

MP302*

Dangerous Goods Safety Act 2004

**Dangerous Goods Safety (Security Risk
Substances) Amendment Regulations
(No. 2) 2012**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Security Risk Substances) Amendment Regulations (No. 2) 2012*.

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 April 2012.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Security Risk Substances) Regulations 2007*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *fee*.
- (2) In regulation 3 insert in alphabetical order:

annual fee, for a licence, means the annual fee in Schedule 1 for the licence;

5. Regulation 30 amended

Delete regulation 30(1)(c) and insert:

- (c) be accompanied by the annual fee payable for the first year of the licence; and

6. Regulation 32 amended

In regulation 32(3) before “fee.” insert:

annual

7. Regulation 35 amended

Delete regulation 35(1) and insert:

- (1A) In this regulation —
existing licence means a licence that, immediately before 1 April 2012, is in effect.
- (1B) This regulation is subject to the *Dangerous Goods Safety (General) Regulations 2007* regulation 15.
- (1C) Each existing licence has effect for 5 years commencing on —
 - (a) if it has never been renewed, the date on which it was issued; or
 - (b) if it has been renewed, the date on which the last renewal took effect,unless it is cancelled in that period.
- (1D) A licence issued on or after 1 April 2012 has effect for 5 years unless it is cancelled in that period.

8. Regulation 41 replaced

Delete regulation 41 and insert:

41. Licences, renewal of

- (1) The Chief Officer must renew a licence that is about to expire due to the passage of time (the *existing licence*) unless —
 - (a) the holder of the existing licence is dead or, being a body corporate or partnership, is dissolved; or
 - (b) the holder of the existing licence does not want it renewed; or
 - (c) if the existing licence relates to a place specified in it, a licence is not needed for the place; or
 - (d) the annual fee payable for the first year of the new licence has not been paid.
- (2) To renew an existing licence the Chief Officer must grant a new licence that has effect immediately after the existing licence expires and the terms of which are the same as those of the existing licence.

9. Regulation 42 amended

- (1) In regulation 42(1)(b)(i) delete “the terms of”.
- (2) Delete regulation 42(2) and insert:
 - (2) Grounds to suspend or cancel a licence exist if —
 - (a) the holder is convicted in this State or elsewhere of a relevant offence; or
 - (b) the holder has not paid an annual fee for the licence in accordance with regulation 46A; or
 - (c) the holder has not paid a fee in accordance with the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34.

10. Regulation 46A inserted

At the beginning of Part 10 Division 4 insert:

46A. Annual fees for licences

- (1) In this regulation —

grace period means the 3 month period referred to in subregulation (3).

- (2) An annual fee is not payable under this regulation in respect of a licence if the licence relates to a place specified in it and a fee is payable under the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007* regulation 34 in respect of the place.
- (3) The holder of a licence must pay the annual fee for the licence before, on or within 3 months after —
- (a) if under the *Dangerous Goods Safety (General) Regulations 2007* regulation 15 the Chief Officer has set a due date for the licence — the due date in each year;
 - (b) in any other case, each anniversary of —
 - (i) if the licence has never been renewed, the date on which it was granted; or
 - (ii) if the licence has been renewed, the date on which the last renewal took effect.
- (4) If an annual fee is paid in the grace period, the holder must pay, with the annual fee, a late payment fee equal to 10% of the fee.

11. **Schedule 1 replaced**

Delete Schedule 1 and insert:

Schedule 1 — Annual fees

[r. 3]

Item	Annual fee	Fee (\$)
1.	Annual fee for a licence (r. 30(1)(c) and 46A) —	
	(a) SRS import/export licence	163
	(b) SRS manufacture licence	306
	(c) SRS storage licence	143
	(d) SRS transport licence	153
	(e) SRS supply licence	133
	(f) SRS fertiliser licence	51

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.