



# JOINT CAPABILITIES GROUP

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**Ms Joanna Abhayaratna**

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Department of the Prime Minister and Cabinet

1 National Circuit

BARTON ACT 2600

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Dear Ms Abhayaratna,

## **SUNSETTING OF THE EXPLOSIVES TRANSPORT REGULATIONS 2002 AND THE EXPLOSIVES AREAS REGULATIONS 2003**

I am writing to the Office of Impact Analysis (OIA) regarding the *Explosives Transport Regulations 2002* and the *Explosives Areas Regulations 2003*, which, as per the Legislation Act 2003, are scheduled to sunset on 1 October 2024. The instruments are intended to be remade with minor amendments to ensure legislative continuity. There are no changes in regulatory costs anticipated.

The Department of Defence certifies that the *Explosives Transport Regulations 2002* and the *Explosives Areas Regulations 2003* are operating effectively and efficiently. The amendments will not change the regulatory burden and as such, an Impact Analysis is not required for the Regulations to be remade.

The minor amendments include consolidating both Regulations into a single, modernised legislative instrument, correcting out of date references and web links, and updating the List of Authorised Commonwealth Explosives.

Defence's assessment that the legislation is operating effectively and efficiently has been informed by the following stakeholder consultation:

- Defence sought the views of the Australian Federal Police (AFP) and the Australian Border Force (ABF) throughout the Regulations drafting process including in relation to relevant exemption provisions. Both the AFP and the ABF consider the Regulations are operating effectively and efficiently.
- Defence engaged with members of the Australian Forum of Explosives Regulators (AFER). State and territory government explosives regulators are AFER members. AFER members did not raise any concerns with remaking the Regulations with the minor amendments.
- Defence engaged with Ports Australia who did not raise any concerns with remaking the Regulations with the minor amendments.

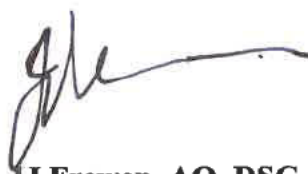
- Defence contacted industry operators including Thales, Raytheon, BAE, NOIA, Lockheed Martin Australia, Kongsberg and Chemring. There was agreement that remaking the Regulations (with minor amendments) remains necessary to support the safe, secure, and expedited handling of Commonwealth explosives throughout Australia.

Consultation took place throughout 2023 and early 2024 and was undertaken in concert with discussions regarding the broader reform of the *Explosives Act 1961*.

I acknowledge that OIA will publish this letter for transparency.

If you have any queries about this advice, please contact [REDACTED] on [REDACTED] or [REDACTED]

Yours sincerely



**JJ Frewen, AO, DSC**  
Lieutenant General  
Chief of Joint Capabilities

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11 June 2024