Queensland

Explosives Act 1999

Explosives Regulation 2003

Reprinted as in force on 1 July 2005

Reprint No. 1C

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Information about this reprint

This regulation is reprinted as at 1 July 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

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Queensland

Explosives Regulation 2003

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Explosives Regulation 2003

[as amended by all amendments that commenced on or before 1 July 2005]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Explosives Regulation 2003*.

2 Commencement

This regulation commences on 1 July 2003.

3 Dictionary

The dictionary in schedule 7 defines particular words used in this regulation.[1]

4 References to class, division and compatibility group of explosive

In this regulation—

(a) a reference to the class, division and compatibility group of an explosive is a reference to the class, division and compatibility group assigned to the explosive under the UN model regulations; and

(b) a reference to classifying an explosive is a reference to assigning the class, division and compatibility group of the explosive under the UN model regulations.

1 A copy of an Australian Standard or code of practice referred to in this regulation, the UN tests and criteria and the UN model regulations may be inspected at the department's office during business hours on business days at 61 Mary Street, Brisbane.

Example—

A reference to a class 1, division 1.1, compatibility group D explosive is a reference to an explosive assigned to the following class, division and compatibility group under the UN model regulations

- class 1 (Explosives)
- division 1.1 (Substances and articles which have a mass explosion hazard)
- compatibility group D (Secondary detonating explosive substance or black powder or article containing a secondary detonating explosive substance, in each case without means of initiation and without a propelling charge, or article containing a primary explosive substance and containing 2 or more effective protective features).

5 References to mass of explosive

In this regulation, a reference to the mass of an explosive is, unless stated to be a reference to the gross weight of the explosive, a reference to the mass of explosive material contained in the explosive.

Example—

The gross weight of a box of distress signals might be 25kg, but the distress signals in the box might contain 2kg of explosive material. If this regulation stated a maximum amount for distress signals of 5kg, the box would be less than the maximum amount.

6 Substances declared to be explosives

(1) For schedule 2, definition *explosive*, paragraph (b) of the Act, each of the following is declared to be an explosive—

(a) a precursor;

(b) ammunition that does not contain explosives.

(2) However, subsection (1)(b) does not apply for section 38[2] of the Act.

7 Explosives exempt from Act

(1) An explosive is exempt from the Act if—

2 Section 38 (Explosive to be manufactured under authority) of the Act

(a) the explosive is an ingredient in a mixture prepared for a use that does not include initiating the mixture; and

Examples for paragraph (a)—

1 Nitroglycerine contained in a tablet.

2 Nitrocellulose contained in paint or nail polish.

(b) the mixture is not—

(i) a class 1 explosive; or

(ii) an authorised explosive.

(2) A person who possesses an explosive mentioned in subsection (1) must not use or modify the explosive to produce an explosive effect.

Maximum penalty—200 penalty units.

8 Exempt government entities

(1) The Queensland Police Service, including an officer of another State's police service who is carrying out official duties in Queensland for the Queensland Police Service, is exempt from part 4, divisions 2, 7 and 8 of the Act.

(2) An inspector is exempt from part 4, divisions 2 and 6 to 8[3] of the Act.

(3) However, the exemptions in subsections (1) and (2) do not apply to an officer or inspector who is not acting in the course of the officer's or inspector's official duties.

9 Alternative safety measures

(1) This section applies if this regulation states that a person may use alternative safety measures for any of the following (a ***stated provision***)—

(a) an Australian Standard;

(b) a code of practice;

(c) a provision of this regulation.

3 Part 4 (Handling explosives), divisions 2 (Possession of explosives), 6 (Storing explosives), 7 (Transporting explosives) and 8 (Using explosives) of the Act

(2) The person may, if subsection (3) is complied with, use systems, methods or procedures (***alternative safety measures***) that do not comply with the stated provision.

(3) Alternative safety measures may be used under subsection (2) if—

(a) the alternative safety measures achieve a level of risk (the ***required level of risk***) that is equal to or less than the level of risk achieved by the systems, methods or procedures provided for under the stated provision; and

(b) the person records the alternative safety measures in writing.

(4) The person must, on the request of an inspector, give the inspector a copy of the document recording the alternative safety measures.

(5) The inspector may, if the inspector is not reasonably satisfied the alternative safety measures achieve the required level of risk, give the person a remedial action notice.

(6) The notice must state, as well as the matters mentioned in section 102(3)[4] of the Act, that the alternative safety measures do not achieve the required level of risk.

10 Conflict of regulation with Australian Standards, codes of practice etc.

To the extent this regulation is inconsistent with any of the following documents mentioned in this regulation, this regulation prevails—

(a) an Australian Standard;

(b) a code of practice;

(c) the UN tests and criteria;

(d) the UN model regulations.

4 Section 102 (Power to give direction about contravention) of the Act

Part 2 Authorised and prohibited explosives

Division 1 Preliminary

11 Definitions for pt 2

In this part—

prescribed information, for a request that an explosive be declared an authorised explosive or an application for an explosives trial approval, means each of the following—

(a) a description of the explosive, including each of the following—

(i) the name of the explosive;

(ii) the design, composition and formulation of the explosive, including the mass of the explosive;

(iii) the intended use of the explosive and how it functions;

(iv) the classification code and the United Nations number, within the meaning of the UN model regulations, for the explosive;

(v) the shelf life recommended for the explosive by its manufacturer;

(b) if requested by the chief inspector, drawings or photographs of the explosive;

(c) details of all possible uses of the explosive and the purpose of the applicant's intended use or uses of the explosive;

(d) for an explosive suitable for use in an underground coal mine—details of the explosive's suitability for the use, including the results of any tests carried out to decide the explosive's suitability;

(e) information relevant to classifying the explosive, including—

(i) the results of any tests carried out, under the UN tests and criteria, to classify the explosive; and

(ii) a classification code for the explosive decided by the Commonwealth or another State;

(f) details about the manufacture of the explosive, including each of the following—

(i) the name of the explosive's manufacturer;

(ii) the country in which the explosive is manufactured;

(iii) the period for which the explosive has been manufactured by the manufacturer;

(iv) any information in the applicant's possession about the safety history of the explosive's use, whether in Australia or elsewhere;

(g) if the explosive is packaged—details about the packaging including each of the following—

(i) markings on the packaging;

(ii) the number of explosives contained in the package;

(iii) if the packaging has been tested under the Australian explosives code—the results of the testing and the approval number assigned to the packaging;

(h) a material safety data sheet for the explosive;

(i) if requested by the chief inspector, a sample of the explosive;

(j) a written statement, prepared by the supplier of the explosive, of the supplier's directions for the safe use and disposal of the explosive.

trial, for an explosives trial approval, means the trial, experiment or examination for which the unauthorised or prohibited explosive will be manufactured, possessed, sold, stored, transported or used.

Division 2 Authorised explosives

12 Classification of authorised explosive

For section 8(2)(b)[5] of the Act, an explosive must be classified according to its class, division and compatibility group.

13 Request for declaration of authorised explosive

(1) A person may, by notice to the chief inspector, ask the chief inspector to declare an explosive to be an authorised explosive for the Act.

(2) The notice must be accompanied by the prescribed information and the prescribed fee for the request.

14 Advice of chief inspector's decision

If a person has requested that the chief inspector declare an explosive to be an authorised explosive for the Act, the chief inspector must, as soon as practicable after deciding whether to make the declaration, give the person—

(a) if the chief inspector decides to make the declaration—notice of the decision; or

(b) if the chief inspector decides not to make the declaration—a decision notice about the decision.

Division 3 Prohibited explosives

15 Declaration of prohibited explosive

For section 10[6] of the Act, an explosive stated in schedule 1, part 1 is a prohibited explosive.

5 Section 8 (Authorised explosives) of the Act

6 Section 10 (Prohibited explosives) of the Act

Division 4 Explosives trial approvals

16 Application for explosives trial approval

(1) A person may apply to the chief inspector for an explosives trial approval.

(2) The application must be accompanied by—

(a) as much of the prescribed information for the application as the applicant can reasonably obtain; and

(b) the following information—

(i) the reason for, or purpose of, the trial;

(ii) the date the trial will start and the estimated completion date;

(iii) where the trial will be carried out;

(iv) the estimated amount of explosive that will be used for the trial;

(v) the name of the person who will supervise the trial; and

(c) the prescribed fee for the application.

(3) The chief inspector may ask the person to give, within the period stated by the chief inspector but at least 28 days from the date of the request, any further relevant information or evidence the chief inspector requires to decide whether to issue the approval.

(4) The person must give the chief inspector the further information or evidence requested.

(5) The person is taken to have withdrawn the application if the person fails to provide the further information or evidence requested within the period stated by the chief inspector.

17 How chief inspector may deal with application

(1) The chief inspector must consider an application for an explosives trial approval and either—

(a) issue the approval with each of the following conditions—

(i) the conditions stated in section 18;

(ii) any other conditions imposed by the chief inspector that are consistent with the conditions stated in section 18; or

(b) refuse to issue the approval.

(2) If the chief inspector decides to issue the approval, the chief inspector must, as soon as practicable, give the applicant—

(a) the approval; and

(b) if the chief inspector decides to impose conditions on the approval under subsection (1)(a)(ii)—a decision notice about the decision.

(3) If the chief inspector decides not to issue the approval, the chief inspector must, as soon as practicable, give the applicant a decision notice about the decision.

18 Conditions of explosives trial approval

(1) An explosives trial approval is subject to each of the following conditions—

(a) the trial must not take place without the written consent of the owner or occupier of the place where the trial is carried out;

(b) the holder must ensure the trial is conducted in accordance in all material respects with the information given to the chief inspector with the application for the approval;

(c) the holder must give a written report about the trial to the chief inspector as soon as practicable after the trial is completed.

(2) For subsection (1)(c), the report must state—

(a) the results of the trial; and

(b) any action the holder proposes to take in relation to the explosive.

Part 3 Authorities

Division 1 General provisions about authorities

19 Authorities that may be issued under Act

(1) For section 13[7] of the Act, the following authorities may be issued—

- licence to import explosives;
- licence to export explosives;
- permit to import explosives;
- permit to export explosives;
- licence to manufacture explosives;
- licence to sell explosives;
- licence to store explosives;
- permit to store explosives;
- licence to transport explosives;
- licence to use explosives;
- shotfirer licence;
- fireworks contractor licence;
- fireworks operator licence;
- licence to collect ammunition.

(2) Division 2 states what each authority authorises.

20 Fees

(1) The fees payable under the Act are stated in schedule 2.

(2) The prescribed fee for an authority is—

7 Section 13 (Authorities that may be issued under Act) of the Act

(a) for the issue of a licence—the application fee and the licence fee for the licence; and

(b) for the renewal of a licence—the licence fee for the licence; and

(c) for the amendment of a licence—the application fee for the licence; and

(d) for the issue of a permit—the application fee for the permit.

(3) All or part of a licence fee paid may be refunded if—

(a) the licence is issued for a term longer than 1 year; and

(b) the licence is surrendered during the term.

(4) For subsection (3), the amount that may be refunded is the licence fee for each whole year of the unexpired term of the licence.

21 Term of authority

For section 19[8] of the Act, the maximum term of an authority is—

(a) for a fireworks contractor licence or a fireworks operator licence—3 years; or

(b) for another authority—5 years.

Division 2 What authorities authorise

22 What licence to import explosives and licence to export explosives authorise

(1) A licence to import explosives authorises the holder of the authority to—

(a) bring the explosives stated in the licence into the State from another country; and

8 Section 19 (Term of authority) of the Act

(b) possess the explosives for the purpose of bringing them, under the licence, into the State.

(2) A licence to export explosives authorises the holder of the authority to—

(a) send the explosives stated in the licence from the State to another country; and

(b) possess the explosives for the purpose of sending them, under the licence, to another country.

23 What permit to import explosives and permit to export explosives authorise

(1) A permit to import explosives authorises the holder of the authority to—

(a) bring into the State from another country, on the day and in the way stated in the permit, the explosives stated in the permit; and

(b) possess the explosives for the purpose of bringing them, under the permit, into the State.

(2) A permit to export explosives authorises the holder of the authority to—

(a) send from the State to another country, on the day and in the way stated in the permit, the explosives stated in the permit; and

(b) possess the explosives for the purpose of sending them, under the permit, to another country.

24 What licence to manufacture explosives authorises

A licence to manufacture explosives authorises the holder of the authority to—

(a) manufacture, at the place, if any, stated in the licence, the explosives stated in the licence; and

(b) possess explosives manufactured under the licence; and

(c) if a place is stated in the licence—store the explosives at the place as required under part 8;[9] and

(d) if the licence is for a mobile manufacturing unit—transport an explosive, other than an unauthorised or prohibited explosive, in the mobile manufacturing unit.

25 What licence to sell explosives authorises

A licence to sell explosives authorises the holder of the authority to—

(a) sell, at the place, if any, stated in the licence, the explosives stated in the licence; and

(b) possess the explosives for the purpose of selling them under the licence; and

(c) if a place is stated in the licence—store the explosives at the place as required under part 8 for the purpose of selling them under the licence.

