

WESTERN AUSTRALIA

**EXPLOSIVES
REGULATIONS 1963**

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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*¹.

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

[*Regulation 1 amended in Gazette 30 May 1975 p.1704;*
14 July 1978 p.2521.]

Interpretation

2. (1) In these regulations unless the context requires otherwise —
“**approved**” means approved by the Chief Inspector;

“Australian Explosives Code” means the Australian Code for the Transport of Explosives by Road and Rail (Australian Explosives Code) prepared by the standing national Advisory Committee on the Transport of Explosives by Road and Rail and published by the Department of Transport and Communications Federal Office of Road Safety;

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

“blasting explosive” means an explosive, other than an explosive of sub-class 1.4, used in mining and general construction works;

“compatibility group” means compatibility group referred to in the Second Schedule to the Act and, where followed by a letter, means the compatibility group so designated according to that schedule;

“nitro-compound” means any chemical compound possessed of explosive properties which is produced by the chemical action upon any carbonaceous substance of nitric acid or sulphuric acid mixed with a nitrate or nitric acid, whether the compound is mechanically mixed with other substances or not;

“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;

“pyrotechnic device” means an article containing a pyrotechnic substance, or an article containing both an explosive and an illuminating, incendiary, lachrymatory or smoke producing substance;

“sub-class” means sub-class specified in the Second Schedule to the Act and, where followed by a designation, means the sub-class so designated according to that schedule;

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

“tonne” means a net weight of 1 000 kilograms of actual explosive;

“United Nations number” where used in relation to an explosive means the number assigned to that explosive by the Intergovernmental Maritime Consultative Organisation of the United Nations Organisation under its system for classifying explosives and dangerous goods.

(2) For the purposes of these regulations, a reference in the Australian Explosives Code to —

(a) “Competent Authority” shall be taken to be a reference to the Chief Inspector;

(b) “should” shall be taken to be a reference to “shall”.

(3) Where a provision of these regulations requires —

(a) any act or thing to be done in a manner specified in, or in accordance with, the Australian Explosives Code; or

(b) any thing to be in accordance with the Australian Explosives Code,

the requirement only applies to the extent that it is not inconsistent with any other provision of these regulations.

[*Regulation 2 amended in Gazette 23 October 1969 p.3312; 12 July 1974 p.2682; 14 July 1978 p.2521; 11 August 1978 p.2936; 11 January 1994 p.52.*]

Saving

2A. Where a boundary, building or other thing conformed to the measurements prescribed by these regulations as in force immediately before the coming into operation of the *Explosives (Metric Conversion Amendments) Regulations 1974*, it shall not be regarded as failing to conform to the requirements as to measurement by reason only of the amendments to these regulations effected by the *Explosives (Metric Conversion Amendments) Regulations 1974*.

[*Regulation 2A inserted in Gazette 12 July 1974 p.2682.*]

PART II — AUTHORIZATION OF EXPLOSIVES

Application for Declaration of Explosive

3. (1) Every application for an explosive to be declared an authorized 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 authorization 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 Authorized Explosive

5. (1) Upon his being satisfied that an explosive is suitable for authorization 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 authorized explosive.

(2) After being so declared the authorized 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 authorized 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.

[Regulation 5 amended in Gazette 23 October 1969 p.3312.]

PART III — IMPORTATION OF EXPLOSIVES

Application for Licence to Import Explosives

6. (1) Every application for a Licence 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.

(2) On approval of the application and payment of the prescribed fee the Chief Inspector on behalf of the Minister shall issue a Licence to Import Explosives and such Licence 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 authorized by the Governor in accordance with the provisions of the Act.

(3) A Licence 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 licence.

[Regulation 6 amended in Gazette 23 October 1969 p.3312.]

7. (1) A person, not being the holder of a Licence 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 unauthorized 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 unauthorized explosive that in his opinion is unsafe for storage, transport or use.

(5) The applicant for an Entry Permit shall pay the fee specified in the Second Schedule to these regulations.

*[Regulation 7 amended in Gazette 23 October 1969 p.3312;
12 March 1982 p.848.]*

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 3 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.

(4) The fee to be paid for an inspection of explosives before a certificate of release is issued is specified in the Second Schedule to these regulations.

*[Regulation 8 amended in Gazette 23 October 1969 p.3312;
12 March 1982 p.848.]*

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 Licence 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 licence 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 Licence 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 of sub-class 1.1 containing any chemical compound or mechanically mixed preparation which consists either wholly or partly of nitroglycerine or of some other liquid 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 50 packages or part thereof.

(2) The test shall be at a temperature of 71° celsius 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 7 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.

