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[1970

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Crown Law Department,  
Perth, 30th July, 1970.

THE undermentioned Regulations made under the provisions of the Explosives and Dangerous Goods Act, 1961, and amended from time to time up to and including the 28th April, 1970 are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice.

W. J. ROBINSON,  
Under Secretary for Law.

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EXPLOSIVES AND DANGEROUS GOODS ACT, 1961.

### EXPLOSIVES REGULATIONS, 1963.

Published in the *Government Gazette* on the 10th December, 1963 and incorporating the amendments thereto published in the *Government Gazette* on the 29th April, 1964; the 13th May, 1964 and the 23rd October, 1969, and the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the regulations; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice, dated 28th July, 1970.

EXPLOSIVES AND DANGEROUS GOODS ACT, 1961.

**EXPLOSIVES REGULATIONS, 1963.**

PART I.—PRELIMINARY.

Citation.

1. (1) These regulations may be cited as the Explosives Regulations, 1963.

(2) The Explosives and Dangerous Goods (Fireworks) Regulations, 1962, published in the *Government Gazette* on the 26th October, 1962 are revoked.

(3) These regulations are divided into Parts as follows:—

PART I.—PRELIMINARY (Regulations 1 and 2).

PART II.—AUTHORISATION OF EXPLOSIVES (Regulations 3 to 5).

PART III.—IMPORTATION OF EXPLOSIVES (Regulations 6 to 8).

PART IV.—HANDLING AND INSPECTION OF EXPLOSIVES (Regulations 9 to 16).

PART V.—MANUFACTURE OF EXPLOSIVES (Regulations 17 to 34).

PART VI.—STORAGE AND KEEPING OF EXPLOSIVES (Regulations 35 to 61).

PART VII.—SALE OF EXPLOSIVES (Regulations 62 to 78).

PART VIII.—CONVEYANCE OF EXPLOSIVES (Regulations 79 to 106).

PART IX.—PACKING AND MARKING OF EXPLOSIVES (Regulations 107 to 112).

PART X.—USE OF EXPLOSIVES (Regulations 113 to 116).

PART XI.—SPECIAL PROVISIONS FOR FIREWORKS (Regulations 117 to 145).

PART XII.—MISCELLANEOUS (Regulations 146 to 161).

SCHEDULES.—

First Schedule—Requirements for Packing.

Second Schedule—Fees.

Third Schedule—Forms.

Interpretation.

2. In these regulations unless the context requires otherwise—

“approved” means approved by the Chief Inspector;

“authorised explosive” means exclusively an explosive listed in the classification of explosives made under the provisions of the Act;

“outer package” means a box or case made of wood, metal or other approved material of such strength, construction and character that it will not be broken or accidentally opened or become defective or insecure while being conveyed, and will not allow any explosive to escape;

“propellant” means an explosive of Class 3 adopted and intended exclusively for use as a propelling charge;

“the Act” means the Explosives and Dangerous Goods Act, 1961;

“ton” means a weight of 2,000 lb. of actual explosives (net weight).

Reg. 2  
amended  
by G.G.  
23/10/69,  
p. 3312.

## PART II.—AUTHORISATION OF EXPLOSIVES.

## Application for Declaration of Explosive.

3. (1) Every application for an explosive to be declared an authorised explosive under the Act shall be made to the Chief Inspector.

(2) Each application shall be accompanied by the examination fee prescribed in the Second Schedule to these regulations, and shall contain particulars of—

- (a) the nature and composition of the explosive;
- (b) any substitute or substitutes which it is desired to have approved for any specified ingredient; and
- (c) such other information as the Chief Inspector may require.

(3) The applicant shall provide without charge such samples of the explosive as the Chief Inspector may require for the purposes of analysis and testing.

## Testing of Explosive.

4. An explosive submitted for authorisation pursuant to regulation 3 of these regulations may be tested by the Chief Inspector in any way he considers necessary, and such tests may include—

- (a) chemical composition;
- (b) physical properties;
- (c) stability by the Abel Heat Test;
- (d) sensitivity to impact;
- (e) detonation by influence;
- (f) velocity of detonation;
- (g) composition of gases evolved on explosion;
- (h) stability during storage;
- (i) such other tests for behaviour, stability or practical effect as the Chief Inspector may specify.

## Definition and Name of Authorised Explosive.

5. (1) Upon his being satisfied that an explosive is suitable for authorisation the Chief Inspector shall approve the definition to which the explosive must conform and a name by which the explosive may be recommended to the Governor for declaration as an authorised explosive.

Reg. 5  
amended  
by G.G.  
23/10/69,  
p. 3312.

(2) After being so declared the authorised explosive may be imported into, or manufactured, stored, conveyed and used in Western Australia so long as it continues to conform to the definition defined by the Chief Inspector for that explosive, and a person shall not import or manufacture any explosive under an approved name unless it conforms with the definition defined by the Chief Inspector for that explosive.

(3) The definition of every authorised explosive shall be recorded and kept in the office of the Chief Inspector and shall be the definition used for the purpose of any proceedings under the Act or these regulations.

## PART III.—IMPORTATION OF EXPLOSIVES.

## Application for License to Import Explosives.

6. (1) Every application for a License to Import Explosives shall be made to the Chief Inspector, shall be accompanied by the fee prescribed in the Second Schedule to these regulations, and shall contain particulars of the full name and address of the applicant, the ports or places of entry at which the explosives will be imported, the mode of transport and the place or places of origin.

Reg. 6  
amended  
by G.G.  
23/10/69,  
p. 3312.

(2) On approval of the application and payment of the prescribed fee the Chief Inspector on behalf of the Minister shall issue a License to Import Explosives and such License shall be current for one year from the date of issue and be valid only in respect of the ports or places of entry shown thereon and for those explosives that have been classified and declared authorised by the Governor in accordance with the provisions of the Act.

(3) A License to Import Explosives shall be granted subject, to such prohibitions, restrictions or conditions relating to packaging, loading, unloading, delivery or conveyance as are prescribed by these regulations and to any additional conditions that the Chief Inspector considers necessary to protect the public from danger and specifies in writing in the license.

Reg. 7  
amended  
by G.G.  
23/10/69,  
p. 3312.

7. (1) A person, not being the holder of a License to Import Explosives, may apply for an Entry Permit in respect of each consignment of every explosive imported by him.

(2) An Entry Permit shall also be required for any importation by a licensed importer of an unauthorised explosive.

(3) Application for an Entry Permit shall be made to the Chief Inspector not less than 14 days before the expected arrival of the explosive and shall state the port or place of entry, the name, type and quantity of explosive, the expected date of arrival, and such further details of its packing, adaptation and manner of use or application as the Chief Inspector may require, the Chief Inspector may then issue the Entry Permit subject to any conditions that he considers necessary to protect the public from danger and specifies in writing in such Entry Permit.

(4) An Entry Permit shall not apply to any consignment other than that for which it is issued, and the Chief Inspector may refuse to issue an Entry Permit for any unauthorised explosive that in his opinion is unsafe for storage, transport or use.

Reg. 8  
amended  
by G.G.  
23/10/69,  
p. 3312.

8. (1) Any explosive imported into Western Australia and intended for subsequent export from Western Australia, while still being contained in the same packages, may be stored in the Government Magazine or in a magazine on a Government Reserve until ready for export, and while so stored such explosive shall be deemed not to be imported and shall not be subject to the provisions of these regulations so far as they relate to the importation of explosives.

(2) An imported explosive shall not be sold, delivered or used until the importer has obtained from an inspector a certificate signed by him stating that the explosive is approved for release, and such certificate must be produced before any imported explosive is cleared from a Customs House.

(3) The owner of any imported explosive, or his agent, shall give to the Chief Inspector not less than three days' prior notice of the movement of such explosive either into or out of Western Australia, and shall specify in such notice the quantity and name of the explosive and the place where such movement is intended to take place.

#### PART IV.—HANDLING AND INSPECTION OF EXPLOSIVES.

9. (1) A person who imports any explosives shall satisfy—

(a) an inspector or other officer of Customs;

(b) the pilot, master, owner, or agent of the vessel carrying the explosives; and

(c) a responsible officer of the Harbour or Railway authority;

that he is the holder of a License to Import Explosives or an Entry Permit granted and issued under the Act and these regulations permitting importation of the explosive, and if required shall produce that license or permit.

(2) The officer responsible for the vessel, harbour or railway shall not allow the explosive to be unloaded unless he is satisfied that it is imported under the authority of a License or Entry Permit granted and issued pursuant to the Act and these regulations.

10. (1) Any imported explosive that arrives in Western Australia either at a port or by way of rail transport is subject to and shall be dealt with according to the regulations of the harbour authority or the railway authority, as the case may be, until such time as the explosive is removed from property controlled by the harbour or railway authority; but any inspector shall have necessary access to the explosive for the purpose of inspection or sampling, and such inspector shall require to be satisfied that no danger exists to the public or to any property from the explosive.

(2) Any imported explosive that arrives in Western Australia by road transport shall not be unloaded or dealt with in any way until an inspector approves thereof, and such unloading of or dealing with the explosive shall be carried out in such manner as the inspector approves and subject to such restrictions or conditions as he may impose in the interest of safety.

11. Any vessel, lighter, vehicle, machine or equipment used for moving explosives at the place of entry into Western Australia shall be approved for the purpose by the Chief Inspector, and if the Chief Inspector so requires shall be altered, improved or refitted in any respect that he considers necessary in the interest of safety.

12. (1) When any explosive or the outer case or package thereof is found to be damaged in any way, the damage shall be reported to an inspector and the damaged explosive, outer case or package shall be set aside for inspection.

(2) Any damaged outer case or package shall be opened in the presence of an inspector who shall then direct that the explosive, outer case or package be repacked, disposed of, destroyed, or returned to the manufacturer as the inspector thinks fit and for any such inspection that occupies an inspector's time for one half day or for a longer period, the importer or his agent shall be charged and shall pay an inspection fee at the rate prescribed in the Second Schedule to these regulations.

(3) The Chief Inspector shall at all times have the right to reject as unfit for distribution and use any imported explosive that in his opinion has arrived in an unsatisfactory condition whether by reason of deterioration, damage or otherwise.

13. The importer of any explosive, or his agent, shall at any time when requested by an inspector to do so open, or cause to be opened, for inspection any package containing any explosive, and shall deliver or cause to be delivered to the inspector without payment such samples as the inspector may require for the purpose of further examination or testing, and after such inspection and delivery the importer or his agent shall then forthwith close and fasten the package securely and safely.

14. (1) All imported explosives classified in Division 1 of Class 3 (nitro-compound) shall pass the test known as the Abel Heat Test before being approved for release by an inspector, and for the purpose of such test there may be taken one sample from every fifty packages or part thereof.

Reg. 14  
amended  
by G.G.  
23/10/69,  
p. 3312.

(2) The test shall be at a temperature of 160 deg F. and for a gelatinous explosive to pass such test, the reaction time shall be not less than 10 minutes, and in the case of powdered explosives the reaction time shall be not less than seven minutes, and the test shall thereafter be continued for a total period of 30 minutes and the time of reaction shall be observed; but if no reaction has occurred at the end of a period of 30 minutes, the test shall be discontinued and the result reported as "N30".

(3) In the event of any sample failing to pass the test prescribed in this regulation, no explosive of the same name, date and package marks shall be released, distributed or sold, but shall be further tested or dealt with as the Chief Inspector thinks fit.

(4) The importer shall pay in respect of each heat test the fee prescribed in the Second Schedule to these regulations and shall receive from the Chief Inspector a report of the test results.

15. A person who imports any explosive under the authority of a License to Import Explosives or an Entry Permit shall handle, convey or store the explosive to the satisfaction of an inspector and in accordance with the requirements of these regulations.

