

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
DANGEROUS GOODS (EXEMPTION) REGULATIONS
1989 NO. 2

The Dangerous Goods Ordinance 1984 (the Ordinance) relates to explosives and other dangerous goods. Subsection 10(2) of the Ordinance applies the provisions, as modified by the Schedule to the Ordinance, of the Dangerous Goods Act 1975 (the Act) and the Dangerous Goods Regulation (the Regulation) of New South Wales in their application to the Territory.

Clause 71 of the Regulation places a duty on the occupier of premises on which dangerous goods are kept to observe the requirements prescribed by the Regulation for the keeping of dangerous goods.

Subclause 98(9) of the Regulation requires that a magazine containing more than 1000 kilograms of blasting explosives shall be surrounded by an earth or other approved mound. Paragraph 41(3)(f) of the Act provides that the Minister may make regulations to exempt a person or persons from a provision of the regulations.

ICI Australia Operations Proprietary Limited (ICI) operates a magazine in the Territory which is subject to, but which does not comply with, subclause 98(9) of the Regulations.

The Dangerous Goods (Exemption) Regulations exempt ICI from the requirement of subclause 98(9) of the Regulation in respect of the site on which its magazine is situated. The magazine was constructed prior to the introduction of the Ordinance and complies with all other safety requirements. The construction of a mound would obscure the magazine from view and could therefore present a threat to its security.

Details of the Regulations are set out in the Attachment.



**ISSUED BY THE AUTHORITY OF
THE MINISTER OF STATE FOR
THE ARTS AND TERRITORIES**

ATTACHMENT

Dangerous Goods (Exemption) Regulations

Section 1 cites the Regulations as the Dangerous Goods (Exemption) Regulations.

Section 2 provides that while the person specified in Schedule 1 is licensee of the premises specified in Schedule 2, being a person subject to clause 71 in respect of the premises, the person shall be exempt from the requirement of subclause 98(9) in respect of the specified premises.

Schedule 1 of the Regulations cites ICI Australia Operations Proprietary Limited as the exempt person.

Schedule 2 of the Regulations cites the premises described as Block 274, District of Majura in the City Area of the Australian Capital Territory to be the premises to which the exemption applies.