*[Regulation 14 amended in Gazette 23 October 1969 p.3312;
12 July 1974 p.2682; 14 July 1978 p.2521.]*

15. A person who imports any explosive under the authority of a Licence 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.

16A. (1) A person shall not use equipment for or in connection with the detonation of explosives, which equipment was manufactured after 1 March 1982 unless a production model of that equipment has been inspected and approved by the Chief Inspector.

(2) The fee for the inspection of a production model of equipment used for or in connection with the detonation of explosives is specified in the Second Schedule to these regulations.

(3) Equipment for or in connection with the detonation of explosives, required by this regulation to be inspected before use, does not include insulated electrical conductors, clips and bindings.

(4) Equipment used for or in connection with the detonation of explosives may be tested by an inspector from time to time on payment of the fee specified in the Second Schedule to these regulations.

[Regulation 16A inserted in Gazette 12 March 1982 p.848.]

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 Licence 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 licence 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 licence 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 licence unless it is approved by the local authority of the municipal district in which the proposed factory will be located.

[(2) *repealed*]

[*Regulation 19 amended in Gazette 23 October 1969 p.3312.*]

20. In granting a Licence 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.

23. The holder of a Licence 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 licence.

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

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the Act and these regulations; but when such cartridges are intended for sale, the filling thereof shall be deemed to be manufacture of an explosive.

[Regulation 26 amended in Gazette 14 July 1978 p.2521.]

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 2.5 kilograms 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 unauthorized 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.

[Regulation 27 amended in Gazette 12 July 1974 p.2682.]

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.

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

[(2) *repealed*]

[Regulation 30 amended in Gazette 23 October 1969 p.3312.]

31. Any person who mixes a blasting agent without first having obtained a licence 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.

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

33. A Licence 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 licence 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.

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.

[Regulation 34 amended in Gazette 23 October 1969 p.3312.]

PART VI — STORAGE AND KEEPING OF EXPLOSIVES

(A) For Private Use and not for Sale

35. A quantity of authorized 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 25 kilograms 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 20 millimetres in thickness and fitted with handles for carrying, to bear the word "EXPLOSIVES" clearly shown in letters not less than 75 millimetres 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 8 metres 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 authorized under the Act or these regulations to be in possession of explosives

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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.

[Regulation 35 amended in Gazette 12 July 1974 p.2682.]

(B) In Premises Under a Licence to Store

36. (1) The quantity of explosives that may be stored or kept in premises pursuant to the authority of a Licence 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 Licence to Store Explosives shall be made to the Chief Inspector in writing and be accompanied by the prescribed fee.

37. A Licence 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 Licence 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 licence 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 150 kilograms, but there may also be stored on the premises so licensed a quantity of detonators not exceeding 1 000 in number.

*[Regulation 39 amended in Gazette 12 July 1974; p.2683;
14 July 1978 p.2521.]*

40. A Licence 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 50 Kilograms

41. (1) A Licence 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 authorize the storage or keeping of a quantity of explosive not exceeding 50 kilograms.

(2) The licence 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 50 kilograms 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 unauthorized 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 2 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 2 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 600 millimetres of the receptacle.

*[Regulation 41 amended in Gazette 23 October 1969 p.3312;
12 July 1974 p.2683.]*

42. (1) In premises the subject of a Licence 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 8 metres 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 3 metres 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.

[Regulation 42 amended in Gazette 12 July 1974 p.2683.]

Licence in Mode B — Maximum 150 Kilograms

43. (1) A Licence 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 licence 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 3 metres of blasting explosives and all detonators shall be contained in a receptacle or place kept securely locked.

(3) A Licence to Store Explosives in Mode B may be granted for premises on which there are 2 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.

[Regulation 43 amended in Gazette 23 October 1969 pp.3312-13; 12 July 1974 p.2683.]

44. Before granting a Licence 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 licence 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 150 kilograms shall be in a licensed magazine which shall be constructed and placed in accordance with the requirements contained in these regulations.

[Regulation 46 amended in Gazette 12 July 1974 p.2683.]

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

(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.

[Regulation 47 amended in Gazette 23 October 1969 p.3313.]

48. The Chief Inspector after examining the application may grant a Magazine Licence 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 Licence shall be issued.

(2) After issue of the licence 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 licence may then be amended in respect of any such approved change to be made to the magazine or in the conditions of the licence.

50. (1) Detonators shall not be stored in the same magazine with blasting explosives unless separated from the explosives by such intervening solid partition and such distances 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.

(1a) Except as provided in subregulation (1) of this regulation or as approved by an inspector, explosives of different compatibility groups shall be stored in separate magazines.

