

TASMANIA

---

**DANGEROUS GOODS AND SUBSTANCES  
(TRANSITIONAL AND CONSEQUENTIAL  
PROVISIONS) BILL 2005**

---

**CONTENTS**

**PART 1 – PRELIMINARY**

1. Short title
2. Commencement

**PART 2 – SAVINGS AND TRANSITIONAL**

3. Interpretation of Part
4. Savings and transitional regulations
5. Certain regulations under superseded Act continue as regulations under new Act
6. Continuation of other regulations
7. Preservation of relevant decisions, &c., of Competent Authorities
8. Extension of authorised officer appointments

**PART 3 – ADMINISTRATION AND CONSEQUENTIAL**

9. Administration of Act
10. Consequential Amendments
11. Consequential amendments of regulations do not prevent their subsequent amendment

**SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS**



**DANGEROUS GOODS AND SUBSTANCES  
(TRANSITIONAL AND CONSEQUENTIAL  
PROVISIONS) BILL 2005**

*(Brought in by the Minister for Infrastructure, Energy and  
Resources, the Honourable Bryan Alexander Green)*

**A BILL FOR**

**An Act to provide for savings and transitional matters and  
to amend certain legislation consequent on the enactment  
of the *Dangerous Substances (Safe Handling) Act 2005* and  
*Dangerous Goods Amendment Act 2005***

Be it enacted by His Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Dangerous Goods  
and Substances (Transitional and Consequential  
Provisions) Act 2005*.

**2. Commencement**

This Act commences on the day on which the  
*Dangerous Substances (Safe Handling) Act 2005*  
commences.

---

THIS BILL IS COGNATE WITH THE *DANGEROUS SUBSTANCES (SAFE HANDLING) BILL  
2005* AND THE *DANGEROUS GOODS AMENDMENT BILL 2005*

## PART 2 – SAVINGS AND TRANSITIONAL

### 3. Interpretation of Part

In this Part –

“**commencement day**” means the day on which the *Dangerous Substances (Safe Handling) Act 2005* commences;

“**new legislative scheme**” means the scheme relating to dangerous goods and dangerous substances under the *Dangerous Substances (Safe Handling) Act 2005* and *Dangerous Goods (Safe Transport) Act 1998*;

“**old legislative scheme**” means the legislative scheme relating to dangerous goods under the superseded Act;

“**relevant Act**” means –

- (a) this Act; or
- (b) the *Dangerous Substances (Safe Handling) Act 2005*; or
- (c) the *Dangerous Goods (Safe Transport) Act 1998*;

“**superseded Act**” means the *Dangerous Goods Act 1998* as in force immediately before the commencement day.

#### **4. Savings and transitional regulations**

- (1) The Governor may make regulations of a savings and transitional nature consequent on the enactment of the *Dangerous Substances (Safe Handling) Act 2005* and the *Dangerous Goods Amendment Act 2005* to effect, and facilitate, the transition from the old legislative scheme to the new legislative scheme.
- (2) Without limiting the generality of subsection (1), regulations made under that subsection may –
  - (a) be made so as to have effect in respect of either, or both, of the other relevant Acts; and
  - (b) provide for the preservation, continuation, variation or revocation of decisions or actions taken under the old legislative scheme; and
  - (c) provide for the preservation, continuation, variation or revocation of notices or other instruments given or issued under the old legislative scheme; and
  - (d) deal with any incidental or ancillary matters.
- (3) Regulations made under subsection (1) may –
  - (a) take effect on the commencement day or a later day as specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made; and

- (b) be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and
- (c) authorise any matter to be from time to time determined, applied or regulated by –
  - (i) the Secretary; or
  - (ii) an authorised officer for a relevant Act; and
- (d) if they so provide, prevail over an inconsistent provision of any regulations made under the superseded Act.

**5. Certain regulations under superseded Act continue as regulations under new Act**

- (1) The *Dangerous Goods (General) Regulations 1998* and *Dangerous Goods (Fees) Regulations 1998* in force under the superseded Act immediately before the commencement day are taken, on that day, to be valid regulations made and in force under the *Dangerous Substances (Safe Handling) Act 2005* and, consequently, may be amended or rescinded under that Act.
- (2) Nothing in subsection (1) is to be taken as restricting the operation of section 11 of the *Subordinate Legislation Act 1992* in respect of the regulations referred to in that subsection.