16. In all matters relating to handling, loading or unloading of explosives to or from any magazine, wharf, vehicle or vessel at a place of importation, the Chief Inspector may impose such conditions or issue such instructions as he considers necessary for safety, and all such conditions or instructions shall, where necessary, be issued in writing and be duly observed and complied with by all persons concerned.

#### PART V.—MANUFACTURE OF EXPLOSIVES.

17. Except for the special exemptions referred to in subsection (3) of section 19 of the Act, the manufacture of any explosive that is defined, and including fireworks and pyrotechnic devices, shall be carried out only in a place licensed under the Act as a factory.

18. (1) Every application for a License to Manufacture Explosives shall be made to the Chief Inspector and the applicant shall supply all information that the Minister or the Chief Inspector may require in respect to the location of the proposed factory, its buildings and magazines, and the processes or operations proposed to be used and employed.

(2) Every such application shall be accompanied by the prescribed fee for the license and by such plans drawn to scale as the Chief Inspector may require.

19. (1) The Chief Inspector shall recommend to the Minister that the license be granted or refused in accordance with subsection (2) of section 20 of the Act, and the Minister shall thereupon exercise the powers conferred on him by that subsection, as he thinks fit, but shall not grant the license unless it is approved by the local authority of the municipal district in which the proposed factory will be located.

(2) [*Revoked by G.G. 23/10/69, p. 3312.*]

20. In granting a License to Manufacture Explosives in respect of a factory the Minister shall specify the maximum quantities of explosive ingredients or finished explosives that may be kept in any building within the factory and the distances that such buildings are to be from each other and from other buildings or works, and such quantities shall not then be exceeded at any time without approval given in writing by the Minister.

21. The Chief Inspector shall approve the rules and procedure for handling explosive materials and products in a factory made and instituted for the management and conduct of the factory and of the persons employed in or about the same, and shall be satisfied that such rules and procedure are observed and obeyed by all persons employed in or entering the factory.

22. Every inspector has the right of entry to a factory at all times, and may inspect any process, operation or store and take any samples of ingredients, components or products that he requires for testing purposes.

Reg. 19  
amended  
by G.G.  
23/10/69,  
p. 3312.

23. The holder of a License to Manufacture Explosives shall make special rules for regulating the conduct and work of persons employed by him in the manufacture of explosives so that proper discipline and safety of those persons is ensured, and, if required by the Chief Inspector, shall make new rules or alter or repeal any rules for regulating processes or persons employed in the factory.

24. (1) Any accident by fire or explosion in a factory shall be immediately reported to the Chief Inspector who shall thereupon make such inquiry and investigation as he considers necessary.

(2) When an accident by fire or explosion has occurred in a factory, no reconstruction of the premises shall be carried out without the permission of the Chief Inspector and subject to such alteration as he may require.

25. No building shall be added to a factory and no building shall be reconstructed or altered unless properly prepared plans relating to such reconstruction or alteration are first submitted to the Chief Inspector for approval and for amendment of the license.

#### Filling of Safety Cartridges.

26. The filling of safety cartridges for small arms when intended solely for private use and not for sale is exempt from the provisions of the Act and these regulations; but when such cartridges are intended for sale, the filling thereof shall be deemed not to be manufacture of an explosive.

27. A person shall not fill any explosive into small arms cartridges intended for sale except under the following conditions:—

- (a) The premises are licensed for the storage and keeping of explosives.
- (b) There shall not be in the room in which such filling is carried on, more than 5 lb. of explosive in addition to such explosive as is made up into cartridges.
- (c) No other work or activity shall be carried out in the same room while cartridges are being filled and no unauthorised person shall have access to the room.
- (d) There shall not be in the room while cartridges are being filled any fire or any type of artificial light that is liable to cause fire or explosion.
- (e) The room in which filling is carried out shall be detached from any store or receptacle where explosives are kept and at such distance as may be approved by an inspector.
- (f) Any person intending to fill or cause to be filled any explosive into small arms cartridges for sale shall give notice to the Chief Inspector of his intention to do so whether the premises in which such filling is to be carried out are or are not already licensed.
- (g) No premises shall be used for the filling of explosives into small arms cartridges intended for sale unless approved by the Chief Inspector for that purpose, and the occupier of the premises shall duly comply with any conditions imposed or directions given by the Chief Inspector in respect of those premises.

#### Blasting Agents.

28. (1) The term "blasting agent" means any material or mixture intended for blasting, not otherwise classified as an explosive and none of the ingredients of which is classified as an explosive; provided that the finished product cannot be detonated when tested in a manner laid down by the Chief Inspector.

(2) The Chief Inspector may approve that a mixture used for blasting purposes shall be classified as a blasting agent when, in his opinion, it conforms to the definition.

(3) A blasting agent, when so classified, is exempt from the provisions of regulations 17 to 25 (both inclusive) of these regulations as they apply to manufacture.

29. (1) The Chief Inspector shall specify conditions to which the mixing and handling of a blasting agent as well as the storage and handling of any of the ingredients thereof shall be subject, and shall cause a printed copy of those conditions to be given to any person who mixes and uses the blasting agent.

(2) A person who by act or omission contravenes any condition specified by the Chief Inspector pursuant to this regulation commits an offence against these regulations.

Reg. 30  
amended  
by G.G.  
23/10/69,  
p. 3312.

30. (1) Any person intending to mix and use a blasting agent shall first apply to the Chief Inspector for a License to Manufacture a Blasting Agent and shall pay the prescribed fee specified in the Second Schedule to these regulations.

(2) [*Revoked by G.G. 23/10/69, P. 3312.*]

31. Any person who mixes a blasting agent without first having obtained a license to manufacture the same, or mixes any ingredients for blasting when the mixture has not been classified as a blasting agent, shall be deemed to be manufacturing an explosive.

32. The manner of mixing, keeping and carrying any blasting agent under the authority of a license to manufacture the same shall be subject to approval of an inspector at all times.

33. A License to Manufacture a Blasting Agent shall be granted for one year only but may be renewed at the discretion of the Chief Inspector, and such license shall apply only to the type of blasting agent named therein, and to the place or places specified for mixing and use of the blasting agent.

Reg. 34  
amended  
by G.G.  
23/10/69,  
p. 3312.

34. Any person intending to make practical experiments with any mixture for blasting other than a classified blasting agent shall first obtain approval in writing from the Chief Inspector who may arrange such inspection or supervision of the experiments as he deems necessary.

#### PART VI.—STORAGE AND KEEPING OF EXPLOSIVES.

##### (A) For Private Use and Not For Sale.

35. A quantity of authorised explosive may be stored or kept by any person for private use and not for sale subject to compliance with the following conditions:—

- (1) The quantity so stored or kept does not exceed 50 lb. weight of blasting explosive and 100 detonators.
- (2) The blasting explosive with its original package is wholly contained in a wooden receptacle fitted with a hinged lid and a strong lock, such receptacle to be well constructed of close fitting boards not less than one inch in thickness and fitted with handles for carrying, to bear the word "EXPLOSIVES" clearly shown in letters not less than three inches high, and to be kept securely locked.
- (3) The receptacle containing the explosive is located within a lock-up building or shed, other than a dwelling, and at a distance of not less than 25 feet from any source of fire or from flammable liquid of any quantity or class.
- (4) The explosive is not stored or kept within the boundaries of any city, suburban or townsite area unless the storage is approved by the local authority for that area and by the Chief Fire Officer for the area.
- (5) The owner of the explosive takes every precaution against theft of, or interference with, the explosive by any person and reports any such theft or interference to a Police Officer.

- (6) Every reasonable precaution is taken by the owner of the explosive against accident by fire or explosion due to irresponsible action by any person in or about the premises in which it is stored or kept.
- (7) The owner of the explosives is a person authorised under the Act or these regulations to be in possession of explosives and the authority is produced on demand to any Police Officer or to an inspector.
- (8) The explosive so stored or kept may at any time be examined by an inspector and any direction of the inspector is duly carried out.
- (9) If the explosive appears to have deteriorated or is suspected of having deteriorated to such extent as to be unfit for use, or if the explosive is no longer required for his private use, the owner reports that fact to an inspector or to a Police Officer.
- (10) Detonators when kept for private use and not for sale are kept in a safe and secure manner in accordance with these regulations.

(B) In Premises Under a License to Store.

36. (1) The quantity of explosives that may be stored or kept in premises pursuant to the authority of a License to Store Explosives granted under these regulations shall be regulated by the situation and construction of the premises and the nature of the explosives kept.

(2) Every application for a License to Store Explosives shall be made to the Chief Inspector in writing and be accompanied by the prescribed fee.

37. A License to Store Explosives shall not be granted until the premises in which the explosives are to be stored or kept have been approved by an inspector who shall determine the manner of storage, the quantity of explosives to be stored, the location of storage within the premises, the appliances to be kept for fire-fighting, or such other precautions to be taken that he considers necessary for prevention of fire or explosion or for general safety.

38. A License to Store Explosives shall be issued by the Chief Inspector for such quantity of explosives and subject to such conditions and manner of storage as are recommended by an inspector, but the license may be refused where the premises are within a city or townsite if the Chief Inspector considers that the storing or keeping of explosives at that place is or is likely to be a danger to public safety.

39. No premises shall be licensed for the storing or keeping of a quantity of blasting explosives exceeding 300 lb., but there may also be stored on the premises so licensed a quantity of detonators of Class 6, Division 3, not exceeding 1,000 in number.

40. A License to Store Explosives shall be granted in Mode A or Mode B. as specified in this Part, according to the quantity of explosives stored or kept in the premises and the manner of such storage.

Licensed Premises Mode A—Maximum 100 lb.

41. (1) A License to Store Explosives in Mode A shall be granted when the premises in which explosives are to be stored or kept comprise a securely constructed lock-up building, not being a dwelling house, in which is placed a substantial receptacle exclusively appropriated for keeping explosives, and shall authorise the storage or keeping of a quantity of explosive not exceeding 100lb.

Reg. 41  
amended  
by G.G.  
23/10/69,  
p. 3312.

(2) The license referred to in subregulation (1) of this regulation shall be subject to the following conditions:—

- (1) The receptacle for keeping explosives may be made of wood or iron but if made of wood shall be covered on the outside with light-gauge metal sheeting, and if made of iron shall be lined inside with either wood or similar approved non-metallic material.
  - (2) The receptacle shall be of sufficient size to contain 100 lb. of explosives together with the inner and outer packing thereof, shall be provided with a closely fitting lid or door, and be so secured by a substantial lock as to prevent unauthorised persons having access thereto.
  - (3) The receptacle shall be kept painted on the outside in white or red colour and shall have the word "EXPLOSIVES" painted thereon in a conspicuous manner.
  - (4) The receptacle shall be fitted with two carrying handles, one at each end, so as to provide easy means of removal in case of fire or other emergency, or alternatively the receptacle may be fitted with two wheels and shaft handles for the same purpose.
  - (5) There shall always be free access to the receptacle and no other packages or goods shall be kept either on top of the receptacle or within two feet of the receptacle.
- (3) [*Revoked by G.G. 23/10/69, P. 3312.*]

42. (1) In premises the subject of a License to Store Explosives in Mode A the receptacle shall be placed on a ground floor and close to an exterior door and be at least 25 feet from any goods of a flammable nature, but in other respects the receptacle shall be so placed in the premises as directed and approved by an inspector.

(2) Detonators shall not be kept in the receptacle with other explosives but shall be kept in a securely locked receptacle or place approved by an inspector and separated by a minimum distance of 10 feet from blasting explosives.

(3) Any inspector may require that there be kept in the premises and maintained in proper working order a portable hand fire extinguisher which shall be easily accessible when required to be used.

#### License in Mode B—Maximum 300 lb.

43. (1) A License to Store Explosives in Mode B shall be granted when the premises in which explosives are to be stored or kept consist of a detached building or other structure used exclusively for storing or keeping explosives, which building or structure is referred to in these regulations as a "store".

