

AUSTRALIAN CAPITAL TERRITORY

DANGEROUS GOODS (AMENDMENT) ORDINANCE (NO.2) 1984

EXPLANATORY STATEMENT

ORDINANCE NO. 75

Section 12(1) of the Seat of Government (Administration) Act 1910 ("the Act") provides that the Governor-General may make Ordinances for the peace order and good government of the Territory.

Section 12(10) of the Act defines "determination" to mean a determination made by a Minister pursuant to a provision of an Ordinance empowering him to determine, by notice in writing published in the Gazette, fees or charges for the purposes of the Ordinance.

Section 12(9A) of the Act provides that every determination shall be laid before each House of Parliament within fifteen sitting days of that House after the day on which the determination is made and if not so laid before each House of the Parliament, shall be void and of no effect.

Section 12(9B) of the Act provides that sections 12(4) to 12(7) inclusive of the Act, which deal with the disallowance of Ordinances, shall apply to a determination laid before a House of the Parliament as if the references in these sub-sections to an Ordinance were references to a determination.

The Dangerous Goods (Amendment) Ordinance (No.2) 1984 ("the amending Ordinance") amends the Dangerous Goods Ordinance 1984 ("the principal Ordinance") to empower the Minister to determine fees and charges for the purposes of the principal Ordinance by notice in writing published in the Gazette. These changes have been implemented to further the administrative policy of providing the Minister with the power to determine fees and charges for the purposes of Australian Capital Territory Ordinances by notice in the Gazette.

Details of the amending Ordinance are as follows:

Sections 1 and 2 deal with interpretation

Section 3 inserted a new section 12A into the principal Ordinance empowering the Minister, by notice in writing published in the Gazette, to determine fees for the purposes of the principal Ordinance. Section 12A also provides that the application of the Dangerous Goods Act 1975 and the Dangerous Goods Regulations of the State of New South Wales in the Territory as laws of the Territory, and the purposes of that Act

and Regulation in that application shall be taken to be purposes of the principal Ordinance.

Section 4 amended the Schedule to the principal Ordinance ("the Schedule") which relates to modifications of the Dangerous Goods Act 1975 and the Dangerous Goods Regulations of the State of New South Wales in their application to the Territory as follows:

1. Sub-section 5(a) inserted the definition of "determined fee" into Part 1 of the Schedule which relates to the Dangerous Goods Act 1975. "Determined fee" means a fee determined under sub-section 12A(1) for the purposes of the provision in which the expression occurs.
2. Sub-section 5(b) amended item 38 in Part 1 of the Schedule which relates to the regulation making power pursuant to the Dangerous Goods Act by omitting the words "the fees payable therefor".
3. Sub-sections 5(c), (d) and (e) amended Part 2 of the Schedule which relates to the Dangerous Goods Regulations by replacing all references to the "annual fee prescribed" and substituting "determined fee" and by omitting those sub-clauses which prescribed fees. These fees are now to be determined by the Minister in pursuance of new section 12A(1).