26 What licence to store explosives authorises

A licence to store explosives authorises the holder of the authority to—

(a) store, at a place stated in the licence, the explosives stated in the licence; and

(b) possess the explosives for the purpose of storing them under the licence.

27 What permit to store explosives authorises

A permit to store explosives authorises the holder of the authority to—

(a) store, at a place and for the period stated in the permit, the explosives stated in the permit; and

9 Part 8 (Storing explosives)

(b) possess the explosives, for that period, for the purpose of storing them under the permit.

28 What licence to transport explosives authorises

A licence to transport explosives authorises the holder of the authority to—

(a) transport, using a vehicle or in the way stated in the licence, the explosives stated in the licence; and

(b) possess the explosives for the purpose of transporting them under the licence.

29 What licence to use explosives authorises

A licence to use explosives authorises the holder of the authority to—

(a) use the explosives stated in the licence for the purpose stated in the licence; and

(b) possess the explosives for the purpose of using them under the licence; and

(c) store and transport the explosives, as required under parts 8 and 9, for the purpose of using them under the licence.

30 What shotfirer licence authorises

A shotfirer licence authorises the holder of the authority to—

(a) use the blasting explosives stated in the licence; and

(b) possess the blasting explosives for the purpose of using them under the licence; and

(c) store and transport the blasting explosives, as required under parts 8 and 9, for the purpose of using them under the licence.

31 What fireworks contractor licence authorises

A fireworks contractor licence authorises the holder of the authority to—

(a) organise, or agree to organise, a fireworks display for the display host; and

(b) possess fireworks for the purpose of supplying them to a fireworks contractor; and

(c) supply fireworks to a fireworks operator for use by the fireworks operator in a fireworks display organised by the fireworks contractor; and

(d) store and transport fireworks, as required under parts 8 and 9, for the purpose of supplying them to a fireworks contractor.

32 What fireworks operator licence authorises

A fireworks operator licence authorises the holder of the authority to—

(a) use fireworks for the purpose of a fireworks display; and

(b) possess fireworks for the purpose of using them in a fireworks display; and

(c) store and transport the fireworks, as required under parts 8 and 9, for the purpose of using them in a fireworks display.

33 What licence to collect ammunition authorises

A licence to collect ammunition authorises the holder of the authority to—

(a) bring collectors' ammunition into the State from another country; and

(b) send collectors' ammunition from the State to another country; and

(c) sell, possess, transport and store collectors' ammunition.

Division 3 Provision about applications for renewal of particular authorities

34 Information that must accompany application for renewal of particular licences

(1) An application for renewal of a licence mentioned in subsection (2) must be accompanied by a record of explosives used under the licence by the holder during previous term of the licence.[10]

(2) For subsection (1), the licences are the following—

(a) a licence to use explosives;

(b) a shotfirer licence;

(c) a fireworks operator licence.

Division 4 Appropriate persons for issue of authorities

35 Shotfirer licence

(1) A person is an appropriate person for the issue of a shotfirer licence if the chief inspector is reasonably satisfied the person—

(a) is an adult; and

(b) is physically able to carry out blasting activities; and

(c) either—

(i) has, within the 2 year period ending on the day the application is made, satisfactorily completed a course of training in the use of blasting explosives that is approved by the chief inspector for this section; or

(ii) is licensed in another State to carry out blasting activities; or

10 See also sections 14 (Application for authority) and 22 (Division applies to application for renewal of licence) of the Act.

(iii) otherwise demonstrates the skill and knowledge required to carry out blasting activities to a standard necessary for the safety and health of persons; and

(d) has satisfactory knowledge of each of the following matters—

(i) the requirements under the Act about the storage, transport, manufacture, sale and use of explosives;

(ii) the hazards associated with each type of blasting explosive, its blasting characteristics, safe handling procedures and methods of use;

(iii) the potential environmental consequences of blasting and methods for minimising the adverse effects of blasting; and

(e) is proficient in each of the following—

(i) designing, loading and initiating blasts;

(ii) handling misfires;

(iii) disposing of blasting explosives; and

(f) is, in all the circumstances, an appropriate person for the issue of the licence.

(2) For subsection (1)(c)(iii), (d) and (e), the chief inspector may require the person to sit a written, oral or practical examination.

36 Fireworks contractor licence

(1) A person is an appropriate person for the issue of a fireworks contractor licence if the chief inspector is reasonably satisfied the person or, if the person is a corporation, an executive officer of the corporation—

(a) is 21 years or more; and

(b) holds a fireworks operator licence or an equivalent authority; and

(c) has held a fireworks operator licence or an equivalent authority for 3 years or more; and

(d) either—

(i) has, within the 2 year period ending on the day the application is made, satisfactorily completed a course of training in organising fireworks displays that is approved by the chief inspector for this section; or

(ii) otherwise demonstrates the skill and knowledge required to organise fireworks displays to a standard necessary for the safety and health of persons; and

(e) is, in all the circumstances, an appropriate person for the issue of a fireworks contractor licence.

(2) For subsection (1)(d)(ii), the chief inspector may require the person to sit a written, oral or practical examination.

(3) In this section—

equivalent authority means—

(a) a shotfirer (fireworks) licence issued under the former regulation; or

(b) a licence issued by another State authorising the person to use fireworks.

37 Fireworks operator licence

(1) A person is an appropriate person for the issue of a fireworks operator licence if the chief inspector is reasonably satisfied the person—

(a) is an adult; and

(b) is physically able to use fireworks in fireworks displays; and

(c) either—

(i) has, within the 2 year period ending on the day the application is made, satisfactorily completed a course of training in the use of fireworks that is approved by the chief inspector for this section; or

(ii) holds an authority to use fireworks issued by another State; or

(iii) otherwise demonstrates the skill and knowledge required to use fireworks in fireworks displays to a standard necessary for the safety and health of persons; and

(d) has satisfactory knowledge of each of the following matters—

(i) the requirements under the Act about storage, transport, manufacture, sale and use of fireworks;

(ii) the hazards associated with each type of firework, its safe handling procedures and methods of use;

(iii) the requirements under the Queensland fireworks code; and

(e) is, in all the circumstances, an appropriate person for the issue of a fireworks operator licence.

(2) For subsection (1)(c)(iii) and (d), the chief inspector may require the person to sit a written, oral or practical examination.

38 Other authorities

(1) A person is an appropriate person for the issue of an authority not mentioned in sections 35 to 37 if the chief inspector is reasonably satisfied the person or, if the person is a corporation, an executive officer of the corporation—

(a) is an adult; and

(b) is physically able to handle explosives under the authority; and

(c) has satisfactory knowledge of—

(i) the requirements under the Act applicable to holders of the authority; and

(ii) the hazards associated with the explosives to which the authority would apply; and

(d) is, in all the circumstances, an appropriate person for the issue of the authority.

(2) For subsection (1)(c), the chief inspector may require the person to sit a written, oral or practical examination.

Division 5 General provisions for authority holders

39 Employees of particular authority holders taken to be holders of authority

(1) This section applies to an employee of a holder of a prescribed authority if the employee is—

(a) acting within the scope of the employee's employment; and

(b) if the prescribed authority is a licence to use explosives or a fireworks operator licence—acting in the presence and under the direct supervision of the holder.

(2) The employee is taken to be a holder of the prescribed authority.

(3) In this section—

prescribed authority means a following authority—

(a) a licence to import explosives;

(b) a licence to export explosives;

(c) a licence to manufacture explosives;

(d) a licence to sell explosives;

(e) a licence to store explosives;

(f) a permit to store explosives;

(g) a licence to transport explosives;

(h) a licence to use explosives;

(i) a fireworks contractor licence;

(j) a fireworks operator licence.

40 Notification requirements for all authority holders

(1) This section applies if, during the term of an authority, a following event (a ***prescribed event***) happens—

(a) the holder of the authority becomes aware of a change in circumstances that prevents the holder complying with this regulation or a condition of the authority;

(b) the holder is convicted of an offence—

(i) relating to the misuse of drugs; or

(ii) involving violence or threatened violence; or

(iii) involving the use, carriage, discharge or possession of a firearm; or

(iv) relating to the use and handling of explosives;

(c) a domestic violence order is made against the holder.

(2) The holder must, as soon as practicable after becoming aware a prescribed event has happened, give to an inspector notice of the prescribed event.

Maximum penalty—200 penalty units.

(3) The holder must comply with subsection (2) unless the holder has a reasonable excuse.

41 Notification requirements for particular authority holders

(1) This section applies if, during the term of a prescribed authority, the holder of the authority proposes to do any of the following—

(a) change the construction or location of a building stated in the authority as a place where activities may be carried out under the authority;

(b) construct a new building in which activities are proposed to be carried out under the authority;

(c) use new equipment or vehicles, or change the location of equipment used when the authority was issued, in connection with carrying out activities under the authority.

(2) The holder must, before doing a thing mentioned in subsection (1), give notice of the proposed action to the chief inspector.

Maximum penalty—50 penalty units.

(3) The holder must comply with subsection (2) unless the holder has a reasonable excuse.

(4) In this section—

new equipment or vehicles means equipment or vehicles not used in connection with carrying out activities under the prescribed authority when the holder applied for the prescribed authority.

prescribed authority means any of the following—

(a) a licence to store explosives;

(b) a licence to manufacture explosives;

(c) a licence to transport explosives.

42 Requirement to have and give effect to safety management system

(1) This section applies to the holder of a prescribed authority if 1 or more employees of the holder carry out activities under the authority.

(2) The holder must have and give effect to a safety management system for—

(a) if a place is stated in the authority as a place where an activity may be carried out under the authority—the place; or

Examples for paragraph (a)—

1 An explosives factory.

2 Premises where explosives are stored.

(b) if an activity is carried out under the authority other than at a place mentioned in paragraph (a)—the activity.

Examples for paragraph (b)—

1 Blasting activities carried out under an authority at various locations.

2 Transporting explosives.

Maximum penalty—50 penalty units.

(3) The safety management system is a system that incorporates risk management elements and practices that ensure the safety

and health of persons who may be affected by activities carried out under the authority.

(4) The safety management system must—

(a) be an auditable written system that complies with section 43; and

(b) provide for ongoing consultation with employees and contractors of the holder who are engaged in carrying out activities under the authority, at least once a month, about safety in relation to the activities.

(5) The safety management system may be part of a safety management system (however called) required under another Act.

Example—

The safety management system may be part of a safety and health management system for a coal mine required under the *Coal Mining Safety and Health Act 1999*.

(6) In this section—

prescribed authority means any of the following authorities—

(a) a licence to import explosives;

(b) a licence to export explosives;

(c) a licence to manufacture explosives;

(d) a licence to sell explosives;

(e) a licence to store explosives;

(f) a licence to transport explosives;

(g) a licence to use explosives;

(h) a shotfirer licence;

(i) a fireworks contractor licence.

43 Contents of safety management system

A safety management system must contain each of the following—

(a) a description of the holder's safety policy;

(b) details of the organisational structure of the holder's operations, including details of the personnel responsible for performing all the functions provided for under the system;

(c) a system procedure for each matter stated in schedule 3, part 1;

(d) an operational procedure for each matter stated in schedule 3, part 2 that is applicable to the place or activity to which the system applies.

Part 4 Possessing explosives

44 Possession of explosives to which s 34 of Act does not apply

(1) For section 34(2)[11] of the Act, the following explosives are prescribed—

(a) an unrestricted firework;

(b) a distress signal, including, for example, a distress signal designed to be placed on a railway track;

(c) an explosive designed to activate an air bag, seat belt, fire extinguisher or parachute;

(d) an electric match;

(e) a safety fuse or igniter;

(f) a power device cartridge;

(g) small arms ammunition, and an ingredient of small arms ammunition, that is possessed by a person licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm*;*

11 Section 34 (Authority required to possess explosives) of the Act

(h) an explosive manufactured under section 38(2)(a)[12] of the Act that is possessed by the person who manufactured the explosive;

(i) an explosive stored at a government magazine;

(j) an explosive possessed by a person transporting it who holds an authority under a corresponding law to transport the explosive;

(k) collectors' ammunition possessed by a prescribed ammunition collector.

(2) In this section—

corresponding law has the meaning given to it by section 50(6) of the Act.

45 Children prohibited from possessing particular explosives

(1) A person must not possess an explosive mentioned in section 44(1) unless the person is an adult.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to the following explosives—

(a) an unrestricted firework;

(b) a distress signal on board a vehicle or boat;

(c) small arms ammunition that is possessed by a person who is licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm that uses the ammunition.

46 Possession and initiation of particular explosives in public places prohibited

(1) A person must not, unless the person is authorised to do so under the Act or has a reasonable excuse, possess an explosive, other than an unrestricted firework, in a public place.

12 Section 38 (Explosive to be manufactured under authority) of the Act

Maximum penalty—50 penalty units.

(2) A person must not, unless the person is authorised to do so under the Act or has a reasonable excuse, initiate an explosive, other than an unrestricted firework, in a public place.

Maximum penalty—200 penalty units.