## **6. Continuation of other regulations**

- (1) For the avoidance of doubt, the *Dangerous Goods (Road and Rail Transport) Regulations 1998* in force under the superseded Act immediately before the commencement day continue as valid regulations under the *Dangerous Goods (Safe Transport) Act 1998* and, consequently, may be amended or rescinded under that Act.
- (2) Nothing in subsection (1) is to be taken as restricting the operation of section 11 of the *Subordinate Legislation Act 1992* in respect of the regulations referred to in that subsection.

## **7. Preservation of relevant decisions, &c., of Competent Authorities**

- (1) A decision, determination or delegation made by a Competent Authority under the superseded Act and having force and effect immediately before the commencement day continues in force and effect on and after that day, according to its terms, as a decision, determination or delegation of the Secretary under the *Dangerous Goods (Safe Transport) Act 1998*.
- (2) However, subsection (1) only applies if the decision, determination or delegation is relevant and translatable to the *Dangerous Goods (Safe Transport) Act 1998*.
- (3) For the purposes of subsection (2), a decision, determination or delegation is relevant and translatable to the *Dangerous Goods (Safe*

s. 8

No.

*Dangerous Goods and Substances  
(Transitional and Consequential  
Provisions)*

2005

*Transport) Act 1998* if a decision, determination or delegation in the same terms would be capable of being made, after commencement day, under that Act.

- (4) Nothing in this section is to be taken as restricting the operation of section 16 of the *Acts Interpretation Act 1931* in so far as that section is applicable to the transition from the old legislative scheme to the new legislative scheme.

**8. Extension of authorised officer appointments**

A person who held an appointment under section 10(1) of the superseded Act immediately before the commencement day is taken, on that day, to have been appointed by the Secretary as an authorised officer under section 55(1) of the *Dangerous Substances (Safe Handling) Act 2005*.



## **PART 3 – ADMINISTRATION AND CONSEQUENTIAL**

### **9. Administration of Act**

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Infrastructure, Energy and Resources; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.

### **10. Consequential Amendments**

The legislation specified in Schedule 1 is amended as specified in that Schedule.

### **11. Consequential amendments of regulations do not prevent their subsequent amendment**

The amendment by this Act of a provision of any regulations does not prevent that or any other provision of those regulations from being amended or rescinded by a subsequent regulation.



2005	<i>Dangerous Goods and Substances (Transitional and Consequential Provisions)</i>	No.	<b>sch. 1</b>
Licence to import or export dangerous goods	21 days from the day on which an application under regulation 14 of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.		
Licence to convey explosives	21 days from the day on which an application under regulation 29 of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.		
Licence in respect of depot for keeping dangerous goods	21 days from the day on which an application under regulation 38 of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.		
Licence to sell dangerous goods	21 days from the day on which an application under regulation 90 (3) of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.		

**sch. 1**                      No.                      *Dangerous Goods and Substances  
(Transitional and Consequential  
Provisions)*                      2005

Permit to import or export a shipment of explosives	21 days from the day on which an application under regulation 15 (1) of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.
Gas supplier's licence	21 days from the day on which an application under regulation 77 (1) of the <i>Dangerous Goods Regulations 1992</i> is received by the Chief Inspector of Explosives.

---

***Building Regulations 2004***

1. Regulation 4 is amended by omitting paragraph (k) and substituting the following paragraph:
  - (k) an explosives magazine, a tank containing dangerous substances or a gas installation if the use of that magazine, tank or installation is controlled under the *Dangerous Substances (Safe Handling) Act 2005*;

***Environmental Management and Pollution Control (Waste Management) Regulations 2000***

1. Regulation 4(5) is amended by omitting “*Dangerous Goods Act 1998* or any regulations made under that Act” and substituting “*Dangerous Substances (Safe Handling) Act 2005* or *Dangerous Goods (Safe Transport) Act 1998* or any regulations made under either of those Acts”.
2. Regulation 5 is amended by omitting paragraph (b) and substituting the following paragraphs:
  - (b) a dangerous good within the meaning of the *Dangerous Substances (Safe Handling) Act 2005*;
  - (ba) dangerous goods within the meaning of the *Dangerous Goods (Safe Transport) Act 1998*;

***Fire Service Act 1979***

1. Section 29 is amended as follows:
  - (a) by omitting from subsection (12) “hazardous substance” and substituting “dangerous substance”;
  - (b) by omitting subsection (13) and substituting the following subsection:
    - (13) In this section –
 

<b>“dangerous</b>		<b>substance”</b>
means	a	dangerous
substance	within	the
meaning	of	the

**sch. 1**

No.

