

No. 33 of 1976

AN ORDINANCE

To amend the *Flammable Liquids Ordinance 1976*.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this third day of August, 1976.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

A. A. STALEY  
Minister of State for the Capital Territory.

FLAMMABLE LIQUIDS (AMENDMENT) ORDINANCE 1976

1. This Ordinance may be cited as the *Flammable Liquids (Amendment) Ordinance 1976*.<sup>\*</sup> Short title.

2. In this Ordinance, "Principal Ordinance" means the *Flammable Liquids Ordinance 1976*.<sup>†</sup> Principal Ordinance.

3. Section 4 of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-section:— Adoption of N.S.W. regulations.

"(3) In the application in the Territory of the regulations adopted by sub-section (1)—

- (a) a reference in those regulations to the Chief Inspector shall be read as a reference to the Secretary; and
- (b) a reference in those regulations to the Department of Labour and Industry shall be read as a reference to the Department."

4. Section 5 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1), after the definition of "dangerous goods", the following definition:— Interpretation.
  - "'Department' means the Department of State administered by the Minister of State for the time being administering this Ordinance;"; and

<sup>\*</sup> Notified in the *Australian Government Gazette* on 5 August 1976.  
<sup>†</sup> Ordinance No. 2, 1976.

- (b) by omitting from sub-section (1) the definition of "Secretary" and substituting the following definition:—  
 "Secretary" means the person who, for the time being, is, or is performing the duties of, the Permanent Head of the Department within the meaning of the *Public Service Act 1922*;"

5. Section 9 of the Principal Ordinance is repealed and the following sections substituted:—

Delegation  
by Minister.

"9. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an officer of the Department any of his powers under this Ordinance, other than this power of delegation.

"(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Minister.

"(3) A delegate of the Minister is, in the exercise of powers delegated under sub-section (1), subject to the directions of the Minister.

"(4) A delegation under this section does not prevent the exercise of a power by the Minister.

Delegation  
by Secretary.

"9A. (1) The Secretary may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an officer of the Department any of his powers under this Ordinance, other than this power of delegation.

"(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Secretary.

"(3) A delegate of the Secretary is, in the exercise of powers delegated under sub-section (1), subject to the directions of the Secretary.

"(4) A delegation under this section does not prevent the exercise of a power by the Secretary."

Powers of  
inspectors.

6. Section 10 of the Principal Ordinance is amended—

(a) by omitting from paragraph (1) (d) the words "where he considers it necessary in the public interest" and substituting the words "where he has reasonable grounds for believing that it is necessary in the public interest";  
and

(b) by omitting from paragraph (1) (e) the words "in the case of imminent danger" and substituting the words "where he has reasonable grounds for believing that a case of imminent danger exists".