

Australian Capital Territory

Dangerous Substances (Fees) Determination 2005 (No 2)

Disallowable Instrument DI 2005-142

made under the

Dangerous Substances Act 2004, Section 221 – Determination of fees

Explanatory Statement

The *Dangerous Substances Act 2004* (the Act) regulates dangerous goods and hazardous substances in the ACT.

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 revokes the previous determination of fees instruments DI2004-141 and DI2005-5 that set fees for the 2004-05 financial year and determines the new fees for the 2005-06 financial year. All fees, apart from that relating to the two-year registration fee for registrable premises, have been adjusted based on the Consumer Price Index (CPI) of 2.25%. The CPI was derived by the Department of Treasury in its Economic conditions forecasts (see page 61 of 2005-2006 Budget Paper 3). The two-year registration fee for registrable premises, which commenced on 19 January 2005, will not be adjusted in line with the CPI until 1 July 2006. GST has also been removed following listing under division 81 of the *A New Tax System (Goods and Services Tax) Act 1999* as a GST exempt fee.

The instrument also includes new fees for security sensitive ammonium nitrate licences. Licences for security sensitive material are created by changes to the *Dangerous Substances (General Regulation) 2004*, which come into effect on 30 June 2005.

The fees take effect on 1 July 2005.

The determination under section 221 is a disallowable instrument.