Part 5 Importing and exporting explosives

Division 1 Preliminary

47 Explosives exempt from s 36 of Act

(1) An explosive is exempt from section 36[13] of the Act if the explosive is—

(a) part of the operational equipment of a prescribed vehicle; or

(b) a distress signal on board a prescribed vehicle.

Examples—

1 An airbag in a vehicle.

2 A distress signal on board a boat as part of the boat's safety equipment.

(2) In this section—

prescribed vehicle means a vehicle or boat entering the State from another country or leaving the State for another country.

13 Section 36 (Bringing or sending certain explosives into and out of the State) of the Act

Division 2 Requirements for holders of licence to import explosives or licence to export explosives

48 Definition for div 2

In this division—

relevant holder means the holder of a licence to import explosives or a licence to export explosives.

49 Condition of explosives

A relevant holder may bring an import explosive into the State from another country, or send an export explosive from the State to another country, only if—

(a) the holder is reasonably satisfied the explosive is in a safe condition for transportation; and

(b) the explosive has been classified; and

(c) the packaging of the explosive is marked with the correct classification code for the explosive; and

(d) the explosive is an authorised explosive; and

(e) the explosive is packaged and labelled as required under the Australian explosives code; and

(f) the holder can provide, on the request of an inspector, a material safety data sheet for the explosive; and

(g) the holder has taken reasonable steps to ensure the explosive will function as it was designed to function.

Maximum penalty—50 penalty units.

50 Notice of intention

A relevant holder must ensure an export explosive sent to another country, or an import explosive brought into the State, complies in all material respects with the details stated in the

notice of intention given for the explosive under section 37[14] of the Act.

Maximum penalty—50 penalty units.

51 Records

(1) A relevant holder must keep a record of each import explosive brought into the State from another country, and each export explosive sent from the State to another country, under the licence.

(2) The record must include each of the following—

(a) the name of the explosive;

(b) the amount of the explosive;

(c) the date the explosive was brought into the State or sent to the country;

(d) the name of the consignee and consignor of the explosive.

Maximum penalty—50 penalty units.

52 Ensuring other persons are aware of obligations

A relevant holder must take reasonable steps to ensure an employee or contractor of the holder is aware of, and complies with, the requirements under the Act about bringing import explosives into the State from another country or sending export explosives from the State to another country.

Maximum penalty—50 penalty units.

53 Making explosive available for inspection

A relevant holder must, on the request of an inspector, make an explosive brought into the State or sent to another country under the licence available for inspection by the inspector at a time and place reasonably required by the inspector.

Maximum penalty—50 penalty units.

14 Section 37 (Notice to chief inspector) of the Act

54 Handling explosive at port

A relevant holder must not send an export explosive from the State, or bring an import explosive into the State, at a port that does not have approved explosives limits.

Maximum penalty—100 penalty units.

Division 3 Requirements for holders of permit to import explosives or permit to export explosives

55 Definition for div 3

In this division—

relevant holder means the holder of a permit to import explosives or a permit to export explosives.

56 Ensuring other persons are aware of obligations

A relevant holder must take reasonable steps to ensure an employee or contractor of the holder is aware of, and complies with, the requirements under the Act about bringing import explosives into the State from another country or sending export explosives from the State to another country.

Maximum penalty—50 penalty units.

57 Making explosive available for inspection

A relevant holder must, on the request of an inspector, make an explosive brought into the State or sent to another country under the permit available for inspection by the inspector at a time and place reasonably required by the inspector.

Maximum penalty—50 penalty units.

Division 4 Handling of explosives at ports

58 Application of div 4

This division applies to a port at which the following amounts of explosives are, or are proposed to be, handled at one time—

(a) for class 1, divisions 1.1, 1.2, 1.5 and 1.6 explosives—more than 250kg;

(b) for class 1, division 1.3 explosives—more than 2000kg.

59 Definitions for div 4

In this division—

explosives limit see section 61(a).

explosives limits document see section 61.

risk assessment process means a process for measuring the consequences and likelihood of a risk.

60 Requirements for ports handling explosives

(1) The port authority responsible for a port must ensure—

(a) explosives are not handled at the port unless there are approved explosives limits for the port; and

(b) explosives are handled at the port as required under—

(i) the port's approved explosives limits; and

(ii) AS 3846 or alternative safety measures for the standard.

Maximum penalty—100 penalty units.

(2) In this section—

AS 3846 means AS 3846—'The handling and transport of dangerous cargoes in port areas' (1998).

61 Port authority to prepare explosives limits document

A port authority may prepare, and give to the chief inspector for approval, a written document (an ***explosives limits document***), for a port for which the port authority is responsible, stating—

(a) for each class and division of explosives handled at the port—the maximum amount (the ***explosives limit***), worked out using a risk assessment process, of explosives that may be handled safely at a berth within the port at one time; and

(b) details of the risk assessment process used.

62 How chief inspector must deal with explosives limits document

(1) The chief inspector must, as soon as practicable after receiving an explosives limits document from a port authority—

(a) approve, with or without changes or conditions, the explosives limits for the port stated in the explosives limits document; or

(b) refuse to approve the explosives limits.

(2) If the chief inspector decides to approve the limits, the chief inspector must, as soon as practicable, give the port authority—

(a) notice of the approved explosives limits for the port; and

(b) if the chief executive decides to approve the explosives limits with changes or conditions—a decision notice about the decision.

(3) If the chief inspector decides to refuse to approve the explosives limits stated in the explosives limits document, the chief inspector must give the authority a decision notice about the decision.

63 Changing approved explosives limits

(1) This section applies to a port authority responsible for a port for which explosives limits have been approved by the chief inspector under section 62.

(2) The port authority may prepare, and give to the chief inspector for approval, a new explosives limits document stating different explosives limits for the port.

(3) The chief inspector must deal with the document under section 62.

64 Chief inspector may impose interim explosives limits

(1) This section applies if—

(a) there are approved explosives limits for a port; and

(b) the chief inspector is reasonably satisfied the approved explosives limits are no longer appropriate for the port.

(2) The chief inspector may impose interim explosives levels for the port.

(3) If the chief inspector decides to impose interim explosives limits for the port, the chief inspector must give the port authority a decision notice about the decision.

(4) An interim explosive limit may be changed by an explosive limit approved by the chief inspector under section 62.

Part 6 Manufacturing explosives

Division 1 Preliminary

65 Prescribed amount of explosive—Act, s 38(2)(a)

For section 38(2)(a)[15] of the Act, the smaller amount of 100g is prescribed.

15 Section 38 (Explosive to be manufactured under authority) of the Act

66 Prescribed explosives and conditions—Act, s 38(3)

(1) For section 38(3) of the Act, the following explosives are prescribed—

(a) ANFO;

(b) a pyrotechnic substance.

(2) The prescribed conditions are—

(a) the holder of the authority to use the explosive must be an individual; and

(b) for ANFO—the ANFO must be manufactured as required under—

(i) AS 2187, part 2; or

(ii) alternative safety measures for the standard; and

(c) for a pyrotechnic substance—

(i) the pyrotechnic substance must be manufactured for immediate use by the holder as a special effect for film, theatrical or other entertainment purposes; and

(ii) the holder must be authorised to use the pyrotechnic substance.

(3) In this section—

ANFO means an explosive consisting of a mixture of ammonium nitrate and fuel oil in a proportion that complies with AS 2187, part 2.

Division 2 Requirements for holders of licence to manufacture explosives

67 Definition for div 2

In this division—

relevant holder means the holder of a licence to manufacture explosives.

68 Manufacture of explosives

A relevant holder must—

(a) ensure an explosive manufactured under the licence is manufactured in a safe condition; and

(b) ensure the explosive is correctly classified; and

(c) ensure the packaging of the explosive is marked with the correct classification code for the explosive; and

(d) take reasonable steps to ensure the explosive will function as it was designed to function; and

(e) for an explosive that is a mixture of ammonium nitrate and fuel oil, with or without other substances—ensure the explosive is manufactured as required under AS 2187, part 2 or alternative safety measures for the standard; and

(f) for an explosive that is or includes precursors—ensure the explosive is manufactured as required under the precursor code or alternative safety measures for the code; and

(g) for an explosive manufactured in a mobile manufacturing unit—ensure the explosive is manufactured as required under the mobile manufacturing code or alternative safety measures for the code.

Maximum penalty—50 penalty units.

69 Storage of explosives manufactured

A relevant holder must ensure explosives manufactured under the licence are stored in a secure way that—

(a) prevents the loss or theft of explosives; and

(b) enables missing explosives to be identified.

Maximum penalty—50 penalty units.

70 Signage of explosives factory

(1) This section applies if a licence to manufacture explosives states a place, other than a mobile manufacturing unit, where explosives may be manufactured under the licence.

(2) The relevant holder must display each of the following signs at every entrance to the explosives factory, so the sign is clearly visible by a person approaching the entrance—

(a) a sign displaying the word 'HAZCHEM' legibly in red letters at least 100mm high;

(b) a classification sign for each explosive in the factory.

Maximum penalty—20 penalty units.

(3) The holder must display, at every entrance to a building within the factory, so the sign is clearly visible by a person approaching the entrance, a classification sign for each explosive in the building.

Maximum penalty—20 penalty units.

(4) However, the holder need not comply with subsection (3) for an explosive if—

(a) the explosive is stored in a tank inside the building; and

(b) the holder displays a classification sign for the explosive adjacent to, or on the exterior surface of, the tank.

71 Persons to whom explosives may be supplied

A relevant holder must ensure an explosive manufactured under the licence is supplied only to a person who is authorised to possess the explosive.

Maximum penalty—50 penalty units.

72 Documents to kept

A relevant holder must ensure—

(a) a material safety data sheet for an explosive manufactured under the licence is kept at the place where the explosive is manufactured; and

(b) if the licence states a place, including a mobile manufacturing unit, where explosives may be manufactured under the licence—the licence, or a copy of the licence, is kept at the place.

Maximum penalty—20 penalty units.

Division 3 Rules of conduct for persons in explosives factories

73 Rules for conduct for persons in explosives factories

(1) A person in an explosives factory must—

(a) comply with—

(i) the lawful instructions of the holder of the licence to manufacture explosives in which the factory is stated as a place where explosives may be manufactured under the authority; and

(ii) the procedures under the holder's safety management system for the factory to the extent the procedures apply to the person; and

(b) if the person becomes aware of a following matter, report the matter, immediately after the person becomes aware of it, to the holder—

(i) a dangerous situation in the factory;

(ii) a circumstance that has the potential to adversely affect the person's ability to comply with instructions or procedures mentioned in paragraph (a);

(iii) an explosives incident happening in the factory.

Maximum penalty—50 penalty units.

(2) However, the person is not required to comply with subsection (1)(b) if the person has a reasonable excuse for not reporting the matter.

(3) The person must not, without reasonable excuse—

(a) wilfully remove, obscure or interfere with any of the following—

(i) a sign, notice or other written information about safety displayed or made available in the factory by the holder;

(ii) a label or marking on an explosive or its packaging; or

(b) act in a wilful or careless way that injures, or may injure, a person in the factory; or

(c) handle an explosive in the factory unless the person is authorised by the holder to handle the explosive.

Maximum penalty—50 penalty units.

Part 7 Selling explosives

74 Explosives exempt from s 41 of Act

(1) The following explosives are exempt from section 41[16] of the Act—

(a) an unrestricted firework;

(b) an explosive designed to activate an air bag, seat belt, fire extinguisher or parachute;

(c) a distress signal;

(d) a power device cartridge;

(e) small arms ammunition sold by a person who is a licensed firearms dealer under the *Weapons Act 1990;*

(f) an explosive sold by a person (a ***service provider***) authorised to use the explosive if—

(i) the service provider uses the explosive in the course of providing a service to another person; and

16 Section 41 (Authority needed to sell explosives) of the Act

(ii) the person to whom explosive is sold does not possess the explosive at any time;

Examples—

1 A blasting explosive used by the holder of a shotfirer licence in providing a blasting service to another person.

2 A firework used by the holder of a fireworks operator licence for a fireworks display.

(g) an explosive sold by the chief inspector under section 110;

(h) collectors' ammunition sold by a prescribed ammunition collector.

(2) Also, section 41 of the Act does not apply to small arms ammunition sold by a person other than—

(a) a licensed firearms dealer under the *Weapons Act 1990;* or

(b) a prescribed ammunition collector.

(3) This subsection and subsection (2) expire on 30 June 2004.

75 Authorised persons to whom explosives may be sold

For section 42(d)[17] of the Act, the following are authorised persons to whom an explosive may be sold—

(a) for an explosive mentioned in section 74(1)(a) to (d)—any person;

(b) for small arms ammunition—

(i) a prescribed ammunition collector; and

(ii) a person who is licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm;

(c) for a propellant powder used to reload small arms ammunition—a person who is licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm;

17 Section 42 (Unauthorised sales of explosives) of the Act

(d) for an explosive used as an ingredient for manufacturing another explosive (the ***explosive product***)—a person who is authorised to manufacture the explosive product.

76 Requirements about condition of explosives sold

(1) A person who sells an explosive, other than an unrestricted firework or small arms ammunition, must—

(a) package the explosive in—

(i) its original packaging; or

(ii) a package sufficiently durable to prevent the spillage of, or damage to, the explosive; and

(b) ensure the package is labelled with the correct classification code for the explosive.

