

# EXPLOSIVES AND DANGEROUS GOODS.

---

No. 15 of 1974.

---

AN ACT to amend the Explosives and Dangerous Goods Act, 1961-1967.

[Assented to 16th October, 1974.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Explosives and Dangerous Goods Act Amendment Act, 1974.*

Short title  
and  
citation.

(2) In this Act the Explosives and Dangerous Goods Act, 1961-1967, is referred to as the principal Act.

Reprinted  
as approved  
for reprint  
17th July,  
1969.

(3) The principal Act as amended by this Act may be cited as the Explosives and Dangerous Goods Act, 1961-1974.

Section 6  
amended.

2. Section 6 of the principal Act is amended by repealing subsection (1), subsection (2) and subsection (3) and re-enacting them with amendments as follows—

Relationship  
to other  
laws.  
"This Act"  
includes  
regulations.  
Cf. s.4 Act  
No. 30 of  
1918.

6. (1) Where any provision of this Act is inconsistent with any provision relating to explosives or dangerous goods contained in any other Act, or in any regulation, by-law, rule, Order in Council, proclamation, notice or other law made under or pursuant to authority delegated under any other Act, the provision of this Act shall prevail.

(2) Subject to subsection (1) of this section, where by or under any other Act any provision is made relating to explosives or dangerous goods the provision so made shall, unless otherwise expressly provided, be observed in addition to and not in substitution for or diminution of the provisions of this Act. .

Section 30  
amended.

3. Section 30 of the principal Act is amended by deleting paragraph (a) of subsection (3) thereof and substituting a new paragraph as follows—

(a) he is the owner or manager of a mine within the meaning of the Mines Regulation Act, 1946, or of the Coal Mines Regulation Act, 1946, or an agent authorised in writing by such a person to purchase explosives for use in that mine; .

Section 34  
amended.

4. Section 34 of the principal Act is repealed and re-enacted with amendments as follows—

Use of  
explosives  
restricted.

34. (1) A person shall not use or permit to be used any explosive unless—

(a) he is the holder of a permit to purchase explosives issued by the prescribed issuing authority or is acting under the immediate and direct supervision

of a holder of such a permit and he uses the explosives only in prescribed areas or places;

- (b) he is the holder of a Shotfirer's Permit issued by the Chief Inspector in the prescribed manner or is acting under the immediate and direct supervision of the holder of a Shotfirer's Permit;
- (c) he uses the explosives in a mine within the meaning of the Mines Regulation Act, 1946, or of the Coal Mines Regulation Act, 1946;
- (d) he is a person approved and authorised by a lawful authority of the Commonwealth to use explosives; or
- (e) in the case of manufactured fireworks, he is either the holder of a permit under section 30A of this Act or uses the fireworks under the immediate supervision of the holder of such a permit.

(2) A permit to purchase explosives—

- (a) shall not be issued by the prescribed issuing authority unless the applicant satisfies that authority that he has a lawful necessity for using explosives in prescribed areas or places;
- (b) shall be issued for such period of time not exceeding twelve months as is prescribed; and
- (c) shall be a valid authority to purchase at any one time such quantity of explosives and detonators as is stated on the permit together with such fuses and accessories as are required.

(3) The date of expiry of a permit to purchase explosives shall be marked on the permit at the time of issue of the permit.

(4) A Shotfirer's Permit shall—

- (a) be issued by the Chief Inspector in the prescribed manner to a person who is considered competent to discharge the duties of a shotfirer at any place other than a mine within the meaning of the Mines Regulation Act, 1946, or of the Coal Mines Regulation Act, 1946;
- (b) remain valid for a period of twelve months from the date of issue and may be renewed for the same period;
- (c) be a valid permit to purchase such a quantity of explosives as may be required by the holder for use in the course of his work; and
- (d) be subject to such conditions as may be prescribed or as the Chief Inspector may specify in writing on the permit.

(5) Nothing in subsection (1) of this section applies to an explosive that is a manufactured firework of the shop goods class known as a snap for bon bon crackers, amorces, or toy caps or streamer bombs or any other prescribed firework. .

Section 36  
amended.

5. Section 36 of the principal Act is amended by deleting the words "or of the State", being the last four words of the section.

Section 38  
amended.

6. Section 38 of the principal Act is amended by deleting subsection (1) and substituting a new subsection as follows—

(1) A person shall not carry or convey on or in any vehicle or vessel any authorised explosive, or any other explosive, in total quantity exceeding a prescribed quantity unless he is the holder of a license issued under this section authorising him to convey explosives on that vehicle or vessel. .

7. Section 47 of the principal Act is amended— Section 47  
amended.

(a) as to subsection (2), by deleting the passage “of Part IV” in line six of that subsection;

(b) as to subsection (3), by inserting after the words “carriage of”, in line five of that subsection, the words “explosives and”; and

(c) by adding a new subsection as follows—

(4) The appointment of a person under this section shall be notified in the *Government Gazette*.

8. Section 56 of the principal Act is amended, as to subsection (1), by inserting immediately after paragraph (b) thereof a new paragraph as follows— Section 56  
amended.

(ba) fails to observe or comply with the terms and conditions of any license or permit issued to him under this Act within the time or in the manner thereby provided; or

9. Section 62 of the principal Act is amended by adding after subsection (3) a new subsection as follows— Section 62  
amended.

(4) The regulations may prescribe that any act or thing shall be done in a manner specified by reference to a code of practice or a standard which has been printed and published and which has been approved by the Minister for the purpose.

---