(2) A magazine used solely for storage of detonators shall be constructed of fire-resistant materials and be secured against unauthorized 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 licence.

[Regulation 50 amended in Gazette 14 July 1978 pp.2521-2.]

Construction and Specifications for Magazines

51. Magazines shall be constructed and fitted —
- (a) where the magazine is for storage or keeping of explosives in a quantity greater than 1 000 kilograms, in a manner approved in writing;
 - (b) where the magazine is for storage or keeping of explosives in a quantity not greater than 1 000 kilograms, in accordance with the following conditions or in such other manner approved in writing:
 - (1) Walls may be of corrugated iron not less than 0.5 millimetre thickness, of steel plate not less than 3 millimetres thickness, or of reinforced concrete not less than 75 millimetres 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 40 millimetres in thickness, sheathed on the outside with either 1.5 millimetre thickness gauge steel plate or flat galvanised iron not less than 0.5 millimetre thickness 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 the 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 20 millimetres in thickness and the floor shall be of tongued and grooved jarrah boards at least 20 millimetres 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 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 300 millimetres 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 1.2 metres 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 licence, 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.

[Regulation 51 amended in Gazette 23 October 1969 p.3313; 12 July 1974 p.2683; 14 July 1978 p.2522.]

Rules for Magazines

[Heading amended in Gazette 23 October 1969 p.3313.]

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 licence in respect of that magazine.
- (2) The magazine shall be used only for the storing or keeping of explosives specified in the licence 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 opened 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.
- (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.

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- (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 8 metres therefrom.
- (10) Packages of explosives shall be stacked to a height not more than 2 metres 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.

*[Regulation 52 amended in Gazette 23 October 1969 p.3314;
12 July 1974 p.2683.]*

Portable Magazines

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

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

54. (1) When granting a licence 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) *repealed*]

(5) The Chief Inspector shall determine and specify in the licence 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 8 metres 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 licence 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.

(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 Licences to

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Store Explosives shall apply also to portable magazines to such extent as may be applicable.

*[Regulation 54 amended in Gazette 23 October 1969 p.3314;
12 July 1974 p.2683.]*

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 authorized 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 authorized shall observe and take all necessary precautions as the Officer in Charge of the Public Magazine may direct and require.

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 tonne 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 tonnes 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 licence shall be granted to the lessee of the land so leased who shall pay the prescribed licence 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.

*[Regulation 59 amended in Gazette 23 October 1969 p.3314;
12 July 1974 p.2683.]*

Temporary Storage

60. (1) When any explosive is required to be stored or kept at any place for a period not exceeding 3 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 3 months such permission may be extended for a further period not exceeding 3 months if the Chief Inspector is satisfied that such extension is warranted in the circumstances.

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61. (1) Storage of explosives for any period exceeding 6 months shall be deemed to be storage for a period of one year and shall be subject to the granting of a Magazine Licence and to payment of the prescribed fee for such licence 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.

(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.

[Regulation 61 amended in Gazette 23 October 1969 p.3314.]

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 Licence to Sell Explosives, issued by the Chief Inspector.

[Regulation 62 amended in Gazette 14 July 1978 p.2522.]

63. (1) Every application for a Licence 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 licence 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 Licence to Sell Explosives shall not exceed those quantities permitted in these regulations relating to storage of explosives in premises the subject of a licence 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 Licence 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 Licence to Sell Explosives if he considers for any reason that the premises are

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unsuitable or unsafe for the selling or keeping of explosives; provided nevertheless that the licence 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 Licence 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 licence for the purpose, but the Chief Inspector may approve, on certain premises, that there may be 2 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 Licence 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 Licence 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 Licence to Sell Explosives.

68. The holder of a Licence 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 Licence 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 Licence to Sell Explosives for the purpose of exercising the authority conferred by that licence, 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 13 millimetres 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 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.

*[Regulation 70 amended in Gazette 12 July 1974 p.2683;
14 July 1978 p.2522.]*

71. (1) The occupier of premises used for the sale of explosives pursuant to a Licence 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.

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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 Licence 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 Licence to Sell Explosives from selling or dealing in any quantity of any authorized 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. (1) No explosives shall be sold by any person unless he is satisfied that the purchaser is authorized under the Act and these regulations to be in possession of explosives.

(2) A person who sells explosives to the holder of a permit to purchase explosives shall, as soon as practicable thereafter, forward to the Chief Inspector a portion or copy of that permit indicating the quantity and type of explosive sold, the date of the sale, and the name and address of the holder of the permit.

[Regulation 75 amended in Gazette 30 May 1975 p.1704.]