(2) The license referred to in subregulation (1) of this regulation shall be subject to the following conditions:—

- (1) The store shall be separated from dwellings, offices or working places by an approved distance, having regard to the quantity of explosives stored or kept.
- (2) The store shall be separated from any place for the storage of flammable liquids or dangerous goods by an approved distance, having regard to the quantities of such goods and the type of premises.
- (3) The store shall be either on the surface of the ground or excavated in solid rock and shall be constructed and fitted in accordance with these regulations.
- (4) The store may be constructed and fitted as provided in these regulations for magazines and shall be of dimensions appropriate for the quantity of explosives to be stored or kept therein.
- (5) A receptacle of iron may be approved as a store if it is lined with wood or other approved material, is sheltered by a roof from the weather.

- (6) Every store shall meet the requirements of the Chief Inspector in respect of construction and security, and shall be so constructed that the interior remains cool and dry at all times, the internal capacity is not less than double that of the explosives and their packages, and there is provided in the bottom and the top a means of ventilation.
- (7) No detonators shall be kept within 10 feet of blasting explosives and all detonators shall be contained in a receptacle or place kept securely locked.
- (3) A License to Store Explosives in Mode B may be granted for premises on which there are two storage receptacles each of which satisfies the requirements of regulation 41 of these regulations for a storage in Mode A and which are located in different parts of the premises.

44. Before granting a License to Store Explosives in Mode B the Chief Inspector shall approve the type of store proposed by the applicant and its location on the premises, and when the store is erected in accordance with the requirements of the Chief Inspector, no change by reason of addition or alteration to other buildings or works shall be made on the premises specified in the license unless the Chief Inspector is first notified of the change and gives his approval thereto in writing.

45. Every store for explosives shall be kept and maintained in good repair and in a clean and orderly manner and to the approval of an inspector.

#### Licensed Magazines.

46. Except as otherwise provided by section 22 of the Act, any storage or keeping of explosives in a quantity greater than 300 lb. shall be in a licensed magazine which shall be constructed and placed in accordance with the requirements contained in these regulations.

47. (1) Every application for a Magazine License shall be made in writing to the Chief Inspector and be accompanied by the prescribed fee specified in the Second Schedule to these regulations.

Reg. 47  
amended  
by G.G.  
23/10/69,  
p. 3313.

(2) The application shall include all information required by the Chief Inspector and be accompanied by a scale drawing of the magazine building and a plan showing its location with respect to any roads, buildings or working places.

(3) [*Revoked by G.G. 23/10/69, p. 3313.*]

48. The Chief Inspector after examining the application may grant a Magazine License in respect of the magazine specified therein with or without modification or additions and subject to such conditions, restrictions or prohibitions as he may deem necessary in the interest of safety, or he may refuse the application if in his opinion the proposed magazine would be a danger to public safety.

49. (1) On approval of the application the applicant shall complete the magazine in accordance with these regulations and the conditions imposed by the Chief Inspector and on such completion the Magazine License shall be issued.

(2) After issue of the license no change shall be made either to the magazine building or to the conditions so imposed unless notice of the proposed change is first given to the Chief Inspector and his approval thereto obtained in writing, whereupon the license may then be amended in respect of any such approved change to be made to the magazine or in the conditions of the license.

50. (1) Detonators shall not be stored in the same magazine with blasting explosives of Class 3 (nitro-compound) or with any form of gunpowder unless separated from the explosives or gunpowder by such intervening solid partition and such distance as may be approved by an inspector for that magazine, and where no such approval is given, a separate detached magazine for storage of detonators shall be erected.

(2) A magazine used solely for storage of detonators shall be constructed of fire-resistant materials and be secured against unauthorised interference or entry in the same way as a magazine for other explosives, and any such detonator magazine shall be deemed a part of the same magazine and be described and included in the same license.

#### Construction and Specifications for Magazines.

51. Magazines shall be constructed and fitted either in a manner approved in writing by the Chief Inspector or in accordance with the following conditions:—

Reg. 51  
amended  
by G.G.  
23/10/69,  
p. 3313.

- (1) Walls may be of corrugated iron not less than 24 gauge, of steel plate not less than one eighth inch thickness, of reinforced concrete not less than three inches thickness, or of brick or stone set in cement mortar.
- (2) Roofing may be of corrugated iron, steel plate or reinforced concrete of the same respective thicknesses as are specified in paragraph (1) of this regulation for walls.
- (3) Doors shall be well fitted into an angle iron frame and shall be solidly constructed of wood not less than one and a half inches in thickness, sheathed on the outside with either 16 gauge steel plate or flat galvanised iron not less than 24 gauge with the edges turned round the sides of the door.
- (4) Doors shall be fitted with a mortice deadlock of approved type and no padlock shall be used on a magazine unless it is of an approved close-shackle type and secured by fittings of approved strength and security.
- (5) Hinges when fitted externally shall be either welded to the door and frame or secured by bolts passing through the door and frame and secured on the inside.
- (6) No glass windows shall be permitted in any magazine and any shutter or opening required for access of light shall be constructed and secured internally.
- (7) The interior of the magazine shall be lined throughout so that no iron or steel is left exposed, and unless otherwise approved by the Chief Inspector, the lining shall consist of close fitting jarrah boards not less than three-quarters of an inch in thickness and the floor shall be of tongued and grooved jarrah boards at least one inch in thickness; but a magazine that has walls of brick, concrete or stone may have only the roof and floor lined with wood as required.
- (8) The floor of the magazine may be of stone, brick or concrete but such a floor shall be covered with wood or some suitable waterproof covering to the satisfaction of the Chief Inspector.
- (9) The magazine shall be provided with an efficient lightning conductor in any case where the Chief Inspector considers that such protection is desirable or necessary and where the roof and walls are constructed of metal they shall be effectively bonded together and connected to earth.
- (10) The magazine shall be provided with ventilators both in the ceiling and near floor level and the ventilators shall be so constructed or protected on the outside as to prevent entry to the magazine of sparks or burning material from the outside.

- (11) The roof of the magazine shall overhang the walls by at least 12 inches all round and if the magazine is constructed wholly of steel plate it shall be protected by an adequate roof of corrugated iron.
- (12) When so approved by the Chief Inspector the magazine may be excavated in solid rock provided that the entrance is at ground level and there is a ventilation shaft from the interior of the magazine to the surface of the ground above, which ventilation shaft shall be extended at least four feet above ground level and be protected at the upper end to the satisfaction of an inspector.
- (13) No electric lighting wires or other form of wiring installation shall be permitted in the magazine except in any special case where the Chief Inspector considers such wiring to be necessary and approves the installation thereof in the magazine.
- (14) The magazine shall be separated from main roads, dwellings, public buildings and working places by a distance that is appropriate for the quantity of explosives specified in the license, which distance shall be determined by the Chief Inspector, by reference to a published Table of Safety Distances approved by him for the purpose.
- (15) The magazine may be wholly or partly surrounded by substantial mounding of earth or other approved material to a height level with that of the eaves, and the provision of such mounding shall be at the discretion of the Chief Inspector who may require mounding in any case where he considers it to be necessary.
- (16) The internal dimensions of the magazine shall be such that when it is filled to its licensed capacity there will remain sufficient space to permit free circulation of air and to allow easy working access to any of the explosives.

#### Rules for Magazines.

52. In relation to magazines the following rules shall where applicable be observed and complied with and the Chief Inspector shall prepare a summary of essential rules which the licensee shall keep posted inside the magazine:—

- (1) The quantity of explosives stored or kept at any time in a magazine shall not exceed the quantity specified in the license in respect of that magazine.
- (2) The magazine shall be used only for the storing or keeping of explosives specified in the license and the packages in which they are contained, together with such tools or implements as are necessary for handling the packages or the explosives.
- (3) The magazine shall be kept securely locked except when required to be open for purposes connected with the use or management thereof, and the keys shall be in charge of a trustworthy person who shall also attend to the care and management of the magazine and be responsible for its condition and maintenance.
- (4) There shall be kept in every magazine a broom suitable for sweeping out the floor and at the doorway one coir mat, and the floor shall be swept clear of debris and grit at weekly intervals and the mat kept in clean condition.
- (5) There shall not be permitted in or near any magazine any article or substance of a flammable nature, and no naked light, matches or cigarette lighters shall be taken or carried into a magazine. Articles liable to spontaneous ignition, including oiled rags, cotton waste or any jute bagging or hessian, shall not be permitted in or near a magazine.
- (6) A person shall not smoke in or near any magazine.

Heading  
and Reg. 52  
amended  
by G.G.  
23/10/69,  
pp. 3313-4.

- (7) No person under the age of 16 years shall be permitted to work in any magazine and no such person shall enter any magazine unless under supervision of an adult.
- (8) No person under the influence of liquor shall be permitted to enter or remain in any magazine and no intoxicating liquor shall be taken into or kept in any magazine.
- (9) The ground underneath a magazine shall be kept cleared of leaves, grass or flammable debris and the ground around the magazine shall be kept similarly cleared to a distance of not less than 25 feet therefrom.
- (10) Packages of explosives shall be stacked to a height not more than six feet from the floor and in such a manner as to leave an air space around the walls and to allow access to all packages, and all packages must be removed and used in such order as to ensure that the older stocks are used first.
- (11) No explosive shall be removed from its package and left exposed in a magazine, and any loose explosives shall be totally enclosed either in the original package or in a receptacle provided for the purpose.
- (12) At the approach of a thunderstorm, a magazine shall be closed and all work shall cease until the storm has passed over.

#### Portable Magazines.

53. (1) Application may be made for a licensed magazine to be a portable magazine and the Chief Inspector may grant such license when in his opinion the circumstances require that the magazine be moved from one working place to another from time to time.

(2) The license fee for portable magazines shall be the same as that prescribed for a License to Store Explosives according to the weight of explosives stored.

54. (1) When granting a license for a portable magazine the Chief Inspector shall approve the type of construction and size of the magazine and may refuse to license any portable magazine that in his opinion is either not thoroughly secure or not safe for keeping explosives.

(2) A portable magazine shall be so constructed as to remain dry inside at all times and to permit of its being conveniently and safely loaded onto or unloaded from a vehicle when moved from one place to another.

(3) A portable magazine may be of all steel construction provided that it is lined on the inside with wood or other approved material in such a manner that no iron or steel is exposed on the inside.

(4) [*Revoked by G.G. 23/10/69, p. 3314.*]

(5) The Chief Inspector shall determine and specify in the license a safety distance at which the portable magazine shall be located from any working place or other occupied building and such distance shall be observed when the magazine is in use.

(6) Every portable magazine shall at all times be located in an open space well removed from any source of fire or any flammable material, and when no open space is available, the area around the magazine shall be cleared for a distance of not less than 25 feet or the magazine shall be so enclosed by walls of earth or stone as to protect it from fire.

(7) An inspector may at any time make inquiries as to the location of a portable magazine and the holder of the license therefor shall when requested to do so by an inspector immediately supply him with such information relating to the portable magazine as he may require together with a plan showing the location of the magazine.

Reg. 54  
amended  
by G.G.  
23/10/69,  
p. 3314.

(8) A portable magazine shall be subject to any conditions that the Chief Inspector may impose with regard to the location, use or movement of that magazine, and such conditions shall be notified in writing and after such notice any contravention of those conditions shall be an offence against these regulations.

(9) A person who uses or conveys, or causes or permits to be used or conveyed, a portable magazine in a manner dangerous to the public or contrary to these regulations commits an offence against these regulations.

(10) The general provisions of these regulations so far as they relate to licensed magazines and to premises specified in Licenses to Store Explosives shall apply also to portable magazines to such extent as may be applicable.