*Dangerous Goods and Substances  
(Transitional and Consequential  
Provisions)*

2005

*Dangerous Substances  
(Safe Handling) Act 2005.*

2. Section 51(3) is amended by omitting “*Dangerous Goods Act 1998*” and substituting “*Dangerous Substances (Safe Handling) Act 2005* or *Dangerous Goods (Safe Transport) Act 1998*”.
  
3. Section 133(3) is amended by omitting paragraphs (a), (b), (d), (e) and (f) and substituting the following paragraphs:
  - (a) the *Dangerous Goods (Safe Transport) Act 1998*; or
  - (b) the *Dangerous Substances (Safe Handling) Act 2005*; or
  - (c) the *Public Health Act 1997*; or
  - (d) the *Traffic Act 1925*; or
  - (e) the *Vehicle and Traffic Act 1999*; or
  - (f) the *Workplace Health and Safety Act 1995*; or
  - (g) any Act relating to building –

***Gas Act 2000***

1. Section 6 is amended by omitting “or the *Dangerous Goods Act 1998*” and substituting “, *Dangerous Substances (Safe Handling) Act 2005*

2005

*Dangerous Goods and Substances  
(Transitional and Consequential  
Provisions)*

No.

**sch. 1**

or *Dangerous Goods (Safe Transport) Act 1998*”.

***Gas Pipelines Act 2000***

1. Section 6 is amended by omitting “or the *Dangerous Goods Act 1998*” and substituting “, *Dangerous Substances (Safe Handling) Act 2005* or *Dangerous Goods (Safe Transport) Act 1998*”.

***Plumbers and Gas-fitters Registration Act 1951***

1. Section 9 is amended as follows:
  - (a) by omitting subsection (2A);
  - (b) by omitting from subsection (3A) “or, in the case of gas-fitting, who is the holder of a subsisting prescribed exemption”;
  - (c) by omitting from subsection (3B) “or, in the case of gas-fitting, who is the holder of a subsisting prescribed exemption”;
  - (d) by omitting subsection (5).

***Poisons Regulations 2002***

1. Regulation 73 is amended by omitting paragraph (c) and substituting the following paragraph:
  - (c) as authorised under the *Dangerous Substances (Safe Handling) Act 2005* or any other relevant Act.

**sch. 1**

No.

*Dangerous Goods and Substances  
(Transitional and Consequential  
Provisions)*

2005

***Security-sensitive Dangerous Substances Act 2005***

1. Section 7 is amended by omitting “*Dangerous Goods Act 1998*,” and substituting “*Dangerous Goods (Safe Transport) Act 1998, Dangerous Substances (Safe Handling) Act 2005*,”.

***Traffic (Road Rules) Regulations 1999***

1. Schedule 6 is amended by omitting clause 12 from Division 2 of Part 2 and substituting:

**12. Rule 216: Dangerous goods and placard load**

For rule 216, dangerous goods for the *Road Rules* are dangerous goods within the meaning of the *Dangerous Goods (Safe Transport) Act 1998*.

***Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000***

1. Regulation 6(12) is amended by omitting “*Dangerous Goods Act 1998*” and substituting “*Dangerous Goods (Safe Transport) Act 1998*”.

***Vehicle and Traffic (Vehicle Standards) Regulations 2001***

1. Regulation 172 is amended by omitting “*Dangerous Goods Act 1998*” from the definition of “dangerous goods” and substituting “*Dangerous Goods (Safe Transport) Act 1998*”.



2005

*Dangerous Goods and Substances  
(Transitional and Consequential  
Provisions)*

No.

**sch. 1**

***Vehicle and Traffic Act 1999***

1. Section 49(7) is amended by omitting paragraph (d) from the definition of “related Act” and substituting:

(d) the *Dangerous Goods (Safe Transport) Act 1998*.

***Workplace Health and Safety Regulations 1998***

1. Regulation 7(1) is amended by omitting paragraphs (f) and (g) and substituting the following paragraphs:

(f) the *Dangerous Goods (Safe Transport) Act 1998*;

(g) the *Dangerous Substances (Safe Handling) Act 2005*;