

CONCURRENCE COPY

DANGEROUS GOODS (AMENDMENT) BILL, 1982

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:—

- Liquefied Petroleum Gas (Dangerous Goods) Amendment Bill, 1982;
- Motor Vehicle Repairs (Dangerous Goods) Amendment Bill, 1982;
- Plumbers, Gasfitters and Drainers (Dangerous Goods) Amendment Bill, 1982.

The objects of this Bill are—

- (a) to require containers in which dangerous goods are carried, and which do not form part of vehicles or vessels, to be licensed under the Dangerous Goods Act, 1975 ("the Act") (Schedule 1 (1) and (2));
 - (b) to provide for the investigation by the Commissioner of Police of applications in connection with certain licences and permits relating to explosives (Schedule 1 (4));
 - (c) to enable the Governor to make regulations under the Act regulating or prohibiting the carrying out of certain kinds of work in relation to dangerous goods (Schedule 2 (1) (a)); and
 - (d) to make other amendments to the Act of a minor, consequential or ancillary nature.
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CONCURRENCE COPY

DANGEROUS GOODS (AMENDMENT) BILL, 1982

THE PARLIAMENT OF CANADA

THIS BILL ENACTED BY THE SENATE AND HOUSE OF COMMONS OF CANADA

THE FOLLOWING BILL WAS PASSED BY THE HOUSE OF COMMONS

ON 19 OCTOBER 1982: DANGEROUS GOODS (AMENDMENT) BILL, 1982

BY VOICE: DANGEROUS GOODS (AMENDMENT) BILL, 1982

BY DIVISION: DANGEROUS GOODS (AMENDMENT) BILL, 1982

The object of this Bill is -

(a) to give effect to the recommendations of the Commission of Enquiry into the Explosive Incident at the Port of Montreal in 1975; and (b) to provide for the regulation of the transportation of dangerous goods.

(c) to provide for the regulation of the transportation of dangerous goods in connection with certain houses and persons dealing in explosives (Schedule 1 (4));

(d) to enable the Government to make regulations under the Act relating to the carrying out of certain kinds of work in relation to dangerous goods (Schedule 2 (1) (a)); and

(e) to make other amendments to the Act of a minor, consequential or ancillary nature.

DANGEROUS GOODS (AMENDMENT) BILL, 1982

We enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Dangerous Goods (Amendment) Act, 1982.

2. (1) Except as provided otherwise in this Act, the Act shall continue to have effect on the date of assent to this Act.

(2) Section 2 of the Dangerous Goods Act, 1975, shall be amended as follows:—
 (a) in the definition of "dangerous goods" the words "and 25" shall be deleted;
 (b) in the definition of "dangerous goods" the words "and 25" shall be deleted;
 (c) in the definition of "dangerous goods" the words "and 25" shall be deleted.

No. , 1982.

A BILL FOR

An Act to amend the Dangerous Goods Act, 1975, in relation to containers in which dangerous goods are carried and in relation to certain licences and permits, and for other purposes.

[MR HILLS—18 March, 1982.]

See also Liquefied Petroleum Gas (Dangerous Goods) Amendment Bill, 1982; Motor Vehicle Repairs (Dangerous Goods) Amendment Bill, 1982; Plumbers, Gasfitters and Drainers (Dangerous Goods) Amendment Bill, 1982.

Dangerous Goods (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Dangerous Goods (Amendment) Act, 1982".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence 10 on the date of assent to this Act.

(2) Section 5, in its application to Schedule 2, and Schedule 2 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

15 3. The Dangerous Goods Act, 1975, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

20 SCHEDULE 2.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 68, 1975.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Dangerous Goods (Amendment).

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 10 (2) (c)—

5 Omit the paragraph, insert instead:—

(c) the container in which he is authorised to carry the dangerous goods (whether by reference to a vehicle or vessel of which it forms part, or otherwise).