#### Storage in Public Magazines.

55. Any person may store explosives in a Public Magazine appointed by the Minister pursuant to section 25 of the Act and there shall be payable to the Minister a storage charge in respect of every case or package of explosives so stored as prescribed in the Second Schedule to these regulations.

56. The following rules shall apply to the storage of explosives in a Public Magazine:—

- (1) The Officer in Charge of a Public Magazine shall be given not less than 24 hours' prior notice of intention to move any explosive into or out of a Public Magazine.
- (2) A person desiring to remove any explosive from a Public Magazine shall, if he does not himself attend at such Public Magazine for that purpose, appoint in writing a responsible person to be his agent for that purpose, and such person or his agent shall obey all instructions of the Officer in Charge while at or near that magazine and shall give to the Officer in Charge a receipt for the explosives received by him for removal.
- (3) The Officer in Charge shall be notified in writing if an explosive while stored in a Public Magazine is sold or transferred to a person other than the person in whose name the explosive is stored.
- (4) No explosive shall be removed from a Public Magazine for further distribution or use unless the Chief Inspector is satisfied that the explosive is in good condition and is of a type that has been authorised or otherwise approved for sale or use.

57. The Officer in Charge of a Public Magazine shall—

- (a) superintend the receipt, delivery, storage, sampling, examination, repacking or removal of any explosive;
- (b) keep a record of all explosives received, stored, delivered and removed;
- (c) maintain in good order the magazine area including buildings, tools and equipment used in connection therewith.
- (d) ensure that the provisions of the Act and these regulations as far as they apply, are strictly observed and complied with; and
- (e) report to the Chief Inspector on all matters relating to the storage and handling of explosives in the Public Magazine area.

58. A person shall not enter within any area whereon a Public Magazine is situated except with the authority of the Minister or the Chief Inspector, and a person so authorised shall observe and take all necessary precautions as the Officer in Charge of the Public Magazine may direct and require.

Reg. 59  
amended  
by G.G.  
23/10/69,  
p. 3314.

#### Explosives Reserves.

59. Where in respect of any reserved land vested in him for the purpose of magazines for explosives the Minister has power to lease for the purpose the whole or any part of that land, the following rules shall apply and be observed in relation to any of such reserved land leased by the Minister:—

- (1) The lessee of the land so leased may use the same for the erection of a magazine or for any other purpose connected with the handling or storage of explosives as the Chief Inspector may approve.
- (2) The lessee shall pay to the Minister an annual rental for the land so leased which rental shall be known as a "Tonnage Fee" and shall be assessed—
  - (a) where the land is leased for the erection of a magazine, on each ton of explosives for which the magazine is licensed;
  - (b) where the land so leased is held or used for the purpose of storing material connected with but not being explosives, at one half that fee prescribed for the storage of the same quantity of explosives; and
  - (c) where the land so leased is used for the erection of a building which is an office, garage or working place, at the fee prescribed for the licensed storage of 5 tons of explosives.
- (3) Tonnage Fees shall be those specified in the Second Schedule to these regulations and shall be at the higher rate when the Minister appoints an Officer in Charge and regular security service on the reserved land.
- (4) A magazine erected on the land so leased shall be licensed pursuant to the provisions of these regulations and be subject to all those provisions as they apply to licensed magazines, and such license shall be granted to the lessee of the land so leased who shall pay the prescribed license fee specified in the Second Schedule to these regulations.
- (5) The Minister may appoint a person to be the Officer in Charge on any reserved land vested in him and such person shall also be the Officer in Charge of any Public Magazine on that reserved land.
- (6) The Officer in Charge on any reserved land, if the Minister so recommends, shall have and may exercise all the powers of an inspector under the Act and these regulations.
- (7) The licensee of any magazine on reserved land shall be responsible for the handling and movement of explosives into and out of such magazine, provided that he may appoint in writing a responsible person to be his agent for that purpose, and the licensee or his agent and all workers under his control shall observe these regulations so far as they apply to the conveyance, handling and storage of explosives and to the management of magazines.
- (8) The licensee of any magazine on reserved land shall have free access to such magazine, but if there is an Officer in Charge shall not enter upon the reserved land for the purpose of moving explosives except during such times as may be arranged with the Chief Inspector.
- (9) All movement of explosives on any reserved land shall be carried out in daylight, within normal working hours and at a time when the Officer in Charge or his duly appointed deputy is available for purposes of inspection.
- (10) A person shall not remove any explosive from any storage on reserve land unless and until he satisfies an inspector that the explosive will be moved and conveyed by such vehicles and in such manner as are provided for in these regulations for the conveyance of explosives.

## Temporary Storage.

60. (1) When any explosive is required to be stored or kept at any place for a period not exceeding three months, an application shall be made to the Chief Inspector for approval of temporary storage, and the Chief Inspector may at his discretion grant permission in writing for such temporary storage subject to such conditions as in his opinion are desirable or necessary in the circumstances.

(2) At the expiration of three months such permission may be extended for a further period not exceeding three months if the Chief Inspector is satisfied that such extension is warranted in the circumstances.

61. (1) Storage of explosives for any period exceeding six months shall be deemed to be storage for a period of one year and shall be subject to the granting of a Magazine License and to payment of the prescribed fee for such license and, if the storage is on land vested in the Minister for the purpose of magazines for explosives, to payment of the prescribed Tonnage Fees.

Reg. 61  
amended  
by G.G.  
23/10/69,  
p. 3314.

(2) The temporary storage of explosives under written permission shall be in the manner provided in these regulations according to the quantity and type of explosives so stored, and such storage shall at all times be as approved by an inspector.

## PART VII.—SALE OF EXPLOSIVES.

62. Except as provided in section 28 of the Act, a person shall not sell or keep for sale any explosives unless he holds a License to Sell Explosives, issued by the Chief Inspector in the Form No. 11 in the Third Schedule to these regulations.

63. (1) Every application for a License to Sell Explosives shall be made to the Chief Inspector and shall be accompanied by the prescribed fee.

(2) The applicant shall include in the application a description, and if necessary a plan drawn to scale, of the building or buildings on his premises and shall state whether explosives are to be stored or kept on the premises and if so, of what kind and in what quantities.

(3) Before granting the license the Chief Inspector shall cause an inspection to be made of the premises and shall determine whether explosives may be safely stored or kept on the premises and if so, in what quantity.

64. The quantities of explosives permitted to be stored or kept on the premises under a License to Sell Explosives shall not exceed those quantities permitted in these regulations relating to storage of explosives in premises the subject of a license for the purpose in either Mode A or Mode B referred to in these regulations, and shall be determined by the Chief Inspector having due regard to the nature of the buildings and the work done therein, the nature and storage of any flammable goods or stocks, and the proximity of the explosives to any dwelling houses, main roads or other works.

65. (1) The Chief Inspector may grant the License to Sell Explosives subject to such conditions of storage and quantities of explosives to be stored as he thinks necessary and proper, having due regard for the safety of persons and property on or about the premises.

(2) The Chief Inspector may refuse to grant a License to Sell Explosives if he considers for any reason that the premises are unsuitable or unsafe for the selling or keeping of explosives; provided nevertheless that the license may be granted subject to conditions that explosives are stored either on some other premises approved for the purpose by the Chief Inspector or in a magazine licensed under the Act and in accordance with these regulations.

66. Explosives kept for sale under a License to Sell Explosives shall be stored in the same quantities and manner of storage as are provided in these regulations for the storage of explosives in premises the subject of a license for the purpose, but the Chief Inspector may approve, on certain premises, that there may be two storages in Mode A referred to in these regulations when located in separate detached buildings at an approved distance from each other.

67. (1) In respect to premises specified in a License to Sell Explosives, the Chief Inspector may require that there be installed in those premises a receptacle mounted on wheels and fitted with handles so as to be easily moved in case of fire or emergency.

(2) The keeping of explosives for sale shall in all other respects be the same as provided in these regulations for the storage of explosives in premises the subject of a License to Store Explosives in Mode A or Mode B, and all requirements of these regulations applicable to such premises shall apply also to premises specified in a License to Sell Explosives.

68. The holder of a License to Sell Explosives shall notify the local fire authority for the district wherein his premises are situated of every building or receptacle used or intended to be used for the storage of explosives.

69. Every person who handles explosives under a License to Sell Explosives shall take all reasonable precautions for the prevention of accident by fire or explosion, and every person who enters any premises on which he knows explosives are stored shall abstain from any act that may be likely to cause fire or explosion.

70. In respect to premises that are used by the holder of a License to Sell Explosives for the purpose of exercising the authority conferred by that license, the following shall apply:—

- (1) Every building or receptacle in which any explosives are contained shall be securely locked when not in use and the entrance to the building or access to the receptacle shall at all times be kept clear of any obstruction.
- (2) No explosives shall be kept or exposed to view in any part of the premises that are ordinarily entered by the public.
- (3) A person shall not sell or offer for sale on the premises any explosive that has been removed from its original package or container unless the explosive is completely enclosed in a substantial case, bag or wrapping so as to protect the explosive from damage and to prevent any explosive from escaping, and unless the outer package or wrapping is marked by brand or securely attached label with the word "EXPLOSIVE" in letters not less than one-half inch high and of bright red colour.
- (4) A person shall not sell or offer for sale on the premises any explosive unless that explosive appears thoroughly dry and in good physical condition, and any explosive that has for any reason become unfit for sale shall be brought to the notice of an inspector who may deal with it as he thinks fit.

71. (1) The occupier of premises used for the sale of explosives pursuant to a License to Sell Explosives shall enter in a book to be kept by him for that purpose the name and address of every person to whom, and the date on which, explosives are sold, together with the quantity and nature of the explosives, and the purchaser or his agent shall also sign his name in the book.

(2) An inspector or any member of the Police Force may at any time inspect the book in which sales of explosives are recorded and may make copies of any record contained therein or take any extracts therefrom.

72. No explosives shall be sold or delivered to a person who is apparently under the age of 18 years.

73. (1) No explosive shall be exhibited or exposed for sale in any shop window or any part of the premises, but this provision shall not prohibit the display of dummy explosives for such purpose.

(2) The occupier of premises used for the sale of explosives pursuant to a License to Sell Explosives may exhibit on those premises a notice reading "Licensed to Sell Explosives."

74. Nothing in these regulations shall prevent the holder of a License to Sell Explosives from selling or dealing in any quantity of any authorised explosives exceeding the maximum quantity permitted to be stored in his premises if the explosives are conveyed directly from the source of supply to the place of storage and use of the purchaser.

75. No explosives shall be sold by any person unless he is satisfied that the purchaser is authorised under the Act and these regulations to be in possession of and to use explosives.

76. The following persons are authorised to have possession of and use explosives:—

- (1) A holder of a Mining Tenement under the provisions of the Mining Act, 1904 (as amended).
- (2) A holder of a license under the Act for the storage and keeping of explosives in accordance with these regulations.
- (3) A person who possesses, and can if necessary produce, a permit to purchase explosives issued in accordance with these regulations, which permit is current and unexpired.
- (4) Any person who is approved and authorised by any Department of Works of the Commonwealth or of the State in that behalf and who notifies the vendor that he is actually employed by such Department and that the explosives are to be used for the work of that Department.

Reg. 76  
amended  
by G.G.  
23/10/69  
p. 3214

77. In these regulations, Safety Fuse shall for the purposes of sale be deemed an explosive and shall not be sold to any person apparently under the age of 18 years or to any person who is not authorised to be in possession of and to use explosives under these regulations.

78. In matters relating to the sale of explosives a member of the Police Force has all the powers of an inspector and if he has reasonable and probable cause to suspect any contravention of these regulations, so far as they relate to the sale of explosives, he may exercise any or all of those powers.

