

Dangerous Substances (Fees) Determination 2005 (No 1)

Disallowable Instrument DI2005—5

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 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 Dangerous Substances (General) Regulation 2004 (the Regulation). Fees under the Act and the Dangerous Substances (Explosives) Regulation 2004 had been separately determined in DI 2004—141.

Part 2.6 of the Dangerous Substances (General) Regulation 2004 establishes a requirement to give the chief executive a “placard quantity notice” in relation to premises where there is, or is likely to be, a dangerous substance or substances in at least the placard quantity. Placard quantities are prescribed in schedule 1 of the Regulation. After receiving the placard quantity notice and any other information requested by the chief executive, the premises are registered and assigned a unique registration number. Registration is for a period of two years starting on the day of registration. This instrument determines a registration fee of \$100 (not including GST).

Part 2.6 commences on 31 March 2005. Section 81 of the *Legislation Act 2001* (ACT) provides for the exercise of powers (e.g. the making of a statutory instrument) between the notification of an authorising law and its commencement even though the law is in not in force at the time, to enable the law to be brought into operation. In this case, the determination of the fee prior to commencement of the Part 2.6, will enable affected premises to be registered on that date. From 31 March 2005, it will be an offence if registrable premises are not registered.

The determination under section 221 is a disallowable instrument.