

Land, Explosives and Other Legislation Amendment Act 2019

Explanatory notes for SL 2019 No. 202

made under the

Land, Explosives and Other Legislation Amendment Act 2019

General Outline

Short title

Land, Explosives and Other Legislation Amendment Act 2019

Authorising law

Section 2 of the *Land, Explosives and Other Legislation Amendment Act 2019* (the LEOLA Act)

Policy objectives and the reasons for them

The objective of the Proclamation is to commence the following provisions of the LEOLA Act:

- parts 4 and 5;
- schedule 1, part 3, amendments of the *Explosives Act 1999* (the Explosives Act);
- schedule 1, part 3, amendments of the *Explosives Regulation 2017* (the Explosives Regulation); and
- schedule 1, part 3, amendments of the *Statutory Instruments Regulation 2012*.

The key policy objectives of these provisions include:

- to improve community safety and security by strengthening security provisions for explosives;
- to improve the transport of explosives to enhance safety and security on public roads;
- to streamline administration including processes around application for, and transfer of, explosives licences; and

- to improve the consistency of safety regulator provisions to improve information provided to the Explosives Inspectorate (the Inspectorate) within the Department of Natural Resources, Mines and Energy around notification and investigation of explosives incidents.

Once commenced, these provisions will make a number of important changes to the Explosives Act and the Explosives Regulation to:

- ensure persons with unsupervised access to security sensitive explosives have undergone appropriate security assessment and hold a security clearance (transitional period will apply);
- provide security-cleared workers with a card that is recognised between employers;
- ensure persons subject to domestic violence orders are prohibited from holding a security clearance or an explosives authority;
- incorporate existing duties and obligations regarding security of explosives, currently applied through conditions of licences and policies, into the legislation;
- ensure explosives authority holders have, and give effect to, an explosives safety and security management system that includes a security plan;
- introduce a new explosives driver licence for persons driving vehicles for the transportation of explosives, aligning with requirements for explosives drivers in other states (transitional period will apply);
- introduce new powers for the chief inspector of explosives to approve or prohibit certain routes, areas and times for transporting explosives;
- enable the chief inspector of explosives to make a determination about the safe and secure transport of explosives, that is declared to be a statutory instrument that is subordinate legislation under the *Statutory Instruments Regulation 2012*;
- align the Explosives Act with other relevant legislation such as the *Weapons Act 1990* and Queensland's mining safety laws; and
- enable the Inspectorate to undertake more-effective monitoring, compliance and enforcement activities.

Achievement of policy objectives

The policy objective is achieved by fixing 1 February 2020 as the commencement date for explosives related provisions of the LEOLA Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the LEOLA Act.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with any policy objective of other legislation.

Benefits and costs of implementation

Information about the benefits and costs of implementing the explosives related provisions of the LEOLA Act were provided in the explanatory notes accompanying the Land, Explosives and Other Legislation Amendment Bill 2018.

No significant administrative costs will be associated with the Proclamation. Costs associated with the implementation of explosives related provisions of the LEOLA Act will be met from existing government budget allocations.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

The Australian Explosives Industry Safety Group (AEISG) was consulted regarding the proposed commencement date of the explosives related provisions in the LEOLA Act. The AEISG raised no concerns regarding the proposed commencement date.

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 (g) – Regulatory proposals that are of a machinery nature).