#### PART VIII.—CONVEYANCE OF EXPLOSIVES.

##### General Provisions.

79. The provisions of Division 7 of Part III of the Act shall prevail in respect to any conveyance or carriage of explosives in a vehicle or vessel of any description.

80. Except where otherwise provided, nothing in the following regulations for conveyance of explosives shall apply to explosives of Class 6 Division 1 including multiple fuse igniters, safety fuse, percussion caps, railway fog signals, safety cartridges or manufactured fireworks of the shopgoods class (Class 7 Division 3), provided that all due precautions are taken for the prevention of accident by fire or explosion or otherwise.

81. The Chief Inspector may, when satisfied that there is no danger to public safety, exempt manufactured explosive goods in addition to the explosives set out in regulation 80 of these regulations, from such of the regulations as relate to the conveyance of explosives.

82. Notwithstanding the foregoing regulations in this Part, the conveyance of any manufactured explosive or pyrotechnic goods shall be carried out with all reasonable care for the prevention of any accident by fire or explosion or otherwise and any act or omission of wilful neglect is an offence against these regulations.

83. No explosive of Class 4 (Chlorate mixture) or Class 5 (Fulminate) or Class 7 Division 1 (Firework Composition), or any explosive that is not either an authorised explosive or an explosive approved for importation under an Entry Permit under these regulations, shall be conveyed on any vehicle, vessel or railway unless the approval of the Chief Inspector thereto has first been obtained.

84. No detonators of any kind shall be conveyed on a vehicle or vessel that is carrying other explosives unless the detonators are in a separate receptacle or compartment and separated from those other explosives in such a manner as to prevent any fire or explosion being communicated to them.

85. All explosives in excess of 50 lb. weight in the aggregate shall, when conveyed in any vehicle or vessel, be packed, branded, labelled or marked in accordance with these regulations.

86. No explosives shall be loaded onto or unloaded from any vehicle or vessel except during hours of daylight unless the Chief Inspector, because of some special circumstances, approves of such loading or unloading being carried out at a time other than during those hours.

87. All explosives when conveyed in any vehicle or vessel shall be covered or protected in such manner that the packages are not exposed to the weather elements and any inspector may require that such covering and protection be carried out to his satisfaction before permitting the conveyance to proceed.

88. Explosives shall not be carried in any vehicle, vessel, compartment or receptacle that is constructed of iron or steel unless all packages are fully protected from contact with any exposed iron or steel by fabric, wood or other approved material of a like nature.

89. Explosives of the following different types when carried on the same vehicle or vessel shall be separated by being placed in different compartments or receptacles:—

- (a) All detonators and other explosives of Class 6 Division 3.
- (b) Explosives of Class 1 (Gunpowder), Class 2 (Nitrate-mixture), Class 3 (Nitro-compound), Class 4 (Chlorate-mixture) and such explosives of Class 6 Division 2 as do not contain any exposed iron or steel.
- (c) Such explosives of Class 6 Division 2 as contain exposed iron or steel.
- (d) All explosives of Class 7 (Firework).
- (e) All explosives of Class 6 Division 1, including multiple fuse igniters, percussion caps, safety fuse, and safety cartridges.

Provided that detonators shall be separated from all other types by such sufficient distance or thickness of partition that fire or explosion of the detonators will not be communicated to other explosives.

90. The conveyance of explosives by vehicle or vessel at any place may be further regulated by the Chief Inspector who may specify conditions or make rules that he considers necessary for that conveyance in addition to and not inconsistent with these regulations, and such conditions or rules shall have the same force and effect as if they formed part of these regulations.

#### Conveyance by Railway.

91. (1) The Commissioner of Railways may make regulations for conveyance of explosives on any railway under his control pursuant to the provisions of the Government Railways Act, 1904 (as amended), and a copy of the regulations so made shall be kept in the office of the Chief Inspector.

(2) Subject to the approval of the Chief Inspector, the regulations made for conveyance of explosives by the Commissioner of Railways shall have effect on all railways under his control as though they were regulations made under the Act and may be applied by the Chief Inspector to the conveyance of explosives on any other railway within the State as though they formed part of these regulations.

#### Conveyance by Boat.

92. (1) The conveyance of any explosives on vessels or ships in harbours or ports shall be subject to regulations made under any Act relating to such conveyance of explosives, but where inconsistency exists between those regulations and these regulations, the provisions of these regulations shall prevail.

(2) No explosives shall be conveyed in any barge, lighter or other small vessel unless that vessel has been approved by the Chief Inspector as suitable for the purpose and his approval given in writing.

(3) The approval by the Chief Inspector of any barge, lighter or vessel for conveyance of explosives shall be for a period of twelve months but at the end of that period such approval may be renewed in writing for a further period not exceeding twelve months.

(4) The Chief Inspector before giving his approval, or granting any renewal, may require such alteration, addition or provision of any equipment to the vessel as he thinks necessary to ensure that the vessel is safe for carrying explosives.

(5) The Chief Inspector shall specify the maximum quantity of explosives that the vessel may carry at any one time and such quantity shall not be exceeded at any time.

(6) No vessel approved by the Chief Inspector pursuant to this regulation shall carry any explosive while at any time the vessel is carrying or plying for the carriage of passengers for hire or reward.

(7) All explosives conveyed on a vessel approved for conveyance by the Chief Inspector pursuant to this regulation shall be placed in holds, magazines or receptacles constructed and fitted to the approval of the Chief Inspector and be wholly covered and enclosed thereby, and no explosive shall be carried as deck-cargo unless it is enclosed in a magazine or receptacle that is wholly covered by tarpaulin and thoroughly secured.

(8) Hatch covers on any boat or barge, while that boat or barge is carrying explosives, shall be close-fitting, securely fastened and covered by tarpaulins.

(9) A vessel while carrying explosive shall exhibit such signs or signals as are prescribed by the Harbour Authority.

(10) Explosives shall not be loaded onto or unloaded from a vessel except at such wharves or other places as are approved for the purpose by both the Chief Inspector and the Harbour Authority.

(11) When explosives are being loaded onto or unloaded from any vessel at a wharf or other place approved for the purpose, a person shall not do or cause or permit to be done any act liable to cause fire or explosion and any inspector is authorised to take such steps and give such directions as in his opinion are necessary for the prevention of any such act.

(12) An inspector shall remove or cause to be removed from the wharf or other place any substance, material or thing that he considers likely to be a cause of accident, fire or explosion and any direction of an inspector shall be carried out without delay.

(13) No persons other than those responsible for the loading or unloading of the explosives, and the crew of the vessel, shall be upon or have access to a wharf or other place when explosives are being handled there, and no other person shall be on the wharf or other place or near the vessel unless he is known to the inspector and is permitted by him to be so present.

(14) An inspector may call upon any Police Officer to enforce his authority in any matter relating to the loading or unloading of explosives at a wharf or other place.

#### Conveyance by Road.

93. No explosive or any explosive substance shall be carried by any person on a road vehicle that is at the same time carrying or plying for the carriage of passengers for hire or reward, except that a quantity not exceeding 5 lb. weight of authorised blasting explosive may be so carried if the explosive is packed in and completely enclosed by a substantial carrying bag or box that is held in hand by the owner during the entire journey.

94. No explosive of Class 4 (Chlorate Mixture) or Class 5 (Fulminate), or any unauthorised explosive, shall be conveyed on any road vehicle unless the Chief Inspector gives permission in writing for the conveyance thereof.

95. No road vehicle of any kind shall be loaded with a weight of explosives that exceeds 80 per cent. of the normal maximum carrying capacity of the vehicle.

96. All general provisions of these regulations so far as they relate to the conveyance of explosives shall apply to the conveyance of explosives by road.

97. No explosives shall be carried in a trailer attached to any road vehicle unless—

- (a) the Chief Inspector has given approval in writing for such conveyance; or
- (b) the trailer forms part of the trailing part of an articulated vehicle.

(c) [*Revoked by G.G. 23/10/69, p. 3314.*]

98. Any quantity less than 50 lb. of any blasting explosive or any part of a package of explosives, when conveyed in a road vehicle, shall be packed in and totally enclosed by a receptacle comprising a wooden box provided for the purpose and such receptacle shall be marked conspicuously with the word "EXPLOSIVES" in letters not less than two inches high.

99. (1) No vehicle while carrying explosives shall at the same time carry any inflammable liquid other than in its fuel tanks and as required for the engine of the vehicle, or any other substance or goods likely to cause fire or explosion.

(2) Subregulation (1) of this regulation does not apply to working parties travelling from a works depot to a working place carrying not more than 100 lb. of explosives completely enclosed in an approved wooden receptacle.

100. (1) Explosives shall be loaded onto a vehicle in such manner that there will be no movement of the packages during the journey and all packages shall be so secured that no explosive will escape or be lost from the vehicle.

Reg. 97  
amended  
by G.G.  
23/10/69,  
p. 3314.

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amended  
by G.G.  
23/10/69,  
p. 3314.

(2) All explosives when carried on a vehicle shall be effectively protected from the weather and from any likely communication thereto of fire, and if the vehicle is an open one all explosives shall be covered and protected by tarpaulin or similar approved water-proof material or be enclosed within a receptacle or portable magazine.

(3) Every road vehicle used for carrying explosives shall be in mechanically sound condition and shall not have any mechanical fault liable to cause accident to or stoppage of the vehicle during the conveyance of explosives.

101. A quantity not exceeding 100 lb. weight of explosives may be carried in a motor car if—

- (a) the journey does not exceed 50 miles;
- (b) the explosive is completely enclosed in a rear compartment and separated by a partition from the rear seat or driver's seat;
- (c) the vehicle proceeds without delay or unnecessary stoppage to its destination;
- (d) the driver observes these regulations in so far as they apply to such type of vehicle;
- (e) detonators when carried at the same time do not exceed 500 in number and are contained in a wooden receptacle placed in the driver's compartment.

102. A quantity of explosives not exceeding 500 lb. weight may be carried in a utility, van, truck or other commercial vehicle not being a motor car, if—

- (a) the explosives are effectively covered and protected by roof, hood or tarpaulin and made secure on the vehicle;
- (b) detonators when carried at the same time do not exceed 1,000 in number and are enclosed in a wooden receptacle in the driver's compartment of the vehicle;
- (c) the vehicle carries a fire extinguisher of an approved type and size maintained in proper working order;
- (d) when such vehicle conveys more than 100 lb. weight of explosives, there is attached to both front and rear of the vehicle boards carrying the word "EXPLOSIVES" painted in red letters not less than four inches high on a white ground, such boards to be removed when the vehicle is not carrying explosives;
- (e) the driver of the vehicle knows the general provisions of these regulations relating to conveyance of explosives and complies with them so far as they apply to his vehicle.

Reg. 102  
amended  
by G.G.  
23/10/69,  
p. 3314.

103. (1) A person shall not carry or convey or cause or permit to be carried or conveyed on or in any road vehicle owned or used by him, explosives in quantity exceeding 500 lb. unless—

- (a) he holds a License to Convey Explosives issued to him under these regulations;
- (b) the explosives are carried or conveyed only in a vehicle specified in the license; and
- (c) the carriage or conveyance of the explosives is carried out in accordance with the provisions of these regulations for such conveyance.

Reg. 103  
substituted  
by G.G.  
23/10/69,  
pp. 3315-6.

(2) In relation to any road vehicle which conveys explosives in quantity exceeding 500 lb. the following conditions shall be observed—

- (a) The driver shall have an assistant whose age is at least 18 years.
- (b) In the event of any accident to or stoppage of the vehicle during such conveyance, the vehicle shall not be left unattended.

