

LEGISLATION UPDATE

No. 2/2006

1 September 2006

EXEMPTIONS UNDER THE EXPLOSIVES REGULATION 2005

Under the *Explosives Act 2003*, a new licensing system was introduced in New South Wales from 1 September 2005 for importers, manufacturers, transporters, suppliers, users and other classes of persons.

The Explosives Act enabled an existing licence or permit that authorised an activity involving explosives prior to the commencement of the Act to continue to authorise the activity under the Act in respect of which it was granted until 1 September 2006.

Under section 94 of the Explosives Regulation 2005 WorkCover may, by order published in the *New South Wales Government Gazette*, exempt any class of persons or things from a specified provision of the regulation unconditionally or subject to conditions.

Exemption Order No. CE 2006/004 was gazetted on the 1 September 2006. The exemption relates to clause 15(1) of the Explosives Regulation and the requirement for a person to be authorised by a Blasting Explosives Users Licence and/or an Unsupervised Handling Licence granted under clause 16 the Explosives Regulation.

The object of this exemption is to allow persons who have applied to WorkCover prior to 1 September 2006 for a Blasting Users Licence but have not yet been advised by WorkCover of the outcome of their application, to continue for up to three months to be allowed to undertake blasting activities in accordance with the conditions of the licence or permit they held prior to the commencement of the Explosives Act 2003.

In effect a person who was authorised under the *Dangerous Goods Act 1975*, *Coal Mines Regulation Act 1982* or *Mines Inspection Act 1901* immediately before the commencement of this Order *may* be eligible to continue for up to three months, to carry out those activities of the type required to be authorised under a Blasting Explosives Users Licence.

The exemption is subject to several conditions being met which are outlined in the Order and is enclosed for your information.

Please note, under Clause 95 of the Explosives Regulation 2005 a register of all exemptions granted must be kept by WorkCover NSW and be available for public inspection upon request.

The *New South Wales Government Gazette* is available weekly and can be found at <http://www.advertising.nswp.commerce.nsw.gov.au/Gazette/Gazette.htm> .

FOR FURTHER INFORMATION CONTACT YOUR LOCAL DEPARTMENT OF PRIMARY INDUSTRIES' OFFICE:

Maitland: 4931 6666 Armidale: 6738 8500 Broken Hill: (08) 8088 9300 Cobar: 6836 4392
Lightning Ridge: 6829 0678 Lithgow: 6351 3052 Orange: 6360 5333 Singleton: 6572 1899 Wollongong: 4227 1699

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to
Sections 55A and 55B

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Ladies Probus Club of Longueville Incorporated
Y1801145
Newcastle Pensioner Advisory Association Inc
Y0328441
Responsible Fishing Association of New South Wales
Incorporated Inc9877715
Abundant Living Ministries Incorporated Inc9880196
Stanmore Social Incorporated Inc9880714
Laksevana Senior Citizens Welfare Association of
NSW Australia Incorporated Inc9884370
Leeton Picnic Race Club Incorporated Inc9879714
Murringo Tennis Club Incorporated Y1950221
West Guys Incorporated Y2804816
Winmalee Youth Service Incorporated Y2626224
Independent Living Centre of New South Wales Inc
Y1170008
Shenpen Australia Incorporated Inc9875119
Evening and Community Colleges Association of
NSW Inc Y1116847
Arthurian Association of Australia Incorporated
Inc3418583
Flush Media Incorporated Inc9879962
Wallabadah Public Hall Committee Incorporated
Y2871503
Harvest Christian Community Incorporated
Inc9880874
Central West Youth Support Group Incorporated
Inc9876011
Yuraygir Golf and Recreation Club Inc Y1426730
Triton Owners Club (Central Coast) Incorporated
Inc9874769

CHRISTINE GOWLAND,
Manager, Financial Analysis Branch,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce
29 August 2006

CIVIL LIABILITY ACT 2002

Order

I, ROBERT JOHN DEBUS, M.P., Attorney General, in pursuance of section 17(1) of the Civil Liability Act 2002, by this Order, declare the amount that is to apply for the purposes of section 16(2) of the Civil Liability Act to be \$427 000 from 1 October 2006.

Signed at Sydney, this 24th day of August 2006.

ROBERT JOHN DEBUS, M.P.,
Attorney General

CONSTITUTION ACT 1902

Ministerial Arrangements During the Absence of the
Minister For Housing

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon. D. BEAMER, M.P., Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce, to act for and on behalf of the Minister for Housing, as on and from 1 September 2006, with a view to his performing the duties of the Honourable C. A. BURTON, M.P., during her absence from duty.

MORRIS IEMMA, M.P.,
Premier

The Cabinet Office, Sydney, 2006.

CO-OPERATIVES ACT 1992

Notice under Section 601AA of the Corporations Act 2001 as Applied by Section 325 of the Co-operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice.

