

2004

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

DANGEROUS SUBSTANCES (GENERAL) AMENDMENT REGULATIONS 2004 (No 1)

EXPLANATORY STATEMENT

SL2004-39

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

DANGEROUS SUBSTANCES (GENERAL) AMENDMENT REGULATIONS 2004 (No 1)

The *Dangerous Substances Act 2004* (the Dangerous Substances 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. The regulatory framework established by the Dangerous Substances Act is supported by detailed regulations that can be updated regularly and modified to reflect industry best practice and technological advances.

Part 5 of the Dangerous Goods (General) Regulations 2004 (*the General Regulations*) provided for the modification of the Act to preserve any licence under the former *Dangerous Goods Act 1975* until 31 August, or the end of the term of the licence, whichever is later. This modification was made to allow time for regulations to be prepared governing the handling of non-explosive dangerous substances. These amendments to the General Regulations will further extend the stated date until 24 December 2004 and make some other minor, non-substantive changes to part 5.

Clause 1 Name of regulations

Clause 1 establishes that these regulations are named the Dangerous Substances (General) Amendment Regulations 2004 (No 1).

Clause 2 Commencement

Clause 2 states that the Dangerous Substances (General) Amendment Regulations 2004 (No 1) will commence on the day after the regulations are notified.

Clause 3 Legislation amended

The legislation to be amended is the Dangerous Substances (General) Regulations 2004.

Clause 4 Regulation 250

This clause alters regulation 250 so that the provision now begins with 'This part (other than regulation 254 (Expiry))'. This amendment is necessary as clause 6 inserts a new regulation 254 into the General Regulations, which does not modify the Dangerous Substances Act (unlike the rest of Part 5 of the General Regulations).

Clause 5 Regulations 251 and 252

Clause 5 removes existing regulations 251 and 252, and substitutes a new regulation 251 in their place.

New regulation 251 modifies section 226(3) of the Dangerous Substances Act, substituting a provision that preserves a prescribed former licence, if it has not ended, until the later of 24 December 2004 or the end of the term of the licence. Prescribed former licenses were to expire on the later of 31 August or the end of the term of the licence. This amendment extends the earliest expiration date until 24 December 2004. **Prescribed former licence** is defined in the Act as a licence under the *Dangerous Goods Act 1975* (other than an explosives licence) in force when that Act was repealed.

Old regulation 252, which is removed by clause 5, provided for a modification of section 226 of the Act in relation to former explosives licences. The modification is no longer needed because transitional provisions preserving the effect of these licences expired on 15 May 2004.

Clause 6 New regulation 254

This clause inserts into the General Regulations a new regulation 254 titled 'Expiry – pt 5'. Regulation 254 provides that Part 5 of the General Regulations expires on 5 April 2006, two years after the General Regulations first commenced.