

MP301*

Explosives and Dangerous Goods Act 1961

Explosives and Dangerous Goods (Explosives) Amendment Regulations (No. 2) 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Explosives and Dangerous Goods (Explosives) Amendment Regulations (No. 2) 2002*.

2. The regulations amended

The amendments in these regulations are to the *Explosives and Dangerous Goods (Explosives) Regulations 1963**.

[* Reprinted as at 17 March 2002.

For amendments to 18 September 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 94, and Gazette 28 June 2002.]

3. Regulation 34A inserted

In Part VI after the heading “(A) For private use and not for Sale” and before regulation 35 the following regulation is inserted —

“

34A. Storage of fireworks

In relation to the storage of manufactured fireworks, this Part is subject to Part XI.

”.

4. Regulation 43 amended

- (1) After regulation 43(1) the following subregulation is inserted —

“

- (1a) If premises described in subregulation (1) are to be used to store or keep manufactured fireworks and no other explosives, a Licence to Store Explosives in Mode B may be granted in respect of the premises if they are at a place, and are constructed in a manner, approved by the Chief Inspector.

”.

- (2) Regulation 43(2) is amended by inserting after “subregulation (1)” —

“ or (1a) ”.

5. Regulation 48 amended

- (1) Regulation 48 is amended by inserting before “The Chief” the subregulation designation “(1)”.
- (2) At the end of regulation 48 the following subregulations are inserted —

“

- (2) Despite the requirements in these regulations as to the construction and placement of a licensed magazine, if the magazine described in the application is to be used to store manufactured fireworks and no other explosives, a Magazine Licence may be granted in respect of the magazine if it is at a place, and is constructed in a manner, approved by the Chief Inspector.
- (3) Regulation 51 does not apply to or in respect of a magazine the subject of a Magazine Licence granted under subregulation (2) unless and to the extent that the Chief Inspector specifies otherwise in the licence.

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6. Regulation 123 repealed

Regulation 123 is repealed.

7. Regulation 136 replaced

Regulation 136 is repealed and the following regulation is inserted instead —

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136. Storage of fireworks other than shop goods class

- (1) In this regulation —
“**NEQ**”, in relation to manufactured fireworks, stands for net explosive quantity and means the weight of explosive in the fireworks.
- (2) This regulation does not apply to manufactured fireworks of the shop goods class.
- (3) Manufactured fireworks weighing 50 kgs NEQ or less must be stored —
 - (a) in premises the subject of a Licence to Store Explosives in Mode B granted under Part VI;
 - (b) in a magazine the subject of a Magazine Licence granted under Part VI; or
 - (c) in a Public Magazine appointed by the Minister under section 25 of the Act.
- (4) Manufactured fireworks weighing more than 50 kgs NEQ must be stored —
 - (a) in a magazine the subject of a Magazine Licence granted under Part VI; or
 - (b) in a Public Magazine appointed by the Minister under section 25 of the Act.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.