

MN301

**EXPLOSIVES AND DANGEROUS GOODS ACT 1961
EXPLOSIVES AMENDMENT REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Explosives Amendment Regulations 1993*.

Principal regulations

2. In these regulations the *Explosives Regulations 1963** are referred to as the principal regulations.

[* Reprinted in the Gazette of 13 January 1981 at pp. 53-98.
For amendments to 4 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp. 70-71.]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended —

- (a) by inserting after the regulation designation "2." the subregulation designation "(1)";
- (b) by inserting after the definition of "approved" the following definition —

"

"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;

”;

and

- (c) by inserting the following subregulations —

"

(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Regulation 79 repealed

4. Regulation 79 of the principal regulations is repealed.

Regulation 80 amended

5. Regulation 80 of the principal regulations is amended by deleting "Except where otherwise provided, nothing in the following regulations for conveyance of explosives" and substituting the following —

"
Unless the contrary intention appears in this Part or in the Australian Explosives Code, nothing in this Part
".

Regulation 81 amended

6. Regulation 81 of the principal regulations is amended —
- (a) by deleting "the explosives set out in regulation 80 of these regulations" and substituting the following —
" explosives of sub-class 1.4 "; and
 - (b) by deleting "such of the regulations as relate to the conveyance of explosives" and substituting the following —
" the requirements of this Part ".

Regulations 84, 85, 86 and 87 amended

7. Regulations 84, 85, 86 and 87 of the principal regulations are amended by deleting "vehicle or" in each place where it occurs.

Regulation 88 amended

8. Regulation 88 of the principal regulations is amended by deleting "vehicle, vessel, compartment or receptacle" and substituting the following —
" vessel, or compartment or receptacle in a vessel, ".

Regulation 89 amended

9. Regulation 89 of the principal regulations is amended —
- (a) in subregulation (1) by deleting "or vehicle";
 - (b) in subregulation (5) by deleting "in the driver's compartment of a vehicle, or"; and
 - (c) in subregulation (6) by deleting "or vehicle".

Regulations 92A to 92G inserted

10. The principal regulations are amended by inserting after the heading "Conveyance by Road." the following regulations —

"
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.

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.

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;
- (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.

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.

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.

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.

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.

Regulations 93, 95, 96, 98, 100, 101 and 102 repealed

11. Regulations 93, 95, 96, 98, 100, 101 and 102 of the principal regulations are repealed.

Regulation 103 amended

12. Regulation 103 of the principal regulations is amended —

- (a) in subregulation (1) by deleting "that which may be carried in accordance with paragraph (a) of regulation 102 of these regulations" and substituting the following —

" the prescribed quantity for those explosives under regulation 92C

and

- (b) in subregulation (2) —

- (i) by deleting "that which may be carried in accordance with paragraph (a) of regulation 102 of these regulations" and substituting the following —

" the prescribed quantity for those explosives under regulation 92C

- (ii) by deleting paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (m); and

- (iii) by deleting paragraph (n) and substituting the following paragraph —

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

Regulation 104 amended

13. Regulation 104 of the principal regulations is amended —
- (a) in subregulation (2) by deleting "regulations 103 and 105 of these regulations" and substituting the following —
" the requirements of these regulations "; and
 - (b) by repealing subregulations (3) and (4).

Regulation 105 repealed

14. Regulation 105 of the principal regulations is repealed.

Regulation 106 amended

15. Regulation 106 of the principal regulations is amended by repealing subregulations (1), (2), (6), (7), (8), (9), (10), (11) and (12).

Regulation 107 repealed and a regulation substituted

16. Regulation 107 of the principal regulations is repealed and the following regulation is substituted —

"

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 107A inserted

17. After regulation 107 of the principal regulations the following regulation is inserted —

"

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 108 amended

18. Regulation 108 of the principal regulations is amended by repealing subregulations (1), (2), (3), (4) and (5).

Regulations 109 to 112 repealed

19. Regulations 109, 110, 111, 111A and 112 of the principal regulations are repealed.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.