- (c) All explosives on the vehicle shall be effectively protected and completely covered by tarpaulin or otherwise fully enclosed in wooden receptacles.
- (d) All explosives and the outer packages thereof shall be protected by wood, canvas or similar means from any exposed iron or steel in the vehicle.
- (e) Detonators when carried at the same time on the vehicle shall not exceed 10,000 in number, and the outer package thereof shall be contained in a magazine or receptacle separated by at least three feet of air space or one foot of solid inert material from any explosive.
- (f) No detonators shall be carried at the same time on a vehicle which conveys more than 4,000 lb. of explosives unless an inspector has given his approval in writing for detonators to be carried with the explosives.
- (g) The vehicle shall have fitted at the front and rear and also on both sides, boards or placards bearing the word "EXPLOSIVES" in capital letters not less than 6 inches high, painted in red on a white ground which extends at least one inch around the lettering and all boards or placards shall be reversed, covered or removed when the vehicle carries no explosives.
- (h) On a vehicle which conveys explosives in quantity exceeding 500 lb. but not exceeding 4,000 lb. there shall be permanently mounted one hand fire extinguisher which is not less than 3 lb. B.C.F., 5 lb. CO<sub>2</sub> or otherwise of approved type and capacity.
- (i) On every vehicle which conveys explosives in quantity exceeding 4,000 lb. there shall be permanently mounted two hand fire extinguishers of which one shall be of B.C.F. type not less than 3 lb. capacity and the other may be 5 lb. powder, 2 gallon foam or 7½ lb. carbon dioxide.
- (j) No other goods shall be carried on a vehicle with explosives without approval of an inspector.
- (k) The License to Convey Explosives issued in relation to a vehicle shall be carried on the vehicle and shall be either displayed in the driver's compartment or produced on the request of an inspector or any police officer.
- (l) The load of explosives carried on a vehicle shall not exceed the maximum shown on the license in relation to the vehicle.
- (m) A vehicle which conveys more than 4,000 lb. of explosives shall not travel through any part of the Metropolitan Traffic Area as defined in the First Schedule to the Traffic (Licensing Authorities) Regulations, 1968, except by a route which has been approved and an escort vehicle shall be provided if so directed by the Chief Inspector.
- (n) The licensee shall provide the driver with a copy of general rules contained in regulation 106 of these regulations and the driver shall know and observe those rules.

Reg. 104  
substituted  
by G.G.  
23/10/69,  
p. 3316.

104. (1) Application for a License to Convey Explosives shall be made to the Chief Inspector and shall be accompanied by the fee prescribed in the Second Schedule to these regulations.

(2) On being satisfied that the vehicle is suitable for the conveyance of explosives and that it complies with regulations 103 and 105 of these regulations, the Chief Inspector shall issue the license and shall specify in the license the maximum weight of explosives which may be carried on the vehicle.

(3) The Chief Inspector may during the currency of the license under this regulation, on application made by the licensee, amend the license by substituting another vehicle for the vehicle specified therein and amending the description set forth therein to the description applicable to the substituted vehicle, and thereupon the substituted vehicle shall for the purposes of this regulation be the vehicle specified in the license.

(4) A vehicle shall not be substituted as provided in paragraph (3) of this regulation until the Chief Inspector is satisfied that the substitute vehicle complies with the requirements of regulations 103 and 105 of these regulations.

(5) Where a vehicle specified in a License to Convey Explosives is an articulated vehicle, the prime mover and semi-trailer portion of that vehicle may be interchanged with the same portions of other articulated vehicles providing all such interchangeable portions are—

- (a) separately described in the license; or
- (b) already specified in a License to Convey Explosives.

105. A vehicle specified in a License to Convey Explosives shall be fitted in the following manner—

- (a) where fuel is supplied to the engine by gravity a quick-action cut-off to the fuel feed pump shall be fitted in an accessible position;
- (b) the exhaust pipe shall be carried to the forepart of the vehicle and shall discharge either to the side or to the front of the vehicle and the exhaust pipe and muffler shall be maintained in good condition;
- (c) all electric wiring to the tail lights or any other lights on the body of the vehicle shall be enclosed in approved conduit;
- (d) the vehicle shall have permanent fittings for the boards referred to in paragraph (g) of regulation 103 of these regulations and the fittings shall provide for the boards being covered, reversed or removed from the vehicle when the vehicle is not carrying explosives;
- (e) the vehicle shall have permanent fittings for fire extinguishers so placed that the extinguishers will be readily accessible when required in an emergency.

Reg. 105  
substituted  
by G.G.  
23/10/69,  
pp. 3316-7.

#### General Rules for Conveyance by Road.

106. (1) No vehicle carrying explosives shall be stopped within the boundaries of any city or town for a period longer than five minutes unless in obedience to any law relating to regulation of traffic.

Reg. 106  
amended  
by G.G.  
23/10/69,  
p. 3317.

(2) When a vehicle carrying explosives is stopped during hours of darkness, the vehicle shall be stopped not less than one mile from the boundary of any city or town and at a distance of not less than 50 feet from the road being followed at the time, and while so stopped there shall remain burning an electric light both front and rear of the vehicle.

(3) A vehicle carrying explosives shall not be left unattended at any time when stopped during the course of the journey.

(4) At intervals of not more than two hours every vehicle carrying explosives shall be stopped and the driver or his assistant shall make a general inspection of the vehicle and in particular shall inspect the load for any sign of insecurity.

(5) Any evidence of unauthorised interference with explosives while being conveyed on a road vehicle shall be reported by the driver to the nearest Police Officer.

(6) No vehicle while carrying explosives shall exceed a speed of 30 miles per hour in any control area of a town or city and shall not exceed a speed of 45 miles per hour in any other area.

(7) The driver of a vehicle that is carrying any explosives, shall stop the vehicle before passing over a railway level crossing that is not equipped with twin alternating red lights, a wig-wag signal or gates, booms or other barriers for closing the crossing to road traffic and shall not proceed until he has ascertained that he may do so without danger of conflict with a train.

(8) A person shall not smoke on or in close proximity to a vehicle carrying explosives.

(9) When explosives are conveyed by road from any Magazine Reserve under control of the Minister, the Officer in Charge shall inspect the loading of every vehicle and, before allowing the vehicle to leave the Reserve, he shall satisfy himself that these regulations are duly complied with, and that the vehicle is in good order and condition for conveyance of explosives.

(10) No passenger shall be permitted to ride on a vehicle which conveys explosives but this subregulation does not apply to an inspector, a police officer or the owner of the explosive or his authorised agent.

(11) Explosives shall be conveyed through the Metropolitan Traffic Area as defined in the First Schedule to the Traffic (Licensing Authorities) Regulations, 1968, only during daylight and shall not be conveyed at any place during hours of darkness unless all boards and placards required by these regulations to be carried on the vehicle are a reflecting type or otherwise so illuminated as to be clearly visible at night.

(12) The boards or placards required by these regulations to be exhibited on a vehicle which carries explosives shall be kept clean and legible throughout the course of the journey.

#### PART IX.—PACKING AND MARKING OF EXPLOSIVES.

107. (1) The regulations contained in this Part shall be observed with respect to the packing of all explosives imported into and conveyed or stored in Western Australia.

(2) In this Part unless the context requires otherwise—

“outer package” means a box or case made of wood, metal or other material of such strength, construction and character that it will not be broken or accidentally opened or become defective or insecure whilst being conveyed, and will not allow any explosive to escape;

“inner package” means a substantial case, bag, canister or other approved container or covering made and closed so as to prevent the escape of any explosive;

references to Class and Division are references to the classification of explosives contained in the Second Schedule to the Act;

“propellant” means an authorised explosive of Class 3 adapted and intended exclusively for use as a propelling charge in ordnance of small arms;

“special authority” means a written authority granted by the Chief Inspector to which may be attached such conditions as in the opinion of the Chief Inspector are necessary to meet the special requirements of the case.

108. (1) The interior of every package shall be clean and free from grit.

(2) No iron or steel shall be used in the construction of a package unless it is covered with suitable material or guarded in such manner as effectively to prevent the exposure of such iron and steel or unless it is approved by special authority.

(3) No outer or inner package shall contain more than one explosive or contain any other article or substance other than the materials used for packing; but this subregulation shall not prohibit—

(a) the packing in one outer package of inner packages containing one kind of propellant together with inner packages containing another kind of propellant; or

(b) the packing of an article that is not of a flammable or explosive nature or likely to cause fire or explosion with explosives of Division 1 of Class 6 (Ammunition), or Division 2 or Division 3 of Class 7 (Fireworks).

(4) Nothing in this Part shall prohibit or be deemed to prohibit the use of an additional package whether inner or outer unless that additional package is of a character prohibited in writing by the Chief Inspector.

(5) Subject to the provisions of regulation 112 of these regulations, a person shall not pack explosives intended for conveyance or storage in Western Australia except in compliance with the requirements specified in the First Schedule to these regulations.

(6) Every unauthorised explosive shall be packed in a manner approved by the Chief Inspector.

109. Any explosive that is not specified in the methods of packing referred to in subregulation (3) of regulation 108 of these regulations, or that does not satisfy the requirements of that subregulation in regard to its packing shall be packed in such manner as may be directed by special authority for that explosive.

110. Any explosive imported, conveyed or sold under authority of an Entry Permit issued pursuant to these regulations shall be packed and marked in accordance with these regulations or as directed by a special authority for that explosive.

111. There shall be affixed on the outermost package of every explosive, in conspicuous letters by means of a brand or securely attached label or other mark, the word "Explosive", the name of the explosive, the number of the class and division to which it belongs, and the name of the manufacturer or sender;

Provided that:—

- (a) In the case of explosives of Class 3 and 4 there shall be added the date of manufacture or issue from the factory, or such sign indicating such date as may be approved by the Chief Inspector, together with such other markings as the Chief Inspector may require.
- (b) In the case of cartridges or charges for blasting or other like purposes that do not contain their own means of ignition, the marking shall be the same as that required for the explosive when not so made up.
- (c) In the case of a package of explosives of Class 6 Division 1, there shall be added to the brand, label or other mark, the words "Not liable to explode in bulk".
- (d) In the case of gunpowder or safety fuse the number of the class and division may be omitted, and for safety fuse the word "Explosive" may also be omitted.
- (e) Where an outer package contains more than one explosive, the required markings shall be affixed separately in respect of each explosive contained in the package.
- (f) In the case of manufactured fireworks of Division 3 of Class 7 the name of the fireworks may be omitted and the word "Explosives" may be replaced by the word "Fireworks", and the words "Shop Goods" may be substituted for the class and division.

112. The Chief Inspector, by special authority, may grant exemption from the observance of any one or more of the regulations contained in this Part for packaging and labelling.

#### PART X.—USE OF EXPLOSIVES.

113. Nothing in this Part shall restrict or be deemed to restrict the use of explosives at any excavation where the use of explosives is regulated under the Mines Regulation Act, 1946 (as amended), or the Coal Mines Regulation Act, 1946 (as amended), provided that the regulations made under either of those Acts are duly observed.

114. Nothing in this Part shall restrict or control the use of explosives at any working place that is under the supervision of a State or Commonwealth Department of Works.

Reg. 115  
amended  
by G.G.  
23/10/69,  
pp. 3317-8.