Maximum penalty—50 penalty units.

(2) A person may sell an explosive only if—

(a) the person is reasonably satisfied the explosive is in a safe condition for transport and use; and

(b) the explosive is sold—

(i) before the expiry of the manufacturer's recommended shelf life for the explosive; or

(ii) after the expiry of the manufacturer's recommended shelf life for the explosive only with the written consent of the chief inspector; and

(c) the person has taken reasonable steps to ensure the explosive will function as it was designed to function.

Maximum penalty—100 penalty units.

77 Exposing explosives for sale in shop window prohibited

(1) A person must not expose an explosive for sale in a shop window.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply to an explosive mentioned in section 74(1)(a) to (e).

78 Employer's obligations about employees engaged in selling explosives

For section 33(2)[18] of the Act, an employer must be reasonably satisfied an employee who has access to an explosive, other than an unrestricted firework, for the purpose of selling it is an adult.

79 Requirements for holder of licence to sell explosives

(1) The holder of a licence to sell explosives must—

(a) keep a record of each explosive sold under the licence; and

(b) ensure the licence, or a copy of the licence, is kept at a place where explosives are sold under the licence.

Maximum penalty—50 penalty units.

(2) For subsection (1)(a), the record must include each of the following—

(a) the purchaser's name;

(b) the amount and type of explosive sold;

(c) the date of sale;

(d) details of evidence produced by the purchaser to establish the purchaser's authority to purchase the explosive.

(3) However, subsection (1)(a) does not apply to—

(a) an unrestricted firework; or

(b) small arms ammunition.

80 Offences about purchasing explosives

(1) A person purchasing an explosive must not knowingly make, to the person selling the explosive, a false or misleading statement about the person's identity or authority to purchase the explosive.

18 Section 33 (Employer's obligation about employees) of the Act

Maximum penalty—50 penalty units.

(2) A person must not, without reasonable excuse, purchase an explosive if the person knows, or ought reasonably to know, that the explosive may not lawfully be sold to the person.

Maximum penalty—20 penalty units.

Part 8 Storing explosives

Division 1 Preliminary

81 Definition for pt 8

In this part—

sch 4 explosive means an explosive mentioned in schedule 4.

82 Explosives and government entities exempt from s 44 of Act

(1) The following explosives are exempt from section 44[19] of the Act—

(a) a sch 4 explosive;

(b) collectors' ammunition stored by a prescribed ammunition collector.

(2) A government magazine is exempt from section 44 of the Act.

19 Section 44 (Authority needed to store explosives) of the Act

Division 2 Requirements for storing sch 4 explosives

83 Application of div 2

This division does not apply to an explosive stored at a government magazine.

84 Definitions for div 2

In this division—

required places, for a secured area, means—

(a) if the secured area is a drawer—on the outward facing surface of the drawer; or

(b) if the secured area is a cabinet—on the exterior surface of the cabinet; or

(c) if the secured area is cupboard, room or another enclosure—at each entrance to the enclosure.

secure container means a spark-proof container that is kept closed at all times except when explosives are put into, or taken out of, the container.

secured area means a following place kept locked at all times when the place is not attended by a person—

(a) a drawer or cabinet; or

(b) a cupboard, room or another enclosure.

85 General requirements for storing sch 4 explosives

(1) A person storing a sch 4 explosive must comply with—

(a) the applicable requirements under sections 86 to 90; and

(b) to the extent it is not inconsistent with the requirements mentioned in paragraph (a)—subsection (2).

(2) The person must take reasonable care in storing the explosive to—

(a) prevent access to the explosive by a person who is not authorised to possess the explosive; and

(b) store the explosive in a place that best minimises the potential consequences of an explosives incident involving the explosive.

Maximum penalty—50 penalty units.

86 Requirements for storing small arms ammunition and power device cartridges

(1) A person storing small arms ammunition or a power device cartridge—

(a) must store the explosive in its original packaging and—

(i) in a secure container; or

(ii) on a shelf that is inaccessible to a person who is not authorised to possess the explosive; and

(b) must store the explosive in a secured area; and

(c) unless the person is authorised to do so under the *Weapons Act 1990,* must not store the explosive in a secured area in which a firearm is stored; and

(d) if the person stores more than 10000 safety cartridges or power device cartridges in a secured area—must display, in the required places for the secured area, a classification sign for the cartridges stored in the secured area.

Maximum penalty—20 penalty units.

(2) In this section—

safety cartridge has the meaning given under AS 2187, part 0.

87 Requirements for storing distress signals in shop

A person storing a distress signal in a shop—

(a) must store the explosive in—

(i) its original packaging; and

(ii) a secure container; and

(b) must not store the explosive in an area accessible to persons not authorised to possess the explosive.

Maximum penalty—20 penalty units.

88 Requirements for storing particular fireworks

(1) A person storing a firework, other than an unrestricted firework—

(a) must store the explosive in—

(i) its original packaging; and

(ii) a secure container; and

(b) must not store the firework in an area accessible to persons not authorised to possess the explosive; and

(c) must store the firework in a secured area that is not, and is not part of, a building used wholly or partly as a dwelling or shop; and

(d) if the person stores more than 5kg (gross weight) of fireworks in a secured area—must display, in the required places for the secured area—

(i) a sign stating the word 'Fireworks' or 'Explosives', or a classification sign for the fireworks stored in the secured area; and

(ii) a sign stating the words 'Keep fire away' or otherwise indicating that sources of ignition are prohibited in or near the secured area.

Maximum penalty—50 penalty units.

(2) However, the firework may be stored in a building used wholly or partly as a dwelling or shop with the written approval of the chief inspector.

89 Requirements for storing propellant powder

A person storing a propellant powder must—

(a) store the explosive in—

(i) its original packaging; and

(ii) a secured area; and

(b) display, in the required places for the secured area, a sign—

(i) stating the word 'Explosives' and the words 'Keep fire away'; or

(ii) otherwise indicating that sources of ignition are prohibited in or near the secured area; and

(c) if the person stores more than 15kg of propellant powder in a secured area—display, in the required places for the secured area, a classification sign for the explosives stored in the secured area.

Maximum penalty—50 penalty units.

90 Requirements for storing blasting explosives

A person storing a blasting explosive must—

(a) store the explosive in a secured area; and

(b) display, in the required places for the secured area—

(i) a sign stating the word 'Explosives'; or

(ii) a classification sign for the explosives stored in the secured area.

Maximum penalty—50 penalty units.

Division 3 Requirements for holders of licence to store explosives and permit to store explosives

91 Definition for div 3

In this division—

relevant holder means the holder of—

(a) a licence to store explosives; or

(b) a permit to store explosives.

92 Requirements for storage of explosives

A relevant holder must store an explosive, other than a sch 4 explosive, as required under—

(a) AS 2187, part 1 and the precursor code; or

(b) alternative safety measures for the standard and code.

Maximum penalty—50 penalty units.

93 Authority must be kept at storage facility

A relevant holder must keep the holder's authority, or a copy of the authority, at a storage facility for the authority.

Maximum penalty—20 penalty units.

94 Explosives to be supplied only to authorised persons

A relevant holder must ensure an explosive supplied from a storage facility for the holder's authority is supplied only to a person who is authorised to possess the explosive.

Maximum penalty—50 penalty units.

95 Inspection of storage facility

(1) A relevant holder must ensure each of the following are inspected for compliance with the Act—

(a) a storage facility for the holder's authority;

(b) the premises where the facility is located;

(c) the explosives stored in the storage facility.

(2) Inspections must be carried out at least once every 3 months.

(3) The relevant holder must keep a record of the inspections, stating the date of the inspection and any observations made.

Maximum penalty—50 penalty units.

96 Records of explosives stored

(1) A relevant holder must keep a record of an explosive received at, or supplied to a person from, a storage facility for the holder's authority.

Maximum penalty—50 penalty units.

(2) The record must include each of the following details—

(a) the type and amount of explosive received or supplied;

(b) the day and time of the receipt or supply;

(c) for an explosive supplied from the facility to a person—

(i) the name of the person to whom the explosive is supplied; and

(ii) details of the person's authority to possess the explosive;

(d) the amount of explosives stored in the facility immediately after the receipt or supply.

(3) The relevant holder must ensure regular stocktakes of explosives stored in the facility are carried out to identify discrepancies in the records kept by the relevant holder under this section.

(4) If a discrepancy in the records is identified, the relevant holder must—

(a) ensure the discrepancy is properly investigated; and

(b) give to the chief inspector a written report stating each of the following—

(i) the discrepancy identified;

(ii) the findings of the investigation;

(iii) the measures taken to prevent the discrepancy happening again.

Maximum penalty—50 penalty units.

97 Notification of changes to storage facility

(1) A relevant holder must give notice to the chief inspector of a material change to a storage facility for the holder's authority,

or the surrounding area of the facility, if the holder knows, or ought reasonably to know, that the change increases the risk associated with the facility.

(2) The notice must be given as soon as practicable after the change happens.

Maximum penalty—50 penalty units.

Division 4 Provisions about government magazines

Subdivision 1 Preliminary

98 Definitions for div 4

In this division—

applicant see section 103(1).

magazine employee means a person employed to work in a government magazine.

relevant person, for payment of a fee charged by the chief inspector under section 107, means—

(a) the person who requested that—

(i) the explosive for which the fee is charged be stored at the government magazine; or

(ii) the activity for which the fee is charged be carried out at the government magazine; or

(b) if a notice for the explosive is given under subdivision 6 after the request was made—the person named in the notice as the person to whom the explosive was sold or transferred.

Subdivision 2 Manager of government magazine

99 Chief inspector may appoint manager of government magazine

(1) The chief inspector may appoint a person, with the person's consent, to be the manager of a government magazine.

(2) The manager of a government magazine is responsible for each of the following—

(a) receiving explosives at the magazine;

(b) storing explosives at the magazine;

(c) inspecting and sampling explosives stored at the magazine;

(d) repackaging explosives stored at the magazine;

(e) supplying explosives from the magazine to persons.

100 Requirements for manager of government magazine

The manager of a government magazine must do each of the following—

(a) comply with a direction given to the manager by the chief inspector;

(b) keep a record of each activity mentioned in section 99(2);

(c) ensure the magazine, including a building, its premises and the equipment and tools in the building, is properly maintained and in a safe condition;

(d) be personally present at the magazine at all times during normal working hours, unless another person, approved by an inspector for this paragraph, is present at the magazine for the manager;

(e) take reasonable steps to ensure a magazine employee, or another person present in the magazine, complies with the Act;

(f) immediately report to an inspector—

(i) an explosives incident happening at the magazine; or

(ii) another incident happening at the magazine that injures, or has the potential to injure, a person.

101 Power of manager to inspect, sample and repackage explosives stored at government magazine

(1) The manager of a government magazine may do each of the following for an explosive stored at the government magazine—

(a) inspect and take samples of the explosive to decide whether it is—

(i) an authorised explosive; or

(ii) packaged and labelled as required under the Australian explosives code; or

(iii) in a safe condition for storage and transport;

(b) if subsection (2) applies—repackage the explosive.

(2) For subsection (1)(b), the manager may repackage an explosive if—

(a) the person for whom the explosive is stored consents to it being repackaged; and

(b) the manager is of the reasonable opinion that repackaging is necessary for the explosive to be—

(i) packaged and labelled as required under the Australian explosives code; and

(ii) in a safe condition for storage and transport.

Subdivision 3 Entry to government magazine

102 Entry to government magazine

A person must not enter a government magazine without the consent of—

(a) the manager of the magazine; or

(b) an inspector.

Maximum penalty—20 penalty units.

Subdivision 4 Storage of explosive etc. at government magazine

103 Request to store explosive etc. at government magazine

(1) This section applies to a person (an ***applicant***), other than the manager of a government magazine, who wishes to—

(a) have an explosive stored at the government magazine; or

(b) enter the government magazine and carry out an activity in relation to an explosive stored at the magazine for the person.

Examples of activities—

Checking, sampling, relabelling and repackaging explosives.

(2) The applicant may give notice, to the manager of the government magazine, requesting that the explosive be stored, or the activity be carried out, at the government magazine.

(3) This section does not apply to an inspector.

104 How manager must deal with request to store explosive etc.

(1) If the manager of a government magazine receives a request made under section 103, the manager must, as soon as practicable after receiving the request—

(a) decide whether to approve the request; and

(b) give the applicant a notice stating each of the following—

(i) whether the manager approves the request;

(ii) if the request is not approved—the reasons for the manager's decision;

(iii) if the request is approved—the matters stated in subsection (2).