76. The following persons are authorized to have possession of explosives: —

- (1) The owner or manager of a mine within the meaning of the *Mines Regulations Act 1946*², or of the *Coal Mines Regulation Act 1946*², or an agent authorized in writing by that owner or manager to purchase explosives for use in that mine.

- (2) A holder of a licence 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 or a shotfirer's permit issued in accordance with these regulations, which permit is current and unexpired.
- (4) Any person who is approved and authorized by any Department of Works of the Commonwealth 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.

*[Regulation 76 amended in Gazette 23 October 1969 p.3214;
18 August 1972 p.3225; 30 May 1975 p.1704.]*

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 authorized 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. *Repealed in Gazette 11 January 1994 p.53.*]

80. Unless the contrary intention appears in this Part or in the Australian Explosives Code, nothing in this Part shall apply to explosives of sub-class 1.4, provided that all due precautions are taken for the prevention of accident by fire or explosion or otherwise.

*[Regulation 80 amended in Gazette 14 July 1978 p.2522;
11 January 1994 p.53.]*

81. The Chief Inspector may, when satisfied that there is no danger to public safety, exempt manufactured explosive goods in addition to explosives of sub-class 1.4, from the requirements of this Part.

[Regulation 81 amended in Gazette 11 January 1994 p.53.]

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 classification 1.1A, or any explosive that is not either an authorized 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.

[Regulation 83 amended in Gazette 14 July 1978 p.2522.]

84. No detonators of any kind shall be conveyed on a 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.

[Regulation 84 amended in Gazette 11 January 1994 p.53.]

85. All explosives in excess of 25 kilograms weight in the aggregate shall, when conveyed in any vessel, be packed, branded, labelled or marked in accordance with these regulations.

[Regulation 85 amended in Gazette 11 January 1994 p.53.]

86. No explosives shall be loaded onto or unloaded from any 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.

[Regulation 86 amended in Gazette 11 January 1994 p.53.]

87. All explosives when conveyed in any 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.

[Regulation 87 amended in Gazette 11 January 1994 p.53.]

88. Explosives shall not be carried in any vessel, or compartment or receptacle in a vessel, 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.

[Regulation 88 amended in Gazette 11 January 1994 p.53.]

89. (1) Explosives of different compatibility groups shall not be conveyed together in the same vessel unless the requirements of this regulation are observed.

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(2) Explosives shall not be conveyed together in the same receptacle unless they are of the same compatibility group.

(3) Explosives of compatibility group A or group L shall not be conveyed, unless in accordance with such special conditions as may be approved for that particular conveyance.

(4) Explosives (such as detonators) of compatibility group B may be conveyed in accordance with these regulations only in such manner as approved.

(5) Where detonators are carried in a wooden receptacle in a vessel so as to be physically separated from the part of the vessel containing other explosives, in accordance with these regulations, subregulation (6) of this regulation does not apply to those detonators.

(6) Subject to subregulation (5), where explosives of different sub-classes are conveyed together in the same receptacle or on the same vessel those explosives shall for the purpose of that conveyance be treated —

- (a) where any of them are of sub-class 1.5 — as all being of sub-class 1.1; and
- (b) where none of them are of sub-class 1.5 — as all being of the sub-class having the smallest number of the sub-classes to be conveyed.

*[Regulation 89 inserted in Gazette 14 July 1978 p.2522;
amended in Gazette 11 January 1994 p.53.]*

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 12 months but at the end of that period such approval may be renewed in writing for a further period not exceeding 12 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.

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(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 explosives 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 authorized 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

Loading etc. of explosives to be in accordance with Australian Explosives Code

92A. For the purposes of section 37 of the Act, explosives shall be loaded or unloaded on to or from a vehicle in accordance with the relevant requirements of the Australian Explosives Code.

[Regulation 92A inserted in Gazette 11 January 1994 p.53.]

Carriage of explosives to be in accordance with Australian Explosives Code

92B. For the purposes of section 37 of the Act, explosives shall be carried or conveyed, or caused to be carried or conveyed, on or in a vehicle in accordance with the relevant requirements of the Australian Explosives Code.

[Regulation 92B inserted in Gazette 11 January 1994 p.54.]

Prescribed quantity of explosives for licence

92C. For the purposes of section 38 of the Act, the prescribed quantity for —

- (a) blackpowder (as packaged for small arms) is 250 kilograms;
- (b) smokeless powder of classification 1.1C (as packaged for small arms) is 250 kilograms;
- (c) explosives of sub-class 1.1 (except explosives of classification 1.1A or detonators of classification 1.1B) is 250 kilograms;

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- (d) detonators of classification 1.1B is 5 000 items;
- (e) explosives of sub-class 1.2 is 250 kilograms;
- (f) explosives of sub-class 1.3 is 1 000 kilograms; and
- (g) explosives of sub-class 1.5 is 250 kilograms.

