

2013

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

DEPARTMENT OF BUSINESS

**TRANSPORT OF DANGEROUS GOODS BY ROAD AND RAIL (NATIONAL UNIFORM
LEGISLATION) AMENDMENT BILL 2013**

SERIAL NO. 22

EXPLANATORY STATEMENT

GENERAL OUTLINE

· The purpose of the Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Bill 2013 is to repeal section 22 of the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act* which establishes the Competent Authority for the purpose of the Act. The Bill replaces section 22(1) of the Act which refers to the Executive Director of NT Worksafe, with the Work Health Authority.

· The Bill provides that if a person is not appointed to the Competent Authority position at any particular time, the Chief Executive Officer of the agency responsible for administering the Act constitutes the Work Health Authority.

· The Bill also provides a validation provision to include the period that anything done by a person who was not the Competent Authority but who was purporting to exercise a power or perform a function of the Competent Authority is as valid, and is taken always to have been as valid, as if that person had been the Competent Authority.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1 Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed may be cited as the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Amendment Act 2013*.

Clause 2 Commencement

The Transport of Dangerous Goods by Road and Rail

(National Uniform Legislation) Amendment Act 2013 will commence on the day which the Administrators assents to this Act is declared.

Clause 3 Act amended

This Act amends the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act*.

Clause 4 Section 22 amended

Clause 4 omits the person holding or occupying the position of Executive Director of of NT WorkSafe, under section 22(1) of the Act and inserts Work Health Authority.

This clause was inserted to remove the restriction of section 22(1) of the Act to a person occupying the position of Executive Director of NT WorkSafe to the person holding or occupying the Work Health Authority.

Clause 5 Part 8, Division 5 inserted

Clause 5 inserts a new division to the Act - Validation for the Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Amendment Act 2013.

This cClause was inserted to cover the period the statutory position was removed to ensure powers or functions of the Comptent Authority are valid as if that person had been the Competent Authority.