(2) For subsection (1)(b)(iii), the matters are each of the following—

(a) that an explosive stored at the magazine may be inspected and sampled by—

(i) the manager of the magazine under section 101; or

(ii) an inspector under the Act;

(b) that the applicant may carry out an activity at the government magazine in relation to the explosive only with the chief inspector's consent;

(c) that the chief inspector may require, as a condition of consenting to the activity being carried out, that the activity be carried out under the supervision of the manager of the magazine, a magazine employee or an inspector;

(d) that before the explosive is stored, or the activity carried out, at the government magazine, the applicant must agree to pay, within 30 days of receiving an account or written demand for the fee, any fee charged by the chief inspector under section 107 for storing the explosive or supervising the activity;

(e) for a request to store an explosive—that the explosive must, unless an exemption is given by the chief inspector for section 105(1)(c), be—

(i) properly classified, packaged and labelled as required under the Australian explosives code; and

(ii) in a safe condition for storage and transport;

(f) the powers of the chief inspector under subdivision 5 if a fee mentioned in paragraph (d) is not paid.

(3) The manager may approve a request to store an explosive at the government magazine only if the manager is reasonably satisfied the explosive may be safely stored at the magazine.

105 Requirements for explosives stored at government magazine

(1) An explosive may be stored for an applicant at a government magazine only if—

(a) the manager of the government magazine has approved a request to store the explosive; and

(b) the applicant agrees to pay, within 30 days of receiving an account or written demand for the fee, any fee charged by the chief inspector under section 107 for storing the explosive; and

(c) the explosive is—

(i) properly classified, packaged and labelled as required under the Australian explosives code; and

(ii) in a safe condition for storage and transport.

(2) However, subsection (1)(c) does not apply if an exemption is given for the subsection by the chief inspector.

(3) Subsection (1) does not apply to an explosive stored at the government magazine for an inspector.

106 Requirements for activities carried out at government magazine

(1) An activity may be carried out by an applicant at a government magazine in relation to an explosive stored at the magazine for the applicant only if—

(a) the chief inspector consents to the activity being carried out; and

(b) the manager of the government magazine has approved a request to carry out the activity at the magazine; and

(c) the applicant agrees to pay, within 30 days of receiving an account or written demand for the fee, any fee charged by the chief inspector under section 107 for supervision of the activity; and

(d) if the chief inspector requires, as a condition of approving a request to carry out the activity, that the activity must be carried out under the supervision of the manager of the magazine, a magazine employee or an inspector—the activity is supervised by the manager, a magazine employee or an inspector; and

(e) the manager has not been given a direction, by the chief inspector under section 108(2)(b), to stop the activity.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to the disposal of an explosive at the government magazine by an inspector.

Subdivision 5 Charging and recovery of fee for services provided by government magazine

107 Chief inspector may charge fee for services provided at government magazine

(1) The chief inspector may charge a fee[20] for—

(a) storing an explosive at a government magazine; or

(b) supervision, by the manager of the government magazine, a magazine employee or an inspector, of an activity carried out at the government magazine, in relation to an explosive stored at the magazine, by the person for whom the explosive is stored.

(2) The fee must not be more than the reasonable cost of storing the explosive or supervising the activity.

(3) A liability to pay the fee is enforceable jointly and severally against each of the following persons—

(a) the person for whom the explosive is stored at the government magazine when the fee becomes payable;

(b) a person who becomes the owner of the explosive before the fee is paid.

108 Powers of chief inspector if fee for storing explosive not paid

(1) This section applies if a fee charged under section 107 is not paid within 60 days after the relevant person for payment of the fee receives an account or written demand for the fee.

(2) The chief inspector may do any of the following—

20 Details of the fees charged by the chief inspector under section 107 may be viewed on the internet at <www.nrme.qld.gov.au> or obtained from the department.

(a) direct the manager of the government magazine at which the explosive is stored not to release the explosive from the magazine until the earlier of the following—

(i) the relevant person pays the fee;

(ii) the explosive is sold by the chief inspector under section 110;

(b) if the fee is for supervising an activity—direct the manager that the activity must stop immediately and not resume unless the person pays the fee;

(c) if the fee is for storing the explosive—sell the explosive under section 110 to recover the costs of storing the explosive at the magazine;

(d) dispose of the explosive.

109 Requirements for chief inspector exercising powers

(1) If the chief inspector acts under section 108(2)(a) or (b), the chief inspector must, as soon as practicable after acting, give the relevant person for payment of the fee a notice stating—

(a) the action taken and the reasons for taking the action; and

(b) the amount the person must pay for the explosive to be released from the magazine or the activity to resume.

(2) If the chief inspector decides to act under section 108(2)(c) or (d), the chief inspector must, before taking the action, give the relevant person for payment of the fee a notice stating—

(a) the action the chief inspector proposes to take; and

(b) the amount the relevant person must pay to prevent the action being taken; and

(c) the date, not being earlier than 14 days after the notice is given to the relevant person, after which the action may be taken if the amount is not paid; and

(d) that the relevant person may appeal to the Magistrates Court against the action being taken within 28 days after the notice is given to the relevant person.

110 Sale of explosive to recover fee for storage

(1) The chief inspector may sell an explosive stored in a government magazine if—

(a) a fee charged under section 107 for storage of the explosive has not been paid; and

(b) the chief inspector has given notice, as required under section 109(2), to the relevant person for payment of the fee stating that the chief inspector intends to sell the explosive; and

(c) the period allowed for an appeal against the sale of the explosive has ended or the appeal has been decided.

(2) The proceeds of the sale must be applied as follows—

(a) firstly, in payment of the expenses of the sale;

(b) secondly, in payment of the costs of storing the explosive;

(c) thirdly, in payment to the relevant person.

(3) An explosive may not be sold under this section if—

(a) after notice is given under section 109(2), the chief inspector or the manager of the government magazine receives notice, under subdivision 6, of the sale or transfer of the explosive; and

(b) the person to whom the explosive has been sold or transferred is not the person to whom notice was given under section 109(2).

Subdivision 6 Notice of transfer of ownership of explosive stored at government magazine

111 Notice of transfer of ownership of explosive

(1) This section applies to a person—

(a) for whom an explosive is stored at a government magazine; and

(b) who sells or otherwise transfers the explosive, wholly or partly, to another person.

(2) The person must, immediately following the sale or transfer, give notice of the sale or transfer to—

(a) the chief inspector; or

(b) the manager of the magazine.

Maximum penalty—20 penalty units.

(3) The notice must include the name and contact details of the person to whom the explosive has been sold or transferred.

Division 5 Rules of conduct for persons in storage facilities and government magazines

112 Rules for conduct for persons in storage facility or government magazine

(1) A person in a storage facility for a licence to store explosives or a permit to store explosives, or a government magazine, including a person employed to work in the storage facility or government magazine, must—

(a) comply with—

(i) the lawful instructions of a prescribed person; and

(ii) for a storage facility—the procedures under the holder's safety management system for the storage facility to the extent the procedures apply to the person; and

(iii) for a government magazine—the government magazine's procedures for handling explosives to the extent the procedures apply to the person; and

(b) if the person becomes aware of a following matter, report the matter, immediately after the person becomes aware of it, to a prescribed person—

(i) a dangerous situation in the storage facility or government magazine;

(ii) a circumstance that has the potential to adversely affect the person's ability to comply with instructions or procedures mentioned in paragraph (a);

(iii) an explosives incident happening at the storage facility or government magazine.

Maximum penalty—50 penalty units.

(2) However, the person is not required to comply with subsection (1)(b) if the person has a reasonable excuse for not reporting the matter.

(3) The person must not, without reasonable excuse—

(a) wilfully remove, obscure or interfere with any of the following—

(i) a sign, notice or other written information about safety displayed or made available in the storage facility or government magazine by a prescribed person;

(ii) a label or marking on an explosive or its packaging; or

(b) act in a wilful or careless way that injures, or has the potential to injure, a person in the storage facility or government magazine; or

(c) handle an explosive in the storage facility or government magazine unless the person is authorised by a prescribed person to handle the explosive.

Maximum penalty—50 penalty units.

(4) In this section—

prescribed person means—

(a) for a government magazine—

(i) the manager of the government magazine; or

(ii) an inspector; and

(b) for a storage facility—the holder of the relevant licence to store explosives or permit to store explosives.

Part 9 Transporting explosives

113 Explosives exempt from s 50(1) of Act

(1) The following explosives are exempt from section 50(1)[21] of the Act—

(a) an explosive that is part of the operational equipment of a vehicle or boat;

(b) a distress signal on board a vehicle or boat.

Examples—

1 An airbag in a vehicle.

2 A distress signal on board a boat that is part of the boat's safety equipment.

(2) Also, section 50(1) of the Act does not apply to any amount of fireworks, other than unrestricted fireworks, transported as required under the Australian explosives code.

(3) This subsection and subsection (2) expire on 30 June 2004.

114 General requirements for transporting explosives

(1) For section 50(2)(a) of the Act, a person transporting an explosive in a vehicle or boat must comply with—

(a) for a class 1 explosive—the Australian explosives code; or

(b) for a class 2 to 9 explosive—the Australian dangerous goods code; or

(c) for another explosive—any conditions of the person's licence to transport explosives.

(2) In this section—

Australian dangerous goods code means the sixth edition of the 'Australian Code for the Transport of Dangerous Goods by Road and Rail' (1998) published by the Department of Transport and Regional Services (Cwlth).

21 Section 50 (Transporting explosives) of the Act

115 Requirements for consignors and consignees of explosives

(1) This section applies to a person who is the consignor and consignee of an explosive—

(a) mentioned in section 114(1)(a) or (b); and

(b) that is transported by vehicle or boat.

(2) The person must comply with section 114(1)(a) or (b).

Maximum penalty—50 penalty units.

116 Explosives that may be transported under s 50(3) of Act

(1) For section 50(3) of the Act, the following amounts are prescribed—

(a) for an explosive mentioned in schedule 5 (a ***sch 5 explosive***)—

(i) the maximum amount stated for the explosive in the schedule; or

(ii) if no maximum amount is stated in the schedule for the explosive—any amount;

(b) for an explosive, other than an excluded explosive, transported by a person who is authorised to use the explosive—250kg;

(c) for an explosive, other than an excluded explosive, transported in a place that is not a public place by a person who is authorised to possess the explosive—any amount;

(d) for collectors' ammunition transported by a prescribed ammunition collector—any amount.

(2) In this section—

excluded explosive means an explosive other than—

(a) an unauthorised or prohibited explosive; or

(b) a sch 5 explosive.

117 Requirements for explosives transported under s 50(3) of Act

(1) A person transporting an explosive mentioned in section 116(1)(a) or (b) must comply with section 114(1)(a) or (b).

(2) A person transporting an explosive mentioned in section 116(1)(d) must comply with—

(a) section 114(1)(a) or (b); or

(b) alternative safety measures for the section.

(3) For subsection (2)(b), the person's alternative safety measures must provide for each of the following matters—

(a) the packaging of an explosive for transport;

(b) the design of a vehicle, including a compartment in the vehicle, used to transport explosives;

(c) the marking of—

(i) an explosive being transported; and

(ii) a vehicle, including a compartment in a vehicle, used to transport explosives;

(d) the storage and security of explosives during transport, including the separation of different types of explosives;

(e) limiting the amount of explosives that may be transported in a vehicle;

(f) procedures to minimise the probability and consequences of an explosives incident happening while explosives are transported, including requirements about each of the following—

(i) the required competence for the driver of a vehicle transporting explosives;

(ii) the required response of the driver if an explosives incident happens;

(iii) areas where explosives can not be safely stored for transport;

(iv) temporary storage or holding areas for explosives before or after transportation.

118 Requirements for holder of licence to transport explosives

The holder of a licence to transport explosives must keep the licence, or a copy of the licence, in a vehicle or boat in which explosives are transported under the licence.

Maximum penalty—20 penalty units.

119 Rules of conduct for employees of holder of licence to transport explosives

(1) A person who is employed by the holder of a licence to transport explosives must—

(a) comply with—

(i) lawful instructions or notices given to the person by the holder; and

(ii) the procedures under the holder's safety management system to the extent the procedures are relevant to the person; and

(b) if the person becomes aware of a following matter, report the matter, immediately after the person becomes aware of it, to the holder—

(i) a dangerous situation in connection with the transportation of explosives;

(ii) a circumstance that has the potential to adversely affect the person's ability to comply with instructions or procedures mentioned in paragraph (a);

(iii) an explosives incident happening in connection with the transportation of explosives.

Maximum penalty—50 penalty units.

(2) However, the person is not required to comply with subsection (1)(b) if the person has a reasonable excuse for not reporting the matter.

(3) The person must not, without reasonable excuse—

(a) wilfully remove, obscure or interfere with any of the following—

(i) a sign about safety displayed on a vehicle used for transporting explosives;

(ii) a label or marking on an explosive or its packaging;

(iii) other information about safety in relation to transporting explosives provided to a person by the holder; or

(b) act in a wilful or careless way that injures, or may injure, a person in or near a vehicle carrying explosives; or

(c) handle an explosive unless the person is authorised by the holder to handle the explosive.

Maximum penalty—50 penalty units.

Part 10 Using explosives

Division 1 Preliminary

120 Explosives for which authority to use not required

(1) For section 53(2)[22] of the Act, the following explosives are prescribed—

(a) an unrestricted firework;

(b) small arms ammunition used by a person licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm;

(c) a power device cartridge;

(d) an explosive designed to activate an air bag, seat belt, fire extinguisher or parachute;

(e) an electric match;

22 Section 53 (Authority needed to use explosives) of the Act

(f) a safety fuse or igniter;

(g) black powder used as a propellant for a firearm by a person licensed or otherwise authorised under the *Weapons Act 1990* to use a firearm;

Example of use of black powder as a propellant—

Black powder used in a canon.