[Regulation 92C inserted in Gazette 11 January 1994 p.54.]

Explosives to be packed and labelled etc. in accordance with Australian Explosives Code

92D. For the purposes of section 41 of the Act, explosives —

- (a) delivered for carriage in a vehicle; or
- (b) carried in a vehicle,

shall be packed and labelled, branded or marked in accordance with the relevant requirements of the Australian Explosives Code.

[Regulation 92D inserted in Gazette 11 January 1994 p.54.]

Vehicles used to carry explosives to be constructed, marked etc. in accordance with Australian Explosives Code

92E. A person shall not use any vehicle to carry explosives unless the vehicle —

- (a) is constructed;
- (b) carries or has attached to it fittings and appliances; and
- (c) is marked,

in accordance with the relevant requirements of the Australian Explosives Code.

[Regulation 92E inserted in Gazette 11 January 1994 p.54.]

Persons carrying explosives by vehicle to complete documentation required by Australian Explosives Code

92F. A person shall not carry any explosives in or on a vehicle unless the relevant documentation required by the Australian Explosives Code has been duly completed.

[Regulation 92F inserted in Gazette 11 January 1994 p.54.]

Requirements for drivers of vehicles carrying explosives

92G. (1) A person shall not drive a vehicle carrying explosives unless the person —

- (a) is the holder of a licence or permit under the Act authorizing the person to have possession of those explosives; or
- (b) has completed and passed an approved course of training.

(2) A person shall not deliver explosives for carriage in a vehicle unless the person is satisfied that the driver of the vehicle complies with the requirements of subregulation (1) (a) or (b).

(3) A course of training approved for the purposes of subregulation (1) (b) or regulation 103 (2) (n) shall include instruction on —

- (a) the requirements of these regulations and the Australian Explosives Code;
- (b) the procedures to be followed in an emergency situation;
- (c) the use of emergency equipment;
- (d) the marking and labelling of explosives; and
- (e) the hazardous nature of the explosives to be carried.

[Regulation 92G inserted in Gazette 11 January 1994 p.55.]

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[93. *Repealed in Gazette 11 January 1994 p.55.*]

94. No explosive of classification 1.1A, or any unauthorized explosive, shall be conveyed on any road vehicle unless the Chief Inspector gives permission in writing for the conveyance thereof.

[*Regulation 94 amended in Gazette 14 July 1978 p.2522.*]

[95, 96. *Repealed in Gazette 11 January 1994 p.55.*]

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.

[*Regulation 97 amended in Gazette 23 October 1969 p.3314.*]

[98. *Repealed in Gazette 11 January 1994 p.55.*]

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 depots to a working place carrying not more than 50 kilograms of explosives completely enclosed in an approved wooden receptacle.

[*Regulation 99 amended in Gazette 23 October 1969 p.3314; 12 July 1974 p.2683.*]

[100 — 102. *Repealed in Gazette 11 January 1994 p.55.*]

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 the prescribed quantity for those explosives under regulation 92C unless —

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

(2) In relation to any road vehicle which conveys explosives in quantity exceeding the prescribed quantity for those explosives under regulation 92C the following conditions shall be observed —

[(a) — (j) *deleted*]

- (k) The Licence 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) and (m) *deleted*]

- (n) The licensee shall ensure that the driver has completed and passed an approved course of training.

[*Regulation 103 inserted in Gazette 23 October 1969 pp.3315-6; amended in Gazette 12 July 1974 pp.2683-4; 30 May 1975 p.1704; 14 July 1978 p.2523; 11 January 1994 p.55; 17 June 1994 p.2529.*]

104. (1) Application for a Licence 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.

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(1a) The Chief Inspector may cause a vehicle to be examined to ensure that it is suitable for the conveyance of explosives and where a vehicle is examined the applicant for a Licence to Convey Explosives shall pay the fee specified 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 the requirements of these regulations, the Chief Inspector shall issue the licence.

[(3) and (4) repealed]

(5) Where a vehicle specified in a Licence 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 licence; or
- (b) already specified in a Licence to Convey Explosives.

[Regulation 104 inserted in Gazette 23 October 1969 p.3316; amended in Gazette 12 March 1982 p.848; 11 January 1994 p.56; 17 June 1994 p.2529.]

[105. Repealed in Gazette 11 January 1994 p.56.]

General Rules for Conveyance by Road

106. [(1) and (2) repealed]

(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 2 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 unauthorized interference with explosives while being conveyed on a road vehicle shall be reported by the driver to the nearest Police Officer.

