts the use of marine distress fireworks to emergency situations;
 - 65G Defines the format of an application for a purchaser's permit, the information which may be required by the Chief Inspector of Dangerous Goods to accompany the application and the fee applicable for a purchaser's permit;
 - 65H Permits the Chief Inspector of Dangerous Goods to seek additional information from an applicant for a purchaser's permit;
 - 65J Determines the decision making powers that the Chief Inspector of Dangerous Goods can use when an application for a purchaser's permit has been received;
 - 65K Requires that a purchaser's permit include information about the person who can purchase shopgoods fireworks, the period that the permit is valid for, the person who can use shopgoods fireworks and the place or places that the shopgoods fireworks can be used; and,
 - 65L Determines the appropriate sampling and testing standards and who is authorised to complete the required tests when classifying whether or not fireworks are appropriate for retail sale as shopgoods fireworks.
10. Amends clause 66 of the regulations for the purpose of removing the requirement that a licensee manufacturing explosives specifically keep their records in a bound book, signed by the Chief Inspector of Dangerous Goods. This amendment allows a licence holder the flexibility to keep and maintain records in electronic form.
11. Amends clause 67 of the regulations for the purpose of removing the requirement that a licensee transporting explosives via vehicle or vessel specifically keep their records in a

bound book, signed by the Chief Inspector of Dangerous Goods. This amendment allows a licence holder the flexibility to keep and maintain records in electronic form.

12. Amends clause 68 of the regulations for the purpose of removing the requirement that a licensee importing explosives specifically keep their records in a bound book, signed by the Chief Inspector of Dangerous Goods. This amendment allows a licence holder the flexibility to keep and maintain records in electronic form.
13. Inserts clause 68A into the regulations for the purpose of allowing the Chief Inspector of Dangerous Goods to approve the format in which records for explosives are kept, whether in written or electronic form.
14. Amends clause 95A of the regulations for the purpose of removing references to the previous regulatory framework under clause 46 which is repealed.
15. Amends clause 373 of the regulations for the purpose of removing references to the previous regulatory framework under clause 46 which is repealed, and inserts decisions under the new regulatory regime which are appealable to the Administrative Appeals Tribunal.
16. Amends clause 374 of the regulations for the purpose of removing references to the previous regulatory framework under clause 46 which is repealed, and inserts decisions under the new regulatory regime which are appealable to the Administrative Appeals Tribunal.

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