NSW Farmers' Co-operative Limited.

Dated this 24th day of August 2006.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

CO-OPERATIVES ACT 1992

Notice under Section 601AC of the Corporations Act 2001 as Applied by Section 325 of the Co-operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when three months have passed since the publication of this notice.

Australis Olive Producers Co-operative Limited.

Dated this 24th day of August 2006.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

EXPLOSIVES REGULATION 2005

Exemption Order No. CE 2006/0004

I, JOHN WATSON, General Manager of the Occupational Health and Safety Division, WorkCover Authority of New South Wales, pursuant to Clause 94 of the Explosives Regulation 2005 (the Regulation), make the following Order.

Dated this 29th day of August 2006.

JOHN WATSON,
General Manager,
Occupational Health and Safety Division,
WorkCover Authority of New South Wales

Explanatory Note

Clause 94 of the Explosives Regulation 2005 (the Regulation), provides that the regulatory authority may, by order published in the *New South Wales Government Gazette*, exempt any class of persons or things from a specified provision of the Regulation. This order exempts a class of persons from the requirement under Clause 15(1) of the Regulation to be authorised by a Blasting Explosives Users Licence and an Unsupervised Handling Licence granted under Clause 16 of the Regulation, subject to certain conditions.

Explosives Regulation 2005 – Exemption Order No. CE 2006/0004

1. Name of Order

This order is the Explosives Regulation 2005: Exemption Order No. CE 2006/0004.

2. Commencement

This Order commences on the date that it is published in the *New South Wales Government Gazette*, and has effect for a period of three months from that date, unless sooner withdrawn by WorkCover under Clause 94(5) of the Regulation.

3. Exemption

A person who, immediately before the commencement of this Order, was authorised under the Dangerous Goods Act 1975, Coal Mines Regulation Act 1982 or Mines Inspection Act 1901, to carry out activities of the type required to be authorised under a Blasting Explosives Users Licence granted under the Regulation is exempt from Clause 15(1) of the Regulation to the extent that that provision requires a person handling explosives or explosive precursors to be authorised to carry out activities under a Blasting Explosives Users Licence and an Unsupervised Handling Licence granted under Clause 16 of the Regulation.

4. Conditions

The Exemption is subject to the following conditions:

1. A person must have lodged a complete and correct application for an Unsupervised Handling Licence, by 1 September 2006.
2. A person must have lodged a complete and correct application for a Blasting Explosive Users Licence, by 1 September 2006.
3. The Exemption does not apply to a person: where a Blasting Explosives Users Licence and/or an Unsupervised Handling Licence has been granted by the Regulatory Authority to that person; or where an application made by that person for a Blasting Explosives Users Licence and/or Unsupervised Handling Licence has been refused by the Regulatory Authority.
4. A person must ensure that any Security Sensitive Dangerous Substances possessed by that person are stored in a safe and secure manner.

5. Definitions

In this Order:

“Act” means the Explosives Act 2003.

“Blasting Explosive Users Licence” means a blasting explosives users licence granted under Sub-clause 16(h)

of the Regulation giving authority to carry out activities under Clause 24 of the Regulation.

“Explosives” has the same meaning as in section 3 of the Act.

“Explosive precursors” has the same meaning as in section 3 of the Act.

“Regulation” means the Explosives Regulation 2005.

“Regulatory Authority” has the same meaning as in section 4 of the Act.

“Security sensitive dangerous substance” has the same meaning as in Clause 3 of the Regulation.

“Unsupervised Handling Licence” means an unsupervised handling licence granted under Sub-clause 16(l) of the Regulation giving authority to carry out activities under Clause 27 of the Regulation.

Note: Under Clause 95 of the Regulation, a Register of Exemptions must be kept by WorkCover NSW and be available for public inspection upon request

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder.

Assigned Name: Catalina Bay.
Designation: Bay.
L.G.A.: Lake Macquarie City Council.
Parish: Awaba.
County: Northumberland.
L.P.I. Map: Swansea.
1:100,000 Map: Lake Macquarie 9231.
Reference: GNB 5109.

Assigned Name: Durawi Park.
Designation: Reserve.
L.G.A.: Blacktown City Council.
Parish: Rooty Hill.
County: Cumberland.
L.P.I. Map: Riverstone.
1:100,000 Map: Penrith 9030.
Reference: GNB 5108.

Assigned Name: Mugar Bija Reserve.
Designation: Reserve.
L.G.A.: Blacktown City Council.
Parish: Prospect.
County: Cumberland.
L.P.I. Map: Prospect.
1:100,000 Map: Penrith 9030.
Reference: GNB 5108.

Assigned Name: Griffin Park.
Designation: Reserve.
L.G.A.: Pittwater Council.
Parish: Narrabeen.
County: Cumberland.
L.P.I. Map: Mona Vale.
1:100,000 Map: Sydney 9130.
Reference: GNB 5105.