[Regulation 106 amended in Gazette 23 October 1969 p.3317; 12 July 1974 p.2684; 14 July 1978 p.2523; 11 January 1994 p.56.]

PART IX — PACKING AND MARKING OF EXPLOSIVES

Application of Part

107. This Part applies to explosives —

- (a) imported into, or stored in, the State; or
- (b) conveyed, otherwise than by road, in the State.

[Regulation 107 inserted in Gazette 11 January 1994 p.56.]

Packing and labelling etc. of explosives generally

107A. Subject to regulation 108 (6), explosives to which this Part applies shall be packed and labelled, branded or marked in the same manner as explosives carried in a vehicle in accordance with the requirements referred to in regulation 92D.

[Regulation 107A inserted in Gazette 11 January 1994 p.56.]

108. [(1) — (5) *repealed*]

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

[Regulation 108 amended in Gazette 14 July 1978 p.2524; 11 January 1994 p.56.]

[109 — 111A, 112. Repealed in Gazette 11 January 1994 p.56.]

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*² (as amended), or the *Coal Mines Regulation Act 1946*² (as amended), provided that the regulations made under either of those Acts are duly observed.

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

[Regulation 114 amended in Gazette 30 May 1975 p.1704.]

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 use or permit to be used any explosive unless he is the holder of a relevant permit or is otherwise authorized to do so under the Act.
- (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 the S.A.A. Explosives Code C.A. 23-1967 as from time to time amended.

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- (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 one metre in length;
 - (b) it shall have a burning time of not less than 90 seconds and not more than 120 seconds for one metre of fuse; and
 - (c) in the case of a single charge it may be ignited with a match but for the lighting of 2 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 rules of the SAA Explosives Code as from time to time amended 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 unauthorized 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.

[Regulation 115 amended in Gazette 23 October 1969 pp.3317-18; 18 August 1972 p.3225; 12 July 1974 p.2684; 30 May 1975 p.1704; 27 August 1993 p.4621.]

Permits to Purchase Explosives

[Heading amended in Gazette 23 October 1969 p.3318.]

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

(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) 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, and no such permit shall be issued without the consent of the Chief Inspector except in relation to the development of an area of agricultural, forest or pastoral land exceeding 40 hectares or for *bona fide* prospecting.

(4) A Permit to Purchase Explosives shall be valid for the period specified therein which period shall not exceed 12 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 under his supervision and where any breach of these regulations occurs, proceedings in respect thereof may be taken against the holder of the permit.

(6) A Permit to Purchase Explosives may authorize the use of the explosives —

- (a) at any place therein specified, but not otherwise; or
- (b) generally outside the limits of any city or town.

(7) A Permit to Purchase Explosives does not authorize the use of the explosives —

- (a) in circumstances whereby any property may be damaged unlawfully or injury caused to any person;

- (b) at a time when any other person, not being a person working under the immediate and direct supervision of the holder of the permit, is present in a dangerous proximity.

[Regulation 116 amended in Gazette 23 October 1969 p.3318; 30 May 1975 p.1705.]

Shotfirer's Permit

[Heading inserted in Gazette 18 August 1972 p.3225.]

116A. (1) The Chief Inspector may issue a Shotfirer's Permit for a period of one year, and a renewal thereof for any further such period, to a person who —

- (a) has attained the age of 18 years;
- (b) has made written application to the Chief Inspector for the permit, and paid the prescribed fee for the permit or any renewal thereof;
- (c) has satisfied the Chief Inspector that he, the applicant,
 - (i) may safely be entrusted with the use of explosives and has a necessity for such use;
 - (ii) is competent to discharge the duties of a shotfirer and is otherwise suitable to the holder of such a permit;

and

- (d) supplies in duplicate a photographic likeness of himself, of a size not less than 25 millimetres square, when requested by the Chief Inspector.

(1a) The Chief Inspector may require an applicant for a Shot Firer's Permit to undergo an examination to show that he may be safely entrusted with the use of explosives and the applicant shall pay to the Chief Inspector the examination fee specified in the Second Schedule to these regulations.

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(2) A Shotfirer's Permit, and any renewal thereof, is issued subject to the following conditions —

- (a) on the issue of the permit, the holder shall sign it;
- (b) it is a valid permit only for the person to whom it is issued and whose signature appears thereon;
- (c) it permits the use of explosives in shotfiring only by methods that are satisfactory to the Chief Inspector and are specified on the permit;
- (d) the holder continues to satisfy the Chief Inspector as to the matters referred to in paragraph (c) of subregulation (1) of this regulation;
- (e) it may, by written notice given to the holder, be cancelled by the Chief Inspector, if he is satisfied that any of the conditions referred to in paragraphs (a) to (d), both inclusive, of this subregulation have not been, or are not being, complied with.