(b) Section 10 (3)—

10 Omit “or on the vehicle or vessel”, insert instead “the container”.

(2) Section 11—

Omit the section, insert instead:—

Offence of unlicensed conveyance.

15 11. A person shall not carry any dangerous goods prescribed for the purposes of this section in any container that is in or on, or forms part of, a vehicle or vessel unless he is authorised by section 10 (3) to carry the dangerous goods in that container.

Penalty: \$1,000 or, if a corporation, \$5,000.

20 (3) Section 27 (2)—

After “public safety”, insert “or the peace”.

(4) Section 27A—

After section 27, insert:—

25 **Commissioner of Police to report on certain licences, etc., relating to explosives.**

27A. (1) This section applies to—

(a) licences relating to explosives; and

Dangerous Goods (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) permits relating to explosives, being permits that are issued by the Chief Inspector.

5 (2) For the purpose of enabling the Chief Inspector to determine an application for the issue, renewal or transfer of a licence or permit to which this section applies, the Chief Inspector may request the Commissioner of Police to furnish him with a report in respect of any one or more of the following matters:—

- 10 (a) whether the applicant has been convicted in New South Wales or elsewhere of an offence and sentenced to penal servitude or imprisonment for 12 months or more and has been released from that penal servitude or imprisonment less than 5 years before the date of the application;
- 15 (b) whether the applicant is subject to a recognizance, granted in New South Wales or elsewhere, to be of good behaviour or to keep the peace;
- 20 (c) whether the applicant is the subject of a firearms prohibition order within the meaning of the Firearms and Dangerous Weapons Act, 1973;
- (d) whether the applicant is of good character and repute;
- (e) whether the applicant has good reason for holding the licence or permit;
- 25 (f) whether the applicant can be trusted to deal with explosives in the manner authorised by the licence or permit without danger to the public safety or the peace;
- (g) whether the applicant has adequate facilities for the safe keeping of explosives;
- 30 (h) such other matters as the Chief Inspector may specify in the request.

(3) The Commissioner of Police shall, upon receiving a request made under subsection (2), investigate the application to which the request relates and furnish to the Chief Inspector a report in respect of the matter or matters the subject of the request.

Dangerous Goods (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 30 (1)—

Omit the subsection, insert instead:—

5 (1) A person shall not make a statement that is false or misleading in a material particular—

(a) in an application made by him for the issue, renewal or transfer of a licence or permit; or

10 (b) to an inspector or a member of the police force in connection with an application made by him for the issue, renewal or transfer of a licence or permit.

(6) Section 31 (a)—

Before “fixture”, insert “container,”.

(7) Section 41 (1) (h)—

15 Omit “or vessel”, insert instead “, vessel or container”.

SCHEDULE 2.

(Sec. 5.)

FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 41 (1) (d1)—

20 After section 41 (1) (d), insert:—

(d1) regulating or prohibiting the installation, alteration, connection and disconnection of containers, pipelines and any other equipment or things which are intended for use, are being used or have been used in connection with dangerous goods;

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Dangerous Goods (Amendment).

SCHEDULE 2—*continued.*

FURTHER AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 41 (1) (i)—

After "goods", insert "or of damage to any vehicle, vessel, container, pipeline or other equipment or thing while being used in connection with dangerous goods".

(2) Section 41 (3) (g)—

Omit "\$500", insert instead "\$2,000".

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(24c)

DANGEROUS GOODS (AMENDMENT) ACT, 1982, No. 52

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 52, 1982.

An Act to amend the Dangerous Goods Act, 1975, in relation to containers in which dangerous goods are carried and in relation to certain licences and permits, and for other purposes. [Assented to, 12th May, 1982.]

See also Liquefied Petroleum Gas (Dangerous Goods) Amendment Act, 1982; Motor Vehicle Repairs (Dangerous Goods) Amendment Act, 1982; Plumbers, Gasfitters and Drainers (Dangerous Goods) Amendment Act, 1982.

