

Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 27

made under the

Explosives Act 1999

General Outline

Short title

Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018

Authorising law

Section 135(1) of the *Explosives Act 1999*

Policy objectives and the reasons for them

The objectives of the *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018* are to:

1. Prohibit the transportation of any quantity of explosives in Commonwealth Games restricted areas between 25 March 2018 and 18 April 2018.
2. Ensure appropriate security measures are in place during the Commonwealth Games.

Achievement of policy objectives

To achieve the policy objectives the *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018* prohibits the transportation of explosives in any quantity in Commonwealth Games restricted areas between 25 March 2018 and 18 April 2018.

The restricted areas are identified in Schedule 6A of the *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018*. The purpose of these amendments is to ensure appropriate safety and security measures are in place during the period of the Commonwealth Games.

Consistency with policy objectives of authorising law

The *Explosives Act 1999* and the *Explosives Regulation 2017* regulate the safe handling of explosives in Queensland. This includes possessing, manufacturing, selling, storing, transporting and using explosives.

This amendment regulates the transportation of explosives, which is consistent with the objectives of the *Explosives Act 1999*.

Inconsistency with policy objectives of other legislation

The *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018* is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

No significant administrative costs will be associated with implementing the *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018*. There will be a significant public benefit in ensuring an increased level of safety and security for the public during the Commonwealth Games.

Consistency with fundamental legislative principles

The Office of the Queensland Parliamentary Counsel has not identified any inconsistencies with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

The *Explosives (Commonwealth Games Transportation Restrictions) Amendment Regulation 2018* is necessary to ensure the safety and security of the public during the Commonwealth Games.

Under Chapter 19A of the *Police Powers and Responsibilities Act 2000* similar restrictions are in place in the restricted areas during the Games. These powers include the ability to conduct a frisk search of persons without warrant and the ability to stop, search and detain vehicles entering or in the zone without warrant.

Section 20 of the *Major Events Act 2014* also provides that in a major event area during the Games a person must not possess a weapon, an explosive, a flare or other distress signal, a laser, an animal or pet (unless exempt) or another thing prescribed by legislation.

Consultation

Consultation has occurred with the stakeholders from the explosives industry, primarily the fireworks industry.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Natural Resources, Mines and Energy applied a self-assessable exclusion from undertaking further regulatory impact analysis (category j - Regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services).

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