(h) a distress signal used in an emergency situation.

(2) Subsection (1)(a) to (f) applies only if the explosive is used for the purpose for which it was manufactured.

121 Requirement for holders of particular authorities authorising use of explosives

(1) This section applies to a prescribed holder who employs another person to assist the holder in carrying out activities under the holder's licence.

Example—

A fireworks contractor who employs a person to assist the fireworks contractor in organising fireworks displays.

(2) For section 33(2)[23] of the Act, the holder must be reasonably satisfied the employee—

(a) is an adult; and

(b) has received adequate training in the hazards associated with the handling of prescribed explosives; and

(c) has satisfactory knowledge of the requirements under the Act about the handling of prescribed explosives; and

(d) is competent to assist the holder in carrying out the activities; and

(e) is, in all the circumstances, an appropriate person to have access to prescribed explosives.

(3) In this section—

prescribed explosives means—

23 Section 33 (Employer's obligation about employees) of the Act

(a) if the prescribed holder is a fireworks contractor or a fireworks operator—fireworks; or

(b) for another prescribed holder—explosives.

prescribed holder means the holder of a following authority—

(a) a licence to use explosives;

(b) a fireworks contractor licence;

(c) a fireworks operator licence.

Division 2 Use of blasting explosives

Subdivision 1 Preliminary

122 Definitions for div 2

In this division—

prescribed shotfirer means—

(a) the holder of a shotfirer licence; and

(b) a person appointed as a shotfirer for a mine by the site senior executive of the mine.

site senior executive, of a mine—

(a) for a coal mine within the meaning of the *Coal Mining Safety and Health Act 1999*—has the meaning given by section 25 of that Act; or

(b) for another mine, including a quarry—has the meaning given by the *Mining and Quarrying Safety and Health Act 1999*, section 22.

123 Particular blasting explosives prescribed for s 53(2) of Act

For section 53(2) of the Act, a blasting explosive used by a following person is prescribed—

(a) a person who is appointed as a shotfirer for a mine by the site senior executive of the mine;

(b) a person who is in the presence and under the direct supervision of a prescribed shotfirer.

Subdivision 2 Requirements about appropriate persons for use of blasting explosives

124 Persons who may be appointed as shotfirer for a mine

A site senior executive of a mine must not appoint a person as a shotfirer for the mine unless the site senior executive is reasonably satisfied the person meets the criteria stated in section 35(1)(a) to (e).[24]

Maximum penalty—50 penalty units.

125 Persons who may use blasting explosives under supervision

(1) A person (a ***supervised person***) who does not hold an authority authorising the person to use blasting explosives may use a blasting explosive in the presence and under the direct supervision of a prescribed shotfirer.

(2) However, the prescribed person must not allow the supervised person to use the explosive unless the prescribed person is satisfied the supervised person—

(a) is an adult; and

(b) is physically able to carry out blasting activities; and

(c) has satisfactory knowledge of—

(i) the requirements under the Act about storage, transport, manufacture, sale and use of explosives; and

24 Section 35 (Shotfirer licence)

(ii) the hazards associated with each type of blasting explosive, its blasting characteristics, safe handling procedures and methods of use.

Maximum penalty—50 penalty units.

(3) In this section—

prescribed person means—

(a) if the prescribed shotfirer is the holder of a shotfirer licence—the holder; or

(b) if the prescribed shotfirer is a person appointed as a shotfirer for a mine—the site senior executive of the mine.

Subdivision 3 Requirements for shotfirers

126 Use of blasting explosives

(1) A prescribed shotfirer must—

(a) use a blasting explosive as required under—

(i) AS 2187, part 2; or

(ii) alternative safety measures for the standard; and

(b) take all reasonable steps to—

(i) prevent misfires; and

(ii) minimise the risk associated with material projected by a blast; and

(iii) minimise the adverse effects of ground vibration and shock waves caused by a blast; and

(c) not use an explosive after the expiry of the manufacturer's recommended shelf life for the explosive unless the explosive was sold to the shotfirer after the expiry under section 76(2)(b)(ii).

Maximum penalty—100 penalty units.

127 Records

A prescribed shotfirer must—

(a) keep a record of the amount and type of explosives purchased and used by the shotfirer; and

(b) keep, as required under AS 2187, part 2, a record of each blast carried out by the shotfirer.

Maximum penalty—50 penalty units.

128 Notice of proposed blasting

(1) The holder of a shotfirer licence must give notice to an inspector of a proposed blasting, other than a blasting at a mine or explosives factory.

(2) The notice must be given at least 7 days before the blasting.

(3) The notice must include each of the following—

(a) the holder's name and licence number;

(b) the location of the proposed blasting, including the approximate distance to any protected works, within the meaning of AS 2187, part 0, within 1km of the location;

Example of protected works—

Houses, buildings, roads and railway tracks.

(c) the day or days on which the proposed blasting will happen;

(d) a copy of any written authority for the blasting issued by the local government in whose local government area the blasting will happen.

Maximum penalty—50 penalty units.

Division 3 Use of fireworks

Subdivision 1 General provisions

129 Application of div 3

(1) This division applies to an indoor or outdoor display of fireworks (a ***fireworks display***) staged for entertainment.

(2) However, this division does not apply if only unrestricted fireworks are used in the display.

130 Display hosts

(1) The ***display host*** for a fireworks display is the person who employs or otherwise engages a fireworks contractor to organise the fireworks display for the person.

(2) A display host must comply with the requirements stated in subdivision 2.

131 Fireworks contractors

(1) The ***fireworks contractor*** for a fireworks display is the person who is—

(a) a fireworks contractor; and

(b) employed or otherwise engaged by the display host for the fireworks display to organise the fireworks display.

(2) Organising a fireworks display involves each of the following—

(a) planning and designing the fireworks display for the display host;

(b) advising the display host about safety requirements for the fireworks display;

(c) employing or otherwise engaging 1 or more fireworks contractors to use fireworks in the fireworks display;

(d) purchasing or otherwise obtaining fireworks for use in the fireworks display, and supplying the fireworks to the fireworks operators for the fireworks display;

(e) directing the fireworks operators about using fireworks in the fireworks display.

(3) Also, a fireworks contractor is required to establish a safety management system for organising fireworks displays.[25]

(4) A fireworks contractor must comply with the requirements stated in subdivision 3.

132 Prohibition on organising fireworks displays

A person must not organise a fireworks display unless the person is a fireworks contractor.

Maximum penalty—100 penalty units.

133 False representations about fireworks contractor licence

A person must not intentionally or recklessly falsely represent that the person is the holder of a fireworks contractor licence.

Maximum penalty—100 penalty units.

134 Fireworks operators

(1) A ***fireworks operator*** for a fireworks display is a person employed or otherwise engaged by the fireworks contractor for the fireworks display to use fireworks in the fireworks display.

(2) Using fireworks in a fireworks display involves each of the following—

(a) assembling the fireworks and equipment to be used in the fireworks display;

(b) discharging the fireworks during the fireworks display;

(c) disassembling the equipment after the fireworks display.

25 See section 42 (Requirement to have and give effect to safety management system).

(3) A fireworks operator must comply with the requirements stated in subdivision 4.

135 Prohibition on using fireworks in fireworks displays

A person must not use a firework, other than an unrestricted firework, in a fireworks display unless the person is a fireworks operator who is authorised to use the firework.

Maximum penalty—100 penalty units.

136 Safety requirements for fireworks displays

The safety requirements for a fireworks display are—

(a) for an outdoor fireworks display—

(i) the requirements stated in the Queensland fireworks code; or

(ii) alternative safety measures for the code; or

(b) for another fireworks display—any condition of—

(i) the fireworks contractor licence of the fireworks contractor for the fireworks display; and

(ii) the fireworks operator licence of a fireworks operator for the fireworks display.

Subdivision 2 Requirements for display hosts

137 Prohibition on allowing unsafe fireworks display to be staged

The display host for a fireworks display must not allow the fireworks display to be staged if the display host knows, or ought reasonably to know, that the fireworks display will not comply with the safety requirements for the fireworks display.

Maximum penalty—200 penalty units.

138 Notice of explosives incident to be given to chief inspector

The display host for a fireworks display must, as soon as practicable after the fireworks display has been staged, give the chief inspector notice of an explosives incident happening in connection with the fireworks display.

Maximum penalty—50 penalty units.

Subdivision 3 Requirements for fireworks contractors

139 Public risk insurance

(1) The fireworks contractor for a fireworks display must maintain public risk insurance for the fireworks display.

Maximum penalty—50 penalty units.

(2) The insurance must provide coverage—

(a) for amounts the fireworks contractor becomes liable to pay as a result of the display for—

(i) compensation for death and bodily injury; and

(ii) damage to property; and

(b) to the extent of at least $5000000 for the fireworks display.

(3) However, the fireworks contractor need not comply with subsection (1) if the display host for the fireworks display maintains public risk insurance that—

(a) provides coverage for amounts the display host becomes liable to pay as a result of the fireworks display; and

(b) otherwise complies with subsection (2).

140 Fireworks contractor's obligations about safety of fireworks display

(1) The fireworks contractor for a fireworks display must, before the fireworks display is staged, give notice to the display host for the fireworks display.

Maximum penalty—50 penalty units.

(2) The notice must state that—

(a) the fireworks display must comply with the safety requirements for the fireworks display; and

(b) the display host commits an offence if—

(i) the display host allows the fireworks display to be staged; and

(ii) the display host knows, or ought reasonably to know, that the fireworks display will not comply with the safety requirements.

(3) The fireworks contractor must ensure the fireworks display meets the safety requirements.

Maximum penalty—200 penalty units.

141 Notice of fireworks display to be given to inspector

(1) The fireworks contractor for a fireworks display must give notice, in the approved form, to an inspector at least 7 days before the fireworks display is staged.

Maximum penalty—50 penalty units.

(2) The notice must include each of the following—

(a) the proposed day, time and duration of the fireworks display;

(b) details of the place from which the fireworks display is to be staged;

(c) details of the fireworks to be used in the fireworks display;

Examples of details of fireworks—

1 The size of the fireworks.

2 Whether the fireworks are ground level fireworks or aerial fireworks.

3 Whether the fireworks are close proximity fireworks.

(d) the name of the person from whom the fireworks contractor obtained, or will obtain, the fireworks;

(e) the name and licence number of each fireworks operator for the fireworks display;

(f) details of the public risk insurance held for the fireworks display, including each of the following—

(i) the name of the insurer;

(ii) the name of the insured party;

(iii) the policy number.

(3) The fireworks contractor must ensure the fireworks display is staged in accordance with the details stated in the notice.

Maximum penalty—200 penalty units.

142 Notice of fireworks display to be given to emergency services etc.

The fireworks contractor for a fireworks display must, before the fireworks display is staged, give notice of the fireworks display to—

(a) the Queensland Fire and Rescue Service; and

(b) any other person to whom notice of the fireworks display must be given under the Queensland fireworks code.

Examples of other persons—

The harbour master, air traffic control and the police.

Maximum penalty—50 penalty units.

143 Notice to be given to inspector after fireworks display

(1) The fireworks contractor for a fireworks display must, within 7 days after the day the fireworks display is staged, give notice about the fireworks display to the relevant inspector.

Maximum penalty—50 penalty units.

(2) The notice must—

(a) be in the approved form; and

(b) include details of—

(i) a malfunction of a firework during the fireworks display; and

(ii) an explosives incident, or another unusual incident involving a firework, happening in connection with the fireworks display.

(3) In this section—

relevant inspector means the inspector to whom notice of the fireworks display was given under section 141.

144 Safety of fireworks supplied to fireworks operator

The fireworks contractor for a fireworks display must not supply a firework to a fireworks operator for use in the fireworks display unless the fireworks contractor has taken reasonable steps to ensure the firework will function as it was designed to function.

Maximum penalty—100 penalty units.

145 Records

(1) A fireworks contractor must—

(a) keep, as required under the Queensland fireworks code, a record of each fireworks display organised by the fireworks contractor; and

(b) keep a record of each firework—

(i) purchased or otherwise obtained by the fireworks contractor; and

(ii) sold by the fireworks contractor.

Maximum penalty—20 penalty units.

(2) The record mentioned in subsection (1)(b) must be kept so—

(a) the amount and type of fireworks in the fireworks contractor's possession at a particular time can be worked out; and

(b) a loss or theft of fireworks by or from the fireworks contractor can be identified.

Subdivision 4 Requirements for fireworks operators

146 Use of fireworks

(1) A fireworks operator must not use a firework in a fireworks display unless—

(a) the fireworks display is organised by a fireworks contractor; and

(b) the firework is supplied to the fireworks operator by the fireworks contractor; and

(c) the fireworks operator has taken reasonable steps to ensure the firework will function as it was designed to function.

Maximum penalty—50 penalty units.