115. At all other places where explosives are used the following conditions shall apply:—

- (1) No person under the age of 18 years shall carry out or attempt to carry out or be in charge of any blasting operation.
- (2) No person under the age of 15 years shall be permitted to enter any place where explosives are being fired or are being prepared for firing.
- (3) A person shall not do any blasting or be in charge of any blasting operation unless—
  - (a) he is a person authorised to be in possession of and to use explosives pursuant to regulation 76 of these regulations; or
  - (b) he is employed as a powder man by a person so authorised.
- (4) A person shall not fire or detonate any explosives, or attempt so to do, unless he has adequate knowledge of the correct methods of using or handling the explosives and of the safety precautions necessary to be taken and observed.
- (5) Any procedures, methods and safety precautions for the handling and use of explosives not prescribed by these regulations shall be in accordance with the methods specified in regulations made under the Mines Regulation Act, 1946 or when those regulations do not cover the situation, those procedures specified in the S.A.A. Explosives Code C.A. 23-1967.
- (6) Any person desirous of carrying out any blasting or using any explosives within the limits of any city or town shall give not less than 24 hours prior notice of his desire to do so to the clerk of the Council of the Local Authority and thereupon the clerk may appoint a time when the blasting shall be carried out or the explosive used and may give such directions in writing as are deemed necessary for public safety; provided that—
  - (a) permission may be refused by the clerk of the Council of the Local Authority, for the blasting or the use of the explosive if it is considered by him to be dangerous or unnecessary; and
  - (b) where the clerk has granted the permission, it may subsequently be withdrawn or cancelled if the blasting causes or is likely to cause any danger to the public or any damage to property.
- (7) Before blasting operations commence, all persons in the vicinity shall be warned that blasting is to be carried out and they shall be advised that audible warning will be given before any series of shots is fired.
- (8) Before firing any explosive the person in charge shall take all reasonable precautions by display of warning notices or signals or the halting of traffic on a road to ensure that no persons are endangered by the blast.
- (9) Where safety fuse is used for firing an explosive charge—
  - (a) it shall be at least three feet in length;
  - (b) it shall have a burning time of not less than 80 seconds and not more than 100 seconds for three feet of fuse; and
  - (c) in the case of a single charge it may be ignited with a match but for the lighting of two or more safety fuses there must be used an approved fuse-lighter or some approved multiple fuse firing device.

- (10) The misfiring of an explosive charge shall be dealt with according to the regulations for mines or the rules of the SAA Explosives Code and every care shall be taken that no explosive is left unexploded at the working place.
- (11) At any place where explosives are used or intended to be used the explosives shall be fully enclosed either in the original package or in a carrying box of approved type marked conspicuously with the word "EXPLOSIVES" and the explosives shall be effectively protected from damage due to the effects of the weather or any other cause.
- (12) A person who uses explosives at any place shall ensure that all surplus explosive is returned to the magazine, or place of storage, and that no unauthorised person has access to the explosive at any time.
- (13) A person shall not carry out any blasting with explosives except between the hours of sunrise and sunset, unless he obtains the special approval of an inspector or of a Police Officer to do so at a time outside those hours.
- (14) Where in any blasting operation there is a possibility of damage being caused or danger from flying rock or other material projected by the blast, the person in charge shall ensure that suitable precautions are taken by the use of blasting mats or other suitable cover or by any other means to prevent such damage or danger.

#### Permits to Purchase Explosives.

116. (1) Any person who is not otherwise authorised to be in possession of explosives under the provisions of the Act or these regulations and who desires to purchase any blasting explosives shall first obtain a Permit to Purchase Explosives.

Reg. 116 and heading amended by G.G. 23/10/69, p. 3318.

(2) Every application for a Permit to Purchase Explosives shall be made in person by the applicant to an issuing authority, which may comprise any of the following officers:—

- (a) An inspector.
- (b) An Inspector of Mines.
- (c) An Inspector of Coal Mines.
- (d) An officer of the Police Force.
- (e) A Magistrate or a Justice of the Peace.
- (f) A Mining Registrar.

(3) The issuing authority shall, before granting a Permit to Purchase Explosives, be satisfied that the applicant has a lawful reason for being in possession of and using explosives and if not so satisfied may refuse to grant the permit.

(4) A Permit to Purchase Explosives shall be valid for the period specified therein which period shall not exceed twelve months from the date of issue.

(5) The holder of a Permit to Purchase Explosives shall be responsible for the action of any person keeping, handling or using explosives on property under his control, and where any breach of these regulations occurs, proceedings in respect thereof may be taken against the holder of the permit.

#### PART XI.—SPECIAL PROVISIONS FOR FIREWORKS.

117. Firework composition of Class 7 Division 1 shall in all matters be regulated in the same manner as is provided in the Act and these regulations for regulating explosives.

118. Fireworks of Class 7 Division 2 as defined in the classification comprising that Division includes all pyrotechnic devices specially defined and containing their own means of ignition, all large fireworks for display purposes, and fireworks containing more than 600 grains of composition in any one piece.

Reg. 119  
amended  
by G.G.  
23/10/69,  
p. 3318.

119. Fireworks of Class 7 Division 3 include those of the shop-goods class, defined in the classification comprising that Division as containing not more than 600 grains of composition in any one piece, and refers to such fireworks as squibs, crackers, rockets, wheels, fountains and roman candles which are not liable to *en masse* explosion.

120. [*Revoked by G.G. 23/10/69, P. 3318.*]

121. No firework containing its own means of ignition shall be included in the shopgoods class unless that firework is approved and defined by the Chief Inspector.

122. All manufactured fireworks of Class 7, Division 2, shall be regulated in all respects as provided in the Act and these regulations for regulating explosives, unless otherwise exempted or provided for under these regulations.

123. No fireworks of Class 7, Division 2, shall be manufactured, kept or stored in any place unless the place is licensed as a factory or a magazine for explosives or otherwise approved under these regulations.

124. The importation of fireworks of any classification shall be regulated by issue of an Entry Permit pursuant to these regulations in respect of each consignment, and a consignment shall not be released for distribution and sale until samples have been examined by an inspector and such inspector certifies in writing that the fireworks are approved under these regulations.

125. In respect of every consignment imported under an Entry Permit and subsequently sampled and tested by an inspector pursuant to regulation 124 of these regulations, the importer shall pay to the Chief Inspector the inspection fee specified in the Second Schedule to these regulations.

126. The Chief Inspector may exempt from the requirements of an Entry Permit and inspection any small pyrotechnics of the shopgoods class that are in his opinion of no danger when either stored or in use.

127. [*Revoked by G.G. 23/10/69, p. 3318.*]

128. [*Revoked by G.G. 23/10/69, p. 3318.*]

129. The manufacture of any fireworks either as composition or as manufactured goods shall be carried on only in a place licensed under the Act and these regulations for manufacture of explosives and subject to compliance with any conditions imposed by the Chief Inspector for general safety and security.

[*Heading to Regulation 130 Revoked by G.G. 23/10/69, p. 3319.*]

Reg. 130  
substituted  
by G.G.  
23/10/69,  
p. 3319.

130. No fireworks shall be imported, manufactured, stored, kept, conveyed or sold for any purpose when in the opinion of the Chief Inspector they are of such character as to endanger the public safety.

[*Heading to Regulation 131 Revoked by G.G. 23/10/69, p. 3319.*]

Reg. 131  
substituted  
by G.G.  
23/10/69,  
p. 3319.

131. (1) No firework composition and no manufactured fireworks shall be sold to any person, unless that person is the holder of a permit issued by the Chief Inspector, authorising him to purchase the fireworks for the purpose of holding a display of fireworks for public entertainment.

(2) A person shall not use or permit to be used any manufactured fireworks, unless he is the holder of a permit as prescribed by this regulation, or he uses the fireworks under the immediate supervision of the holder of such a permit.

(3) Nothing in this regulation shall apply to or restrict—

- (a) the sale and use of manufactured fireworks which are—
- (i) snaps for bon-bons containing not more than 25 grains of composition per 1,000;
  - (ii) throw-downs containing not more than 40 grains explosive per 1,000 and not less than 5 lb. non-explosive material per 1,000;
  - (iii) amorce caps of approved small sizes;
  - (iv) streamer bombs not containing arsenic or antimony;
  - (v) other devices containing small amounts of explosive which are approved by the Chief Inspector;
- (b) the sale to any person of or above the age of eighteen years, or the use by that person of manufactured fireworks which are pyrotechnic devices used only for special purposes such as mining, agriculture or meteorology or distress or signalling devices, if that pyrotechnic device is used only for those special purposes.

132. All manufactured fireworks other than those specified in subregulation (3) of regulation 131 of these regulations shall be labelled or marked with the name of the fireworks and the name of the manufacturer, and shall be sold with instructions as to the method of discharging or firing the fireworks but this regulation does not apply to manufactured fireworks which are sold for the purpose of giving a public display when the fireworks are to be used and the display given by the person who has himself manufactured the fireworks.

Reg. 132  
substituted  
by G.G.  
23/10/69,  
p. 3319.

133. [Revoked by G.G. 23/10/69, p. 3319.]

134. [Revoked by G.G. 23/10/69, p. 3319.]

#### Storage of Fireworks.

135. Any firework composition of Class 7 Division 1 shall be stored and kept in accordance with the provisions of these regulations for explosives, but no such composition shall be in the same magazine with explosives of any other class.

136. Fireworks of Class 7 Division 2 when stored in bulk in the original outer packages shall be stored in the same manner as that prescribed by these regulations for explosives, but where such fireworks are intended for a display they may be stored without license for a period of 14 days before the display if they are stored in a detached building not in general occupation and secured against unauthorised entry.

137. Fireworks of Class 7 Division 3 when removed from the original outer package shall be stored in closed spark-proof receptacles or containers, but shall not be so stored in the same place with any flammable goods.

138. Fireworks of Class 7 Division 3 when contained in the original outer packages and in a quantity exceeding 400 lb. weight shall not be stored in any premises that are accessible to the public or that are used also as a dwelling, and any storage of such fireworks shall be notified to and approved by an officer of the Fire Brigade.

139. A person shall not store any fireworks of Class 7 Division 3 in a quantity exceeding 2,000 lb. except in a building which is of approved fire-resisting construction and not in general occupation, and no such storage shall be within the boundaries of any city or town unless approved by the Chief Fire Officer thereof.

140. Storage of fireworks at any place shall be in the manner approved by an inspector or an officer of the Fire Brigade, and the occupier of that place shall carry out any direction given by the inspector or officer insofar as it applies to the storage of fireworks and the prevention of fire or explosion.

## Displays of Fireworks.

141. [*Revoked by G.G. 23/10/69, p. 3319.*]

142. A person who intends to hold a display of fireworks for entertainment of the public shall give notice in writing to the Chief Inspector at least 14 days before the date of the display, and if the Chief Inspector is satisfied that the display will be organised and conducted with due regard for the safety of the public and with the approval of both the Police Department and the Fire Brigade, he may issue to that person a Permit for Display of Fireworks authorising him to purchase the fireworks and to hold the display.

143. An application for a Permit to Display Fireworks may be refused by the Chief Inspector, if in his opinion or that of the Police Department or the Fire Brigade there is reasonable cause for such refusal.

144. At any display of fireworks for public entertainment the following conditions shall be observed and complied with:—

- (1) There shall at all times be at least two operators of not less than 18 years of age constantly on duty during the display.
- (2) At least two fire extinguishers each of not less than two gallons capacity and of a type approved by the Fire Brigade shall be kept and maintained in proper working order at widely separated points within the actual firing area.
- (3) The spectators shall be restrained behind defined lines not less than 150 feet from the point at which the fireworks are discharged and only persons in actual charge of the display shall be allowed inside those lines.
- (4) The place from which the fireworks are discharged shall be not less than 20 feet from the nearest permanent building, public road or railroad and not less than 50 feet from the nearest above ground telephone or telegraph line, tree or other overhead obstruction.
- (5) Mortars for projection of aerial charges shall be buried to the neck or heavily sand bagged and be so placed that the charge will fire as nearly vertically as possible or away from spectators and be allowed to cool between successive charges.
- (6) Every precaution shall be taken before and during the display to prevent any unauthorised member of the public gaining access to any of the fireworks.
- (7) Any firework remaining unfired after the display shall be immediately removed and disposed of in a safe manner.
- (8) A fireworks display shall not be held when the velocity of the wind is more than 30 miles per hour, and in any such case the Chief Inspector may amend the permit to allow the display to be held at a future date suitable to the person or body holding the display.
- (9) If while a firework display is being held any police officer or fire officer is of opinion that there is danger to the spectators or that for any other good reason the display should not continue, the officer may order that the display cease, and thereupon the display shall immediately be stopped and shall not be resumed until the cause of danger is removed or made safe and the officer is of opinion that there is no longer any reason for stopping the display.
- (10) Any dispute arising from the conditions contained in this regulation for firework displays shall be referred to the Chief Inspector for determination and the decision of the Chief Inspector thereon shall be final.

