

Dangerous Substances (Fees) Determination 2004 (No 1)

Disallowable Instrument DI 2004 — 45

made under the

Dangerous Substances Act 2004, Section 221 – Determination of fees

Explanatory Statement

The *Dangerous Substances Act 2004* (the Act) establishes a modern duty-based framework for the regulation of dangerous goods and hazardous substances in the ACT. The objective of the Act is to protect the health and safety of people and to protect property and the environment from damage from the hazards associated with dangerous substances.

Section 221 of the Act provides the Minister for Industrial Relations with the power to determine fees for the purposes of the Act.

Section 58(1) of the *Legislation Act 2001* provides that where an Act authorises fees to be determined for the Act and the Act authorises the making of regulations by the Executive, then the Minister for Industrial Relations also has the power to determine fees for the purposes of the Regulations. Section 223 of the Act provides that the Executive may make regulations for the Act.

This instrument is the first determination of fees under the Act and the *Dangerous Substances (Explosives) Regulations 2004* (the Regulations).

Part 4.2 of the Act deals with the issue amendment, replacement and surrender of licences. Section 54(1) of the Act provides that a licence is issued for the period stated in the licence. Section 54(2) of the Act provides that a licence may not be issued for longer than 3 years. All licence fees set in the Instrument constitute an administration fee payable for a licence that is valid for a maximum term of one year. Licence fees have been calculated on a cost recovery basis, include GST and have been rounded to full dollar figures.

Permit fees are per instance of issue, which will normally be single use or as specified in the permit. For example, a blasting permit may be issued for 20 shots in a specified time frame, according to the blast plan, or for a single shot. Permit fees have also been calculated on a cost recovery basis, include GST and have been rounded to full dollar figures.

The determination under section 221 is a disallowable instrument.