(2) The fireworks operator must—

(a) use a firework as required under the Queensland fireworks code; and

(b) comply with a lawful instruction given to the fireworks operator by the fireworks contractor; and

(c) take reasonable steps to ensure a person employed by the fireworks operator, or a person otherwise engaged in using fireworks on behalf of the fireworks operator, complies with the Act and the conditions of the fireworks operator's authority.

Maximum penalty—50 penalty units.

Part 11 Miscellaneous provisions

Division 1 Provisions about collectors of ammunition

147 Collectors must be able to demonstrate particular ammunition is free from explosive material

A prescribed ammunition collector and the holder of a licence to collect ammunition must, on the request of an inspector, demonstrate to the inspector's reasonable satisfaction that collectors' ammunition, other than small arms ammunition, possessed by the person is free from explosive material.

Maximum penalty—20 penalty units.

148 Approval by chief inspector of collectors associations

(1) An association may apply to the chief inspector for approval as an approved collectors association.

(2) The chief inspector may approve the association if the chief inspector is reasonably satisfied the association—

(a) keeps a record of the name and address of each member of the association; and

(b) sends written correspondence to all its members at least once a year; and

(c) will, with the consent of the association's members, make the names and addresses of its members available to the chief inspector on request.

(3) The chief inspector must, as soon as practicable after deciding whether to approve the association, give the association—

(a) if the chief inspector decides to approve the association—notice of the decision and the reasons for it; or

(b) if the chief inspector decides not to approve the association—a decision notice about the decision.

Division 2 Other provisions

149 Period for keeping records

A person who is required under this regulation or a safety management system to keep a record must keep it until 5 years have elapsed after the record was made or obtained.

150 Person not relieved of obligation merely because other person has same obligation

To remove doubt, it is declared that the imposition under this regulation of an obligation on a person does not relieve another person of the other person's obligation under this regulation.

151 Prohibition on giving explosives to unauthorised persons

A person must not, without reasonable excuse, give or hand over an explosive to another person who is not authorised to possess the explosive.

Maximum penalty—

(a) if the explosive is a blasting explosive—200 penalty units; or

(b) in any other case—50 penalty units.

152 False or misleading information in application for authority

(1) A person must not—

(a) state anything in an application for the issue of an authority the person knows is false or misleading in a material particular; or

(b) omit from an application for the issue of an authority anything without which the application is, to the person's knowledge, misleading in a material particular.

Maximum penalty—50 penalty units.

(2) For an offence against subsection (1), it is enough to allege and prove that the statement or application made was 'false or misleading' without specifying which.

153 Prohibition on altering authority

A person must not alter an authority issued to the person.

Maximum penalty—50 penalty units.

154 Labels etc. to be written in English

A label, document, record or notice required under the Act must be written in English.

Schedule 1 Prohibited explosives

section 15

Part 1 Prohibited explosives

1 Small arms ammunition with a bullet or projectile containing an incendiary, tracer, explosive, lachrymatory or noxious composition, other than small arms ammunition—

(a) used as a distress signal or wildlife control device; or

(b) manufactured, brought into the State from another country, stored, transported or sold for use, or used, by an officer or member of a State police service in the course of the officer's or member's official duties; or

(c) stored, sold, transported or possessed by a prescribed ammunition collector or the holder of a licence to collect ammunition.

2 Ammunition that contains explosives, other than—

(a) small arms ammunition; and

(b) ammunition manufactured, brought into the State from another country, stored, transported or sold for use, or used, by an officer or member of a State police service in the course of the officer's or member's official duties.

3 An explosive containing a chlorate mixed with an ammonium salt.

4 Any of the following fireworks—

(a) a firework from which explosive material may escape;

(b) a firework, all or part of which explodes, containing aluminium or magnesium mixed with potassium chlorate or another chlorate, whether or not the firework contains another substance;

(c) a firework, other than an unrestricted firework or a distress signal, containing a chlorate mixed with

Schedule 1 (continued)

sulphur, a sulphide or phosphorus, whether or not the firework contains another substance;

(d) a firework, other than an unrestricted firework or a distress signal, that contains, or is attached to, a thing capable of initiating the firework by friction or percussion;

(e) a firework—

(i) all or part of which is projected through the air on initiation; and

(ii) that has the potential to injure a person outside the recommended spectator distance under the Queensland fireworks code;

Example—

A sky rocket.

(f) a cracker, other than a cracker that is a component in a string of crackers;

Examples—

Bungers, bangers and matchcrackers.

(g) a salute with a diameter or length greater than 75mm;

(h) a candle with an internal diameter greater than 50mm;

(i) a fountain with an internal diameter greater than 125mm;

(j) a candle with an internal diameter greater than 25mm containing a pyrotechnic unit composed wholly or predominantly of flash powder;

(k) a multishot box item and another assembly consisting of tubes greater than 30mm in diameter fastened together in a vertical or near vertical array, other than—

(i) an item consisting of tubes with an internal diameter of 10mm or less that does not have more than 1000 tubes or 1000 pyrotechnic units; or

(ii) an item consisting of tubes with an internal diameter of greater than 10mm but not greater than

Schedule 1 (continued)

25mm that does not have more than 200 tubes or 200 pyrotechnic units; or

(iii) an item consisting of tubes with an internal diameter of greater than 25mm but not greater than 38mm that—

(A) does not have more than 200 tubes or 200 pyrotechnic units; and

(B) does not contain flash powder; or

(iv) an item consisting of tubes with an internal diameter of greater than 38mm but not greater than 50mm that—

(A) does not have more than 52 tubes or 52 pyrotechnic units; and

(B) does not contain flash powder;

(l) a string of crackers—

(i) in which any cracker is greater than 45mm in length or has an external diameter of greater than 10mm; or

(ii) containing a roll of crackers designed to initiate at the same time, including, for example, a headroll.

Part 2 Interpretation

In this schedule, a term that is not defined in the Act or this regulation but that is defined in AS 2187, part 0, has the meaning given to it by the standard.

Schedule 2 Fees

section 20

		$
1	Licence to import explosives and licence to export explosives—	
	(a) for blasting explosives—	
	(i) application for licence	nil
	(ii) licence for 1 year	467.20
	(b) for propellant powders and ammunition—	
	(i) application for licence	nil
	(ii) licence for 1 year	307.90
	(c) for fireworks—	
	(i) application for licence	nil
	(ii) licence for 1 year	227.10
	(d) for distress signals—	
	(i) application for licence	nil
	(ii) licence for 1 year	69.55
	(e) for an explosive not mentioned in paragraphs (a) to (d)—	
	(i) application for licence	nil
	(ii) licence for 1 year	227.10
2	Licence to manufacture explosives—	
	(a) for an explosives factory other than a mobile manufacturing unit—	
	(i) application for licence	nil
	(ii) licence for 1 year	287.50
	(b) for a mobile manufacturing unit—	
	(i) application for licence	nil
	(ii) licence for 1 year	132.40
	(c) for manufacture of explosives at a place of use that is not an explosives factory—	
	(i) application for licence	nil
	(ii) licence for 1 year	66.85

Schedule 2 (continued)

		$
3	Licence to sell explosives—	
	(a) for blasting explosives—	
	(i) application for licence	nil
	(ii) licence for 1 year	56.20
	(b) for propellant powders —	
	(i) application for licence	nil
	(ii) licence for 1 year	56.20
	(c) for fireworks—	
	(i) application for licence	nil
	(ii) licence for 1 year	56.20
	(d) for ammunition—	
	(i) application for licence	nil
	(ii) licence for 1 year	10.55
	(e) for explosives not mentioned in paragraphs (a) to (d)—	
	(i) application for licence	nil
	(ii) licence for 1 year	56.20
4	Licence to store explosives—	
	(a) for blasting explosives up to 100 kg—	
	(i) application for licence	nil
	(ii) licence for 1 year	73.70
	(b) for blasting explosives greater than 100 kg—	
	(i) application for licence	nil
	(ii) licence for 1 year	287.50
	(c) for propellant powders up to 100 kg—	
	(i) application for licence	nil
	(ii) licence for 1 year	27.85
	(d) for propellant powders greater than 100 kg but not greater than 250 kg—	
	(i) application for licence	nil
	(ii) licence for 1 year	73.70
	(e) for propellant powders greater than 250 kg—	
	(i) application for licence	nil
	(ii) licence for 1 year	287.50

Schedule 2 (continued)

		$
	(f) for fireworks up to 100 kg (gross weight)—	
	(i) application for licence	nil
	(ii) licence for 1 year	27.85
	(g) for fireworks greater than 100 kg (gross weight)—	
	(i) application for licence	nil
	(ii) licence for 1 year	287.50
	(h) for explosives not mentioned in paragraphs (a) to (g), up to 100 kg—	
	(i) application for licence	nil
	(ii) licence for 1 year	27.85
	(i) for explosives not mentioned in paragraphs (a) to (g), greater than 100 kg—	
	(i) application for licence	nil
	(ii) licence for 1 year	287.50
5	Licence to transport explosives—	
	(a) application for licence	nil
	(b) licence for 1 year for each vehicle stated in the licence	73.70
6	Shotfirer licence—	
	(a) application for licence	nil
	(b) licence for 1 year	39.95
7	Fireworks contractor licence—	
	(a) application for licence	nil
	(b) licence for 1 year	264.40
8	Fireworks operator licence—	
	(a) application for licence	nil
	(b) licence for 1 year	84.55
9	Licence to collect ammunition—	
	(a) application for licence	nil
	(b) licence for 1 year	10.55
10	Application for permit to import explosives	nil
11	Application for permit to export explosives	nil
12	Application for permit to store explosives	nil
13	Application for explosives trial approval	nil

Schedule 2 (continued)

		$
14	Request for declaration that explosive be declared an authorised explosive	95.40
15	Transfer of licence	29.15
16	Duplicate of licence	29.15

Schedule 3 Matters to be included in safety management system

section 43

Part 1 Matters to be provided for in system procedures

1 Ongoing hazard identification, risk assessment and control.

2 The provision of information, education and training to—

(a) employees and contractors of the authority holder; and

(b) if the system is for a place—visitors to the place.

3 Reporting and investigating explosives incidents.

4 Internal auditing of the system.

5 Collecting information about the system to monitor its effectiveness.

6 Keeping records of the system, including records of each of the following—

(a) internal audits and statistics;

(b) risk assessments undertaken;

(c) training of personnel;

(d) reports and investigations of explosives incidents;

(e) reviews of operational procedures;

(f) consultations of employees and contractors about safety;

(g) explosives manufactured or stored under the licence;

(h) maintenance carried out on buildings, plant and equipment;

(i) testing of safety shut-off systems and alarms;

(j) testing of emergency procedures and the evacuation plan.

Schedule 3 (continued)

7 Periodic reviews of the legislative requirements applicable to the system, and amendments of the system, if necessary, to comply with the requirements.

8 Changing the system.

Part 2 Matters to be provided for in operational procedures

1 Supervising visitors and contractors in areas where there are explosives.

2 Maintaining buildings, plant and equipment, including each of the following—

(a) cleaning to ensure buildings, plant and equipment are free from explosives before maintenance is carried out;

(b) precautionary steps, including, for example, cleaning and clearing, to isolate a hazard before maintenance is carried out in the vicinity of the hazard;

Examples of precautionary steps—

1 Cleaning contaminated equipment.

2 Isolating electrical, pressure or other sources of energy.

3 Confined space entry.

(c) the frequency of required maintenance.

3 Restricting smoking, the consumption of alcohol, the possession and use of firearms, and other activities potentially affecting the risk associated with the activities carried out under the authority.

4 Selecting, maintaining and using personal protective equipment, including, for example, clothing, equipment or devices designed to protect a person from harm.

Examples of personal protective equipment—

Gloves, safety glasses, a hard hat and safety shoes.

Schedule 3 (continued)

5 Identifying and disposing of waste explosives and ingredients for manufacturing explosives, and separating waste materials that are not compatible, including, for example, procedures for burning waste.

6 Testing safety shut-off systems and alarms.

7 If the activities include manufacturing or bringing explosives into the State from another country—sampling and testing the explosives.

8 Transporting explosives under the authority.

9 Storing explosives under the authority, including security.

10 Handling chemicals and keeping—

(a) a register of chemicals stored or used for the activities; and

(b) a material safety data sheet for each chemical.

11 Receiving explosives at a place where the activities are carried out.

12 Limiting the amount of explosives in, and the number of persons in, buildings and other places where the activities are carried out.

13 Using explosives under the authority.

14 Responding to adverse weather conditions, including, for example, lightning.

15 Restricting sources of ignition in buildings and other places where the activities are carried out.

16 Separating materials that are not compatible.

17 Manufacturing explosives under the authority, including storing and mixing ingredients used to manufacture explosives.

18 Cleaning and tidying areas where explosives are handled under the authority.

19 Handling misfires.

Schedule 3 (continued)

20 Operating plant and equipment used in the activities, including, for example, a pump.

21 Preparing for and responding to emergencies, including an evacuation plan, and testing of the procedures.

Examples—

1 Procedures for controlling spills.

2 The provision of fire fighting equipment.

3 The availability of first aid.

22 Changing operational processes, the composition of the explosives used for the activities, the ingredients used to manufacture explosives and the packaging of explosives.