(3) The holder of a Shotfirer's Permit shall be responsible for the action of any person keeping, handling or using explosives under his supervision, and where any breach of these regulations occurs proceedings in respect thereof may be taken against the holder of the permit.

[Regulation 116A inserted in Gazette 18 August 1972 p.3225; amended in Gazette 30 May 1975 p.1705; 12 March 1982 p.848.]

PART XI — SPECIAL PROVISIONS FOR FIREWORKS

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

[Regulation 117 amended in Gazette 14 July 1978 p.2524.]

[118, 119. Repealed in Gazette 14 July 1978 p.2524.]

[120. Repealed in Gazette 23 October 1969 p.3318.]

[121. Repealed in Gazette 14 July 1978 p.2524.]

122. All manufactured fireworks 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.

[Regulation 122 amended in Gazette 14 July 1978 p.2524.]

123. No fireworks 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.

[Regulation 123 amended in Gazette 14 July 1978 p.2524.]

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

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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 fireworks of the shopgoods class that are in his opinion of no danger when either stored or in use.

[Regulation 126 amended in Gazette 14 July 1978 p.2524.]

[127, 128. Repealed in Gazette 23 October 1969 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 Repealed in Gazette 23 October 1969 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.

[Regulation 130 inserted in Gazette 23 October 1969 p.3319.]

[Heading to Regulation 131 Repealed in Gazette 23 October 1969 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, authorizing 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 1.6 grams of composition per 1 000;
 - (ii) throw-downs containing not more than 2.6 grams explosive per 1 000 and not less than 2.25 kilograms 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 18 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.

(4) The fee for a permit to purchase fireworks for the holding of a display of manufactured fireworks is specified in the Second Schedule to these regulations.

*[Regulation 131 inserted in Gazette 23 October 1969 p.3319;
amended in Gazette 12 July 1974 p.2684; 12 March 1982
p.849.]*

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

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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.

[Regulation 132 inserted in Gazette 23 October 1969 p.3319.]

[133, 134. Repealed in Gazette 23 October 1969 p.3319.]

Storage of Fireworks

135. Any firework composition 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.

[Regulation 135 amended in Gazette 14 July 1978 p.2524.]

136. Fireworks, other than fireworks of the shopgoods class, 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 licence for a period of 14 days before the display if they are stored in a detached building not in general occupation and secured against unauthorized entry.

[Regulation 136 amended in Gazette 14 July 1978 p.2524.]

137. Fireworks of the shopgoods class 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.

[Regulation 137 amended in Gazette 14 July 1978 p.2524.]

138. Fireworks of the shopgoods class when contained in the original outer packages and in a quantity exceeding 180 kilograms 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.

*[Regulation 138 amended in Gazette 12 July 1974 p.2684;
14 July 1978 p.2524.]*

139. A person shall not store any fireworks of the shopgoods class in a quantity exceeding 900 kilograms 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.

*[Regulation 139 amended in Gazette 12 July 1974 p.2684;
14 July 1978 p.2524.]*

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. Repealed in Gazette 23 October 1969 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 authorizing 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 2 operators of not less than 18 years of age constantly on duty during the display.
- (2) At least 2 fire extinguishers each of not less than 9 litres 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 45 metres 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 60 metres from the nearest permanent building, public road or railroad and not less than 15 metres 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 unauthorized 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 50 kilometres 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.

[Regulation 144 amended in Gazette 12 July 1974 p.2684.]

Exemption

[145. Repealed in Gazette 23 October 1969 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 explosives imported by him.

[Regulation 147 amended in Gazette 14 July 1978 p.2524.]

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 licence authorizing 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 unauthorized 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 licence, permit or other authority under the Act or these regulations, that such person is authorized to be in possession of the explosive, and if the person fails to produce such licence, 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 licence 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 authorized agent, and may be charged with an offence against these regulations.

Licences and Permits

154. (1) A licence 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 licence fee specified in the Second Schedule to these regulations if the circumstances relating to the licence have not been changed in any way that the licence if renewed would not conform with these regulations.

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

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

(4) The occupier or owner of any place the subject of or specified in a licence 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 licence was granted.

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

- (a) the holder of the licence fails to comply with any of the terms and conditions of the licence;
- (b) the holder of the licence 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 licence was issued so that the licence no longer complies with the requirements of the Act and these regulations; or
- (d) the holder of the licence fails to make application for renewal or fails to pay the prescribed licence 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 licence and shall not cancel or revoke any licence until after the expiration of a period of 7 days from the issue of a notice in writing of his intention to cancel or revoke the licence.

