

AUSTRALIAN CAPITAL TERRITORY
DANGEROUS GOODS ORDINANCE 1984
ORDINANCE NO. 4 OF 1984

EXPLANATORY STATEMENT

The Dangerous Goods Ordinance 1984 applies as laws of the Territory the New South Wales Dangerous Goods Act 1975 (the Act) and the Dangerous Goods Regulation 1978 (the Regulation) made under that Act but with scheduled amendments. The Ordinance provides for the regulation of the storage and conveyance of a wide variety of hazardous chemicals in the ACT. Premises will be licensed for the storage of particular dangerous goods above certain quantities and the Ordinance adopts the Australian Transport Advisory Council's Code for the Transport of Dangerous Goods by Road and Rail. Special restrictions will apply to the manufacture, importation, supply and receipt of explosives. Details of the Ordinance are set out below:

Sections 1, 2 and 3 are interpretation provisions.

Section 4 provides that the Ordinance is not to affect the operation of the Scaffolding and Lifts Act 1912 (NSW), and the regulations made under that Act, in their application in the ACT and that the Ordinance is not to apply to members of the Defence Force acting in the course of their duties.

Section 5 provides that the Ordinance binds the Crown.

Section 6 empowers the Minister to appoint a Chief Inspector, inspectors and analysts for the purposes of the Ordinance.

Section 7 empowers the Minister to appoint a person to act as Chief Inspector during a vacancy or during the Chief Inspector's absence.

Section 8 enables the Chief Inspector to delegate any of his powers, other than the power of delegation, to an inspector.

Section 9 requires the Chief Inspector to furnish to the Minister an annual report.

Section 10 applies the New South Wales Dangerous Goods Act 1975 and the Dangerous Goods Regulation 1978 as laws of the Territory but subject to the modifications prescribed in Parts 1 and 2 of the Schedule to the Ordinance respectively.

Section 11 provides for the interpretation of the terms "Minister", "regulations" and "Gazette" appearing in the Act.

Section 12 repeals the Explosives Act 1905 (NSW) in its application to the Territory, the Fireworks Ordinance 1972 and the Flammable Liquids Ordinance 1976 and provides for the continuance in force of licences and registrations granted under the Flammable Liquids Ordinance 1976.

Section 13 empowers the Minister to make regulations under the Ordinance, including regulations repealing or amending the NSW Dangerous Goods Regulation in its application in the Territory.

The Schedule sets out modifications to the Act and Regulation in their application in the Territory. The modifications are, in the main, those necessary to bring the legislation into line with Commonwealth legal policy. In particular, criteria have been provided for the exercise of discretions by the Chief Inspector, the Administrative Appeals Tribunal has been given a right of review with respect to decisions of the Chief Inspector, and penalties have been increased in line with comparable penalties in Commonwealth legislation.

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