23 The competencies and training required for personnel who carry out the activities.

24 Recording and handling complaints about the activities.

Schedule 4 Explosives exempt from s 44 of Act

section 81, definition *sch 4 explosive*

1 Small arms ammunition stored by a person who holds a licence under the *Weapons Act 1990*.

2 Power device cartridges.

3 Safety fuses and igniters.

4 Electric matches.

5 Unrestricted fireworks

6 Explosives designed to activate air bags, seat belts, fire extinguishers and parachutes.

7 Distress signals—

(a) with classification code 1.3G—maximum amount 15kg (gross weight); or

(b) with classification code 1.4G—maximum amount 250kg (gross weight).

8 Fireworks, other than unrestricted or prohibited fireworks, stored by a person licensed to use the fireworks—

(a) with classification code 1.1G, 1.2G or 1.3G—maximum amount 50kg (gross weight); or

(b) with classification code 1.4G—maximum amount 250kg (gross weight).

9 Propellant powders stored by a person who holds a licence under the *Weapons Act 1990*—

(a) maximum amount 15kg; or

(b) if the powders are stored on a property larger than 2ha—maximum amount 30kg.

10 Propellant powders stored by a person licensed to sell the powders—maximum amount 100kg.

Schedule 4 (continued)

11 Blasting explosives stored by a person licensed to use the explosives—

(a) maximum amount 10kg; or

(b) if the explosives are stored on a property larger than 2ha—maximum amount 30kg.

Schedule 5 Explosives prescribed for s 50(3) of Act

section 116

1 Small arms ammunition.

2 Power device cartridges.

3 Safety fuses and igniters.

4 Electric matches.

5 Unrestricted fireworks.

6 Propellant powders, other than black powder—maximum amount 50kg.

7 Black powder—maximum amount 25kg.

8 Distress signals—

(a) with classification code 1.1G, 1.2G or 1.3G—maximum amount 50kg; and

(b) with classification code 1.4G—maximum amount 250kg.

9 Explosives designed to activate air bags, seat belts, fire extinguishers or parachutes.

10 Explosives not mentioned in item 8—

(a) with classification code 1.3C or 1.3G—maximum amount 50kg;

(b) with classification code 1.4C or 1.4G—maximum amount 250kg.

Schedule 6 Unrestricted fireworks

schedule 7, definition *unrestricted firework*

1 Amorces and caps for toy pistols.
2 Indoor table bombs.
3 Model rocket motors—maximum weight 62.5g.
4 Snaps for bon bon crackers.
5 Sparklers.
6 Starting pistol caps.
7 Streamer cones.
8 Indoor decorative fountains.

Schedule 7 Dictionary

section 3

alternative safety measures see section 9(2).

applicant, for part 8, division 4, see section 103(1).

approved explosives limits, for a port, means—

(a) explosives limits approved for the port under section 62; or

(b) if the chief inspector has imposed interim explosives limits for the port—the interim explosives limits for the port.

AS 2187, part 0 means AS 2187—'Explosives—storage, transport and use', part 0 'Terminology' (1998).

AS 2187, part 2 means AS 2187—'Explosives—storage, transport and use', part 2 'Use of explosives' (1993).

Australian explosives code means the second edition of the 'Australian Code for the Transport of Explosives by Road and Rail' (2000) published by the Department of Transport and Regional Services (Cwlth).

blasting activities means preparing a blasting explosive for use or using a blasting explosive.

Example of types of blasting activities—

1 Agricultural and small-scale blasting.

2 Quarrying and open-cut mining.

3 Tunneling and underground mining.

4 Submarine blasting.

blasting explosive means an explosive used for blasting or producing a similar effect.

Example of a blasting explosive—

A detonator.

Schedule 7 (continued)

classification code, for a class 1 explosive, means the division and compatibility group to which the explosive is assigned under the UN model regulations.

classification sign, for an explosive, means the sign shown in the Australian explosives code, section 3, indicating the classification code for the explosive.

collectors' ammunition means—

(a) small arms ammunition; and

(b) other ammunition that does not contain explosives.

commencing day, for part 12, see section 155.

compatible, in relation to 2 or more materials, means the materials will not react together to cause a fire, explosion, harmful reaction or the production of flammable, toxic or corrosive vapours.

decision notice, about a decision mentioned in section 14(b), 17(2) or (3), 62(2) or (3), 64(3) or 148(3), means a notice stating each of the following—

(a) the decision and the reasons for it;

(b) that the person may appeal against the decision to the Magistrates Court within 28 days after the person receives the notice.

display host, for a fireworks display, see section 130.

distress signal—

(a) means a packaged pyrotechnic substance used for signalling, warning, rescue or a similar purpose; and

(b) includes marine flares and signals, landing flares, highway fusees, line-carrying rockets and smoke generators.

electric match means an electric match containing a pyrotechnic substance that is initiated electrically.

Schedule 7 (continued)

Examples of electric matches—

1 Electric matcheads.

2 Squibs.

3 Electric fuses.

existing, for part 12, see section 155.

explosives limit, for part 5, division 4, see section 61(a).

explosives limits document, for part 5, division 4, see section 61.

firework means a pyrotechnic article, within the meaning of the Australian explosives code, manufactured for entertainment.

fireworks contractor—

(a) means the holder of a fireworks contractor licence; and

(b) for a fireworks display—also see section 131(1).

fireworks display see section 129(1).

fireworks operator—

(a) means the holder of a fireworks operator licence; and

(b) for a fireworks display—also see section 134(1).

former regulation means the repealed *Explosives Regulation 1955*.

handle an explosive includes—

(a) bring the explosive into the State from another country or send the explosive from the State to another country; and

(b) manufacture, possess, sell, store, transport or use the explosive.

hazard means a thing or situation with potential to cause harm to a person, property or the environment, including, for example, the loss or theft of explosives.

initiate an explosive means fire, explode or ignite the explosive.

Schedule 7 (continued)

interim explosives limits, for a port, means explosives limits imposed for the port by the chief inspector under section 64.

magazine employee, for part 8, division 4, see section 98.

manager, of a government magazine, means the person appointed as the manager of the magazine under section 99.

material safety data sheet means an MSDS within the meaning of the *Workplace Health and Safety Regulation 1997*.

mine means—

(a) a coal mine within the meaning of the *Coal Mining Safety and Health Act 1999*; and

(b) another mine, including, for example, a quarry, to which the *Mining and Quarrying Safety and Health Act 1999* applies.[26]

misfire means a charge, or part of a charge, fails to explode or ignite.

mobile manufacturing code means the first edition of the 'Code of Good Practice Mobile Processing Units' (1999) published by the Australian Explosives Manufacturers Safety Committee.

mobile manufacturing unit means a mobile unit, including, for example, a vehicle, used for manufacturing explosives.

museum means a non-profit institution—

(a) owned or administered by the State; and

(b) having, as a function, the preservation of information in any branch of the natural sciences about animals.

notice means a written notice.

organise a fireworks display means perform the functions stated in section 131(2) for the fireworks display.

port has the meaning given under the *Transport Infrastructure Act 1994*, schedule 3.

26 See the *Mining and Quarrying Safety and Health Act 1999*, section 9 (Meaning of *mine*).

Schedule 7 (continued)

port authority has the meaning given under the *Transport Infrastructure Act 1994*, schedule 3.

power device cartridge has the meaning given under AS 2187, part 0.

precursor means a liquid mixture of water, ammonium nitrate and fuels, with or without other oxidising agents, emulsifiers and other chemicals, that—

(a) is manufactured with a view to producing an explosive; and

(b) is not a class 1 explosive.

precursor code means the first edition of the 'Code of Good Practice Precursors for explosives' (1999) published by the Australian Explosives Manufacturers Safety Committee.

prescribed ammunition collector means—

(a) a museum; or

(b) a person who is a member of a collectors association approved by the chief inspector under section 148.

prescribed information, for part 2, see section 11.

prescribed shotfirer, for part 10, division 2, see section 122.

propellant powder has the meaning given by AS 2187, part 0.

Example of a propellant powder—

Black powder.

pyrotechnic substance has the meaning given under AS 2187, part 0.

Queensland fireworks code means the first edition of the 'Queensland code of practice, control of outdoor fireworks displays' (2003) published by the Department of Natural Resources and Mines.

relevant holder—

(a) for part 5, division 2, see section 48; and

(b) for part 5, division 3, see section 55; and

(c) for part 6, division 2, see section 67; and

Schedule 7 (continued)

(d) for part 8, division 3, see section 91.

relevant person, for part 8, division 4, see section 98.

required places, for part 8, division 2, see section 84.

risk means the risk, measured in terms of consequences and likelihood, of harm to a person, property or the environment arising out of a hazard.

risk assessment process, for part 5, division 4, see section 59.

safety fuse or igniter means a safety fuse, signal tube, igniter cord, igniter cord connector or fuse igniter, within the meaning of AS 2187, part 0.

safety management system means a safety management system required under section 42.

safety requirements, for a fireworks display, means the requirements under section 136.

sch 4 explosive, for part 8, see section 81.

secure container, for part 8, division 2, see section 84.

secured area, for part 8, division 2, see section 84.

site senior executive, for part 10, division 2, see section 122.

small arms ammunition means ammunition for a firearm as follows including primers (cap type) used for reloading the ammunition—

(a) a shotgun;

(b) another firearm with a calibre of not more than 25.4mm.

sources of ignition has the meaning given under AS 2187, part 0.

storage facility, for a licence to store explosives or a permit to store explosives, means a magazine or other place where explosives may be stored under the authority.

supply means supply in trade or commerce or under an arrangement.

trial, for part 2, see section 11.

Schedule 7 (continued)

UN model regulations means the eleventh revised edition of the 'Recommendations on the Transport of Dangerous Goods—Model Regulations' (1999) published by the United Nations.

unrestricted firework means a firework mentioned in schedule 6.

UN tests and criteria means the third revised edition of the 'Recommendations on the Transport of Dangerous Goods—Manual of Tests and Criteria' (1999) published by the United Nations.

use an explosive includes prepare the explosive for use.

Example—

Assemble an explosive with 1 or more other explosives for initiation.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2005. Future amendments of the Explosives Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	**Acts Interpretation Act 1954**	**(prev)**	=	**previously**
amd	=	**amended**	**proc**	=	**proclamation**
amdt	=	**amendment**	**prov**	=	**provision**
ch	=	**chapter**	**pt**	=	**part**
def	=	**definition**	**pubd**	=	**published**
div	=	**division**	**R[X]**	=	**Reprint No.[X]**
exp	=	**expires/expired**	**RA**	=	**Reprints Act 1992**
gaz	=	**gazette**	**reloc**	=	**relocated**
hdg	=	**heading**	**renum**	=	**renumbered**
ins	=	**inserted**	**rep**	=	**repealed**
lap	=	**lapsed**	**(retro)**	=	**retrospectively**
notfd	=	**notified**	**rv**	=	**revised edition**
o in c	=	**order in council**	**s**	=	**section**
om	=	**omitted**	**sch**	=	**schedule**
orig	=	**original**	**sdiv**	=	**subdivision**
p	=	**page**	**SIA**	=	**Statutory Instruments Act 1992**
para	=	**paragraph**	**SIR**	=	**Statutory Instruments Regulation 2002**
prec	=	**preceding**	**SL**	=	**subordinate legislation**
pres	=	**present**	**sub**	=	**substituted**
prev	=	**previous**	**unnum**	=	**unnumbered**

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2003	
1A	none	1 January 2004	provs exp 31 December 2003
1B	2004 SL No. 67	1 July 2004	
1C	2005 SL No. 103	1 July 2005	

5 List of legislation

Explosives Regulation 2003 SL No. 146
made by the Governor in Council on 26 June 2003
notfd gaz 27 June 2003 pp 749–56
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2003 (see s 2)
exp 1 September 2013 (see s SIA s 54)
Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
(2) An explanatory note was prepared.

amending legislation—

Natural Resources, Mines and Energy Legislation Amendment Regulation (No. 1) 2004 SL No. 67 pts 1, 5
notfd gaz 28 May 2004 pp 277–80
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2004 (see s 2)

Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2005 SL No. 103 pts 1, 5
notfd gaz 3 June 2005 pp 415–19
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2005 (see s 2)

6 List of annotations

PART 12—TRANSITIONAL PROVISIONS FOR FORMER REGULATIONS
pt hdg exp 30 June 2004 (see s 160)

Definitions for pt 12
s 155 exp 30 June 2004 (see s 160)

Existing authorities
s 156 exp 30 June 2004 (see s 160)

Existing collectors of ammunition
s 157 exp 30 June 2004 (see s 160)

Holder of existing authority may comply with former regulation until 31 December 2003
s 158 exp 31 December 2003 (see s 158(4))

Existing explosives limits for ports
s 159 exp 30 June 2004 (see s 160)

Expiry of pt 12
s 160 exp 30 June 2004 (see s 160)

SCHEDULE 2—FEES
sub 2004 SL No. 67 s 1; 2005 SL No. 103 s 10

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