(3) When a licence 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) *deleted*]

(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 be renewed.

(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.

*[Regulation 156 amended in Gazette 18 August 1972
p.3225.]*

157. All fees prescribed in the Second Schedule to these regulations shall be paid to the Chief Inspector of Explosives or to any person authorized 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 any of these Regulations is liable to a penalty not exceeding \$50 000 or, if the breach is a continuous breach, not exceeding \$5 000 for each day during which the breach has continued.

*[Regulation 161 amended in Gazette 14 March 1980 p.897;
18 January 1991 p.235.]*

[First Schedule. Repealed in Gazette 17 June 1994 p.2529.]

Second Schedule

Fees

	\$
Licence to import explosives	127.00
Licence to manufacture explosives —	
(i) Fireworks	37.00
(ii) Any other explosives	254.00
Licence to manufacture blasting agent	25.20
Licence to sell explosives	37.00
Licence to store explosives —	
Licensed premises Mode A	25.20
Licensed premises Mode B	63.00
Magazine not exceeding 1 000 kilograms	63.00
Magazine exceeding 1 000 but not exceeding 5 000 kilograms	95.00
Magazine exceeding 5 000 kilograms	254.00
Licence to convey explosives	37.00
Authorization of explosive	95.00
Transfer of any licence	12.70
Storage in public magazine —	
For each package and for each week or part thereof	1.07
Inspection and testing fees —	
For each sample submitted to "Heat Test"	3.80
Inspection of packages damaged per day or part thereof	191.00
Inspection of ships conveying explosives per day or part thereof	191.00
Inspection for certificate of release	114.00
Tonnage fees for magazines erected on explosives reserves (for every 1 000 kilograms of licensed capacity)	
(a) Magazine keeper in charge	159.00
(b) No supervision provided	31.20
Shotfirer's permit, issue and renewal	12.70
Examination for shotfirer's permit	114.00
Issue of entry permit	114.00
Permit for purchase and use of fireworks	114.00
Examination of vehicle for conveyance of explosives	191.00
Initial approval of equipment used for or in connection with detonation of explosives	222.00
Testing of equipment for or in connection with detonation of explosives — per unit	12.70

[Second Schedule inserted in Gazette 12 July 1991 p.3473.]

[Third Schedule. Repealed in Gazette 23 October 1969 p.3320.]

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NOTES

¹ This reprint is a compilation as at 28 May 1996 of the *Explosives Regulations 1963* and includes the amendments in the reprint published in the *Gazette* on 13 January 1981 and amendments effected by the other regulations referred to in the following Table.

Table of Regulations

Regulation	Gazettal	Commencement	Miscellaneous
<i>Explosives Regulations 1963</i>	10 December 1963 pp.3781-828		
(Regulations effecting amendments in the previous reprint are not referred to in this Table)			
<i>Explosives Amendment Regulations 1980</i>	14 November 1980 p.3894	14 November 1980	
<i>Explosives Amendment Regulations 1982</i>	12 March 1982 pp.848-9	12 March 1982	
<i>Explosives Amendment Regulations 1983</i>	7 October 1983 p.4133	7 October 1983	
<i>Explosives Amendment Regulations 1984</i>	28 December 1984 p.4257	1 January 1985 (see regulation 2)	
<i>Explosives Amendment Regulations 1986</i>	18 April 1986 pp.1466-7	18 April 1986	
<i>Explosives Amendment Regulations 1988</i>	29 July 1988 p.2569	29 July 1988	
<i>Explosives Amendment Regulations 1989</i>	7 July 1989 p.2123	7 July 1989	
<i>Explosives and Dangerous Goods (Fees) Amendment Regulations 1990, Part 2</i>	27 July 1990 p.3598	1 August 1990 (see regulation 2)	
<i>Explosives Amendment Regulations 1991</i>	18 January 1991 p.235	1 February 1991 (see regulation 2)	
<i>Explosives and Dangerous Goods (Fees Amendment) Regulations 1991, Part 3</i>	12 July 1991 pp.3472-4	15 July 1991 (see regulation 2)	

Explosives Regulations 1963

Regulation	Gazettal	Commencement	Miscellaneous
<i>Explosives Amendment Regulations (No. 2) 1993</i>	27 August 1993 p.4621	27 August 1993	
<i>Explosives Amendment Regulations 1993</i>	11 January 1994 pp.52-6	11 January 1994	
<i>Explosives Amendment Regulations 1994</i>	17 June 1994 p.2529	17 June 1994	

² Repealed by Act No. 62 of 1994.