

AUSTRALIAN CAPITAL TERRITORY

FLAMMABLE LIQUIDS (AMENDMENT) ORDINANCE 1976

EXPLANATORY MEMORANDUM

The proposed Flammable Liquids (Amendment) Ordinance 1976 will amend the Flammable Liquids Ordinance 1976 in consequence of the objection by the Senate Standing Committee on Regulations and Ordinances to the present form of paragraphs 10(1)(d) and 10(1)(e). Those paragraphs empower an inspector to destroy or render harmless a flammable liquid or dangerous goods where he considers it necessary in the public interest or in the case of imminent danger. The Senate Committee objected to the lack of a requirement that an inspector in exercising those powers may do so only where he has reasonable grounds for belief that the relevant facts exist.


Clause 5 of the proposed Ordinance will amend both paragraphs to provide that an inspector may only exercise those powers where he has reasonable grounds for believing that it is necessary in the public interest or that a case of imminent danger exists.

Clause 2 will amend section 4 of the Principal Ordinance which makes applicable in the A.C.T. the regulations made under the Inflammable Liquid Act 1915, as amended, of N.S.W. A reference in those regulations to the Department of Labour and Industry will be read as a reference to the Department for the time being administering the Ordinance.

Clause 3 will amend section 5 to add a definition of 'Department' and alter the definition of 'Secretary' to avoid the necessity of amending the Ordinance as a result of any future changes in the Administrative Arrangements.

Finally, clause 4 repeals section 9 and provides for new sections 9 and 9A. The proposed section 9 is the present section 9 redrafted to accord with current drafting practice. Section 9A will give the Secretary a power of delegation similar to that possessed by the Minister.

The proposed Ordinance has been agreed to by the A.C.T. Legislative Assembly.


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Minister's Initials