## Exemption.

145. [*Revoked by G.G. 23/10/69, P. 3319.*]

## PART XII.—MISCELLANEOUS.

## Testing of Explosives.

146. An inspector may carry out such examinations or tests of any explosive as he may deem to be necessary for the purposes of the Act and of these regulations.

147. The fee specified in the Second Schedule to these regulations shall be payable by an importer of explosives in respect of any Abel Heat Tests made on samples of Class 3 explosives imported by him.

148. When any package of any explosive is found to be damaged on arrival at the place of importation, an inspector shall supervise the overhaul and reconditioning of such package and the importer shall pay an inspection fee as specified in the Second Schedule to these regulations.

## Accidents.

149. (1) Where any accident by fire or explosion occurs in any factory, magazine, premises or other place where explosives are kept, the occupier shall make, or cause to be made, a report to the Chief Inspector as soon thereafter as may be practicable.

(2) Any accident by fire or explosion or otherwise that occurs during the conveyance of explosives shall be reported to the Chief Inspector.

(3) The Chief Inspector or an inspector may investigate any accident involving explosives and for that purpose may make any inquiries and take any samples or exhibits that in his opinion may be relevant to or assist in determining the cause of the accident.

(4) No factory, magazine, premises, vehicle or place shall be reconstructed after an accident by fire or explosion involving explosives until the Chief Inspector consents to the reconstruction being done.

## Magazines and Licensed Premises.

150. The occupier or the licensee of any place specified in a license authorising the storage or keeping of explosives, or any person who keeps, conveys or sells explosives, shall—

- (a) observe and take all due precautions for prevention of fire or explosion and to prevent unauthorised persons gaining access to the explosives;
- (b) abstain from any act likely to cause fire or explosion and warn other persons against any such acts;
- (c) carry out the instructions of an inspector in any matter connected with safe keeping or security of the explosives;
- (d) do all things that are reasonably necessary to ensure that persons in his employ or under his control also carry out the provisions of this regulation.

151. Any person who enters by force or without authority or lawful reason any place where explosives are kept may be removed therefrom by a Police Officer and charged with an offence against these regulations.

## Unlawful Possession of Explosives.

152. Any person who is found to have in his possession or under his control any explosive may be required by an inspector or by any Police Officer to satisfy him by production of a license, permit or other authority under the Act or these regulations, that such person is authorised to be in possession of the explosive, and if the person fails to produce such license, permit or other authority

when required to do so under this regulation; he shall be deemed to be in unlawful possession of the explosive and shall be guilty of an offence against the Act and these regulations.

#### Trespass on Premises.

153. (1) A person shall not enter without permission, or otherwise trespass in or on any magazine area or any explosives wharf or landing jetty, or interfere with any magazine building or any premises the subject of or specified in a license or permit granted or issued pursuant to these regulations.

(2) A person who is guilty of such entry, trespass or interference may be forthwith removed from that place by an inspector or police officer, or by the licensee or his authorised agent, and may be charged with an offence against these regulations.

#### Licenses and Permits.

154. (1) A license shall remain in force for one year from the date of issue and at the end of that time may be renewed on payment of the license fee specified in the Second Schedule to these regulations if the circumstances relating to the license have not been changed in any way that the license if renewed would not conform with these regulations.

(2) Where the ownership or occupancy of any place the subject of or specified in a license is transferred or altered, the new owner or occupier shall forthwith give notice in writing of the change to the Chief Inspector.

(3) A license may be transferred to another person at the discretion of the Chief Inspector who upon payment of the fee prescribed for transfer of a license may either issue a new license or amend the existing license.

(4) The occupier or owner of any place the subject of or specified in a license under these regulations shall notify the Chief Inspector in writing of any material alteration of circumstances or conditions at that place from those existing at the time the license was granted.

155. (1) A license may be cancelled or revoked by the Chief Inspector if—

- (a) the holder of the license fails to comply with any of the terms and conditions of the license;
- (b) the holder of the license is convicted of a breach of the Act or of these regulations;
- (c) the Chief Inspector finds that there has been a material change of circumstances or conditions since the license was issued so that the license no longer complies with the requirements of the Act and these regulations; or
- (d) the holder of the license fails to make application for renewal or fails to pay the prescribed license fee within one month from the due date.

(2) The Chief Inspector shall give to the licensee notice in writing of the expiration of every license and shall not cancel or revoke any license until after the expiration of a period of seven days from the issue of a notice in writing of his intention to cancel or revoke the license.

(3) When a license in respect of any place has been cancelled or revoked by the Chief Inspector that place shall then be and be deemed to be unlicensed.

156. (1) A permit shall be valid only in respect of the person to whom it is issued or for the particular circumstances described on the permit and for the period specified therein.

(2) No fee shall be charged for the issue of a permit.

(3) A permit shall not be transferable to any other person or be used for any purpose other than that specified in writing on the permit.

(4) A permit may not be renewed, but upon application made a new permit may be issued to the same person or for the same purpose.

(5) On every permit the name of the issuing authority shall appear in legible form as well as his authority for issue of the permit.

157. All fees prescribed in the Second Schedule to these regulations shall be paid to the Chief Inspector of Explosives or to any person authorised by him in that behalf.

Offences.

158. Any person who—

- (a) does that which under these regulations he is forbidden to do; or
- (b) does not do that which under these regulations he is required to do; or
- (c) otherwise contravenes or fails to comply with these regulations,

commits an offence against these regulations.

159. Any person who signs an application knowing the contents thereof to be false or misleading in any particular, commits an offence against these regulations.

160. Any person who makes any false statement concerning the purchase or possession of any explosive commits an offence against these regulations.

161. A person who is guilty of a breach of these regulations is liable to a penalty not exceeding two hundred dollars, and, if the breach is a continuing breach, to a penalty not exceeding twenty dollars for each day during which the breach is continued.

FIRST SCHEDULE  
REQUIREMENTS FOR PACKING OF EXPLOSIVES

First Schedule amended by G.G. 23/10/69, p. 3320.

Reg. No. 108

Class of Explosive	Method of Packing	Maximum Amount in any One Outer Package	Maximum Amount in any One Inner Package
Class 1 ....	In an inner as well as an outer package except that an inner package will be sufficient if the weight does not exceed 5 lb.	100 lb. Provided that when gunpowder and a propellant are packed together the respective amounts shall not exceed :— 50 lb.	100 lb. 50 lb.
Class 2 ....	As for Class 1 ....	50 lb.	50 lb.
Class 3 Div. 1	As for Class 1 provided that either the inner or outer package shall be thoroughly waterproof and that neither shall be made of metal	50 lb.	50 lb.
Class 3 Div. 2 (a) other than the explosives (b), (c), (d) below.	As for Class 1 ....	50 lb.	50 lb.

## First Schedule—continued

## REQUIREMENTS FOR PACKING OF EXPLOSIVES

Reg. No. 108

Class of Explosive	Method of Packing	Maximum Amount in any One Outer Package	Maximum Amount in any One Inner Package
(b) Gun Cotton so wetted with water as to be absolutely non-flammable.	As for Class 1 except that one package shall be of such nature as to prevent any material loss of water	Unlimited	Unlimited
(c) Cyclotrimethylene trinitramine (R.D.X.) and Pentaerythritol tetranitrate (P.E.T.N.).	In an inner as well as an outer package, the explosives being so wetted with water that there is not less than 25 % of water by weight in the wet explosive, the inner and outer packages being of such a nature as to prevent any material loss of water	50 lb.	50 lb.
(d) Trinitroresorcinol (Styphnic acid)	As for paragraph (c) of this class except that the explosive shall be wetted with not less than 20 % of water	50 lb.	50 lb.
Class 4 Div. 1	As for Class 3 Division 1	50 lb.	50 lb.
Class 5 Div. 1 Div. 2	In accordance with a method specified by the Chief Inspector	....	....
Class 6 Div. 1	In an outer package provided that bullet cartridges shall be packed in such a manner that the point of any bullet cannot come in contact with the cap of another cartridge	Unlimited	....
Class 6 Div. 2	Explosives made up into cartridges or charges for blasting and like purposes shall be packed in the same manner and quantity as is required for the same explosives when not so made up. Provided that where a double package is required, the enclosing case of such cartridge or charge may, if it satisfies the requirements for an inner package, be held to be such inner package	As for the same explosives when not so made up	As for the same explosives when not so made up
Class 6 Div. 3	As for Class 1, provided that bullet cartridges belonging to this division shall be packed in such manner that the point of any bullet shall not come in contact with the cap of another cartridge	50 lb.	2 lb. or 10 in number whichever be the greater
(a) Other than detonators.	(i) not exceeding 5,000 in number in any one consignment—As for Class 1 provided that every inner package shall be lined throughout with a layer of approved soft yielding material and the outer package shall also be lined with paper, cardboard or similar yielding material	5,000 in number	100 in number
(b) Detonators	(ii) exceeding 5,000 detonators as for (a) above provided that the outer package shall be placed in a case in such manner and so secured as to leave a space not less than 3 inches between every part of the outer package and the inside of the case. The space may be either filled with sawdust or similar material or contain a light framework of wood battens to keep the outer package in position within the case. The outer case shall be provided with handles for safe and convenient carriage	10,000 in number	100 in number
(c) Electric Detonators	In an inner as well as an outer package. When the number of detonators exceeds 3,000 the outer package to be provided with handles by means of which it can be safely and conveniently carried	5,000 in number	100 in number
Class 7 Div. 1	In an inner as well as an outer package, the inner package being hermetically sealed	20 lb.	1 lb.
Class 7 Div. 2	In an inner as well as an outer package the inner package being a hermetically sealed zinc or tin case	Unlimited	....
Class 7 Div. 3	In an inner as well as an outer package, the inner package being of approved sift-proof and waterproof material	100 lb.	....

## SECOND SCHEDULE

Second Schedule  
amended by  
G.G. 29/4/64,  
p. 2058;  
G.G. 23/10/69,  
p. 3320.

Fees	\$
License to Import Explosives	10.00
License to Manufacture Explosives—	
(i) Explosives of Class 6 Division 1 or Class 7 (Fireworks)	10.00
(ii) Any other explosives	40.00
License to Manufacture Blasting Agent	2.00
License to Sell Explosives	2.00
License to Store Explosives—	
Licensed Premises Mode A	2.00
Licensed Premises Mode B	3.00
Licensed Magazine, not exceeding 2,000 lb.	6.00
Licensed Magazine 2,001 to 10,000 lb.	10.00
Licensed Magazine exceeding 10,000 lb.	20.00
License to Convey Explosives....	4.00
Authorisation of an Explosive	10.00
License to Sell Fireworks	1.00
For transfer or alteration of a License	1.00
Fees for Storage in a Public Magazine—	
For each package of 50 lb. or less net weight and for each week or part of a week of storage—	
(a) Class 7 Explosives	5 cents
(b) Other classes	2½ cents
Inspection and Testing Fees—	\$
For each sample submitted to the "Heat Test"	1.00
For inspection of packages damaged per day or part thereof	10.00
For inspection and testing of fireworks in respect of each consignment of the same manufacture	2.00
Tonnage Fees for magazines erected on Government Reserves vested in the Minister. [For every 2,000 lb. of licensed capacity.]—	
(a) Magazine keeper in charge	6.00
(b) No supervision provided	4.00

[Third Schedule revoked by G.G. 23/10/69, p. 3320.]