

JU302

Restraining Orders Act 1997

Restraining Orders Amendment Regulations (No. 2) 2020

SL 2020/258

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Restraining Orders Amendment Regulations (No. 2) 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 January 2021.

3. Regulations amended

These regulations amend the *Restraining Orders Regulations 1997*.

4. Regulation 2A amended

In regulation 2A insert in alphabetical order:

Chief Dangerous Goods Officer means the person designated as the Chief Dangerous Goods Officer under the *Dangerous Goods Safety Act 2004* section 25(2);

5. Part 2A inserted

After regulation 5B insert:

Part 2A — Explosives**5C. Terms used**

In this Part —

explosives order means a restraining order that requires the person bound by the order to give up possession of any explosives or explosives licence.

5D. Giving up possession of explosives

- (1) This regulation applies when an explosives order is served on a restrained person who is in possession of an explosive or explosives licence.
- (2) The restrained person must give the explosive or explosives licence to the Chief Dangerous Goods Officer —
 - (a) as soon as is reasonably practicable after the explosives order is served; and
 - (b) in any event, within 36 hours, or any longer period specified in the explosives order, after the explosives order is served.

5E. Dealing with explosives surrendered (Act s. 14A) or seized (Act s. 62E)

- (1) An explosive or explosives licence given to the Chief Dangerous Goods Officer under section 14A of the Act, or seized under section 62E(1AA) of the Act, is to be held in safe custody by the Chief Dangerous Goods Officer until —
 - (a) the requirement to give up possession of the explosive or explosives licence is removed from the explosives order; or
 - (b) the explosives order ceases to be in force; or
 - (c) the explosive or explosives licence may otherwise lawfully be disposed of.

- (2) Before returning an explosive or explosives licence, the Chief Dangerous Goods Officer must have regard to the matters referred to in the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 164 as if the restrained person were an applicant for an explosives licence.
- (3) If an explosives licence which is being held by the Chief Dangerous Goods Officer has not been reclaimed within 1 month after an event referred to in subregulation (1)(a) or (b), the Chief Dangerous Goods Officer may regard the restrained person as having surrendered the explosives licence under the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 170.

6. Regulation 10A deleted

Delete regulation 10A.

7. Regulation 14A amended

After regulation 14A(a) insert:

- (aa) the Chief Dangerous Goods Officer;

N. HAGLEY, Clerk of the Executive Council.