Dangerous Goods (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Dangerous Goods (Amendment) Act, 1982".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5, in its application to Schedule 2, and Schedule 2 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Dangerous Goods Act, 1975, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

Amendment of Act No. 68, 1975.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Dangerous Goods (Amendment).

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 10 (2) (c)—

Omit the paragraph, insert instead:—

- (c) the container in which he is authorised to carry the dangerous goods (whether by reference to a vehicle or vessel of which it forms part, or otherwise).

(b) Section 10 (3)—

Omit “or on the vehicle or vessel”, insert instead “the container”.

(2) Section 11—

Omit the section, insert instead:—

Offence of unlicensed conveyance.

11. A person shall not carry any dangerous goods prescribed for the purposes of this section in any container that is in or on, or forms part of, a vehicle or vessel unless he is authorised by section 10 (3) to carry the dangerous goods in that container.

Penalty: \$1,000 or, if a corporation, \$5,000.

(3) Section 27 (2)—

After “public safety”, insert “or the peace”.

(4) Section 27A—

After section 27, insert:—

Commissioner of Police to report on certain licences, etc., relating to explosives.

27A. (1) This section applies to—

- (a) licences relating to explosives; and

Dangerous Goods (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) permits relating to explosives, being permits that are issued by the Chief Inspector.

(2) For the purpose of enabling the Chief Inspector to determine an application for the issue, renewal or transfer of a licence or permit to which this section applies, the Chief Inspector may request the Commissioner of Police to furnish him with a report in respect of any one or more of the following matters:—

- (a) whether the applicant has been convicted in New South Wales or elsewhere of an offence and sentenced to penal servitude or imprisonment for 12 months or more and has been released from that penal servitude or imprisonment less than 5 years before the date of the application;
- (b) whether the applicant is subject to a recognizance, granted in New South Wales or elsewhere, to be of good behaviour or to keep the peace;
- (c) whether the applicant is the subject of a firearms prohibition order within the meaning of the Firearms and Dangerous Weapons Act, 1973;
- (d) whether the applicant is of good character and repute;
- (e) whether the applicant has good reason for holding the licence or permit;
- (f) whether the applicant can be trusted to deal with explosives in the manner authorised by the licence or permit without danger to the public safety or the peace;
- (g) whether the applicant has adequate facilities for the safe keeping of explosives;
- (h) such other matters as the Chief Inspector may specify in the request.

(3) The Commissioner of Police shall, upon receiving a request made under subsection (2), investigate the application to which the request relates and furnish to the Chief Inspector a report in respect of the matter or matters the subject of the request.

Dangerous Goods (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 30 (1)—

Omit the subsection, insert instead:—

(1) A person shall not make a statement that is false or misleading in a material particular—

- (a) in an application made by him for the issue, renewal or transfer of a licence or permit; or
- (b) to an inspector or a member of the police force in connection with an application made by him for the issue, renewal or transfer of a licence or permit.

(6) Section 31 (a)—

Before “fixture”, insert “container,”.

(7) Section 41 (1) (h)—

Omit “or vessel”, insert instead “, vessel or container”.

SCHEDULE 2.

(Sec. 5.)

FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 41 (1) (d1)—

After section 41 (1) (d), insert:—

- (d1) regulating or prohibiting the installation, alteration, connection and disconnection of containers, pipelines and any other equipment or things which are intended for use, are being used or have been used in connection with dangerous goods;

Dangerous Goods (Amendment).

*SCHEDULE 2—continued.**FURTHER AMENDMENTS TO THE PRINCIPAL ACT—continued.*

(b) Section 41 (1) (i)—

After “goods”, insert “or of damage to any vehicle, vessel, container, pipeline or other equipment or thing while being used in connection with dangerous goods”.

(2) Section 41 (3) (g)—

Omit “\$500”, insert instead “\$2,000”.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 12th May, 1982.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

