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*Explosives Act.*      1 ELIZ. II. No. 34.

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**EXPLOSIVES.**

1 ELIZ. II.  
No. 34.  
THE  
EXPLOSIVES  
ACT OF  
1952.

**An Act to Consolidate and Amend the Law relating to the Importation, Exportation, Manufacture, Carriage, Storage, Sale, and Use of Explosives, and for other purposes incidental thereto.**

[ASSENTED TO 13TH NOVEMBER, 1952.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—  
PRELIMINARY.

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as "*The Explosives Act of 1952.*"

Commence-  
ment of Act.

2. Except as herein otherwise provided, this Act shall come into operation on a day to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Construction  
of Act.

3. This Act, including every Proclamation, Order in Council, and regulation hereunder, shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any such Proclamation, Order in Council or regulation would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power.

Parts of Act.

4. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY ;

PART II.—ADMINISTRATION ;

PART III.—IMPORTATION AND EXPORTATION ;

PART IV.—MANUFACTURE ;

PART V.—CARRIAGE ;

PART VI.—STORAGE ;

PART VII.—SALE AND USE ;

PART VIII.—GENERAL.

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5. \**"The Explosives Act of 1906"* (hereinafter referred to as "the repealed Act") is hereby repealed :

Repeal of  
the Act  
6 Edw. VII  
No. 21.

Provided that, but without limiting the operation of †*"The Acts Shortening Acts"*—

- (i.) Unless otherwise expressly provided all regulations, notifications, registrations, permits, prohibitions, orders, licenses, appointments, approvals, and other acts of authority made, granted, issued, given, or done under the repealed Act and in force at the coming into operation of this Act shall, subject as hereinafter provided, continue in force in terms thereof for the purposes of this Act until the same expire by effluxion of time or are repealed, amended, revoked, surrendered, suspended, withdrawn, or cancelled under this Act and shall be deemed to have been made, granted, issued, given, or done under the corresponding provisions of this Act :

Provided that every such regulation, notification, registration, permit, prohibition, order, license, appointment, approval, or other act of authority shall be read and construed and continue in force as aforesaid subject to this Act ;

- (ii.) All penalties and forfeitures imposed under the repealed Act and not recovered prior to the coming into operation of this Act may be enforced and applied as if this Act had not come into operation ;
- (iii.) All actions and proceedings of whatever nature commenced or pending at the coming into operation of this Act under the repealed Act may be carried on and prosecuted as if this Act had not come into operation, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained ;
- (iv.) Every place, building, or hulk appointed under the repealed Act to be used as a public magazine for the keeping of explosives and remaining so appointed at the coming into

\* 6 E. 7, No. 21.

† 31 V. No. 6 and amending Acts.

operation of this Act shall, without further or other appointment, be deemed to be appointed under this Act a Government magazine for the storage or keeping of explosives, and unless herein otherwise expressly provided, every officer who, at the coming into operation of this Act, is employed in any office relating to any such public magazine shall, subject to this Act and the authority under and in pursuance of which he is appointed, continue in that office with respect to that Government magazine and be deemed to be appointed thereto under this Act without further or other appointment;

- (v.) The Chief Inspector of Explosives and every other inspector of explosives appointed under the repealed Act and holding office at the coming into operation of this Act shall be deemed to be appointed under this Act, in the case of such Chief Inspector, the Chief Inspector of Explosives, and in the case of an inspector other than the Chief Inspector, an inspector of explosives, and, subject to this Act, shall continue to hold their respective offices in terms of their appointment without further or other appointment;
- (vi.) When in any other Act reference is made to the repealed Act, or to any provision thereof, it shall be taken, unless the context otherwise indicates or requires, that the reference is to this Act or, as the case requires, to the corresponding provision of this Act, and that reference shall be read and construed accordingly.

Saving of  
other Acts.

**6.** (1.) Unless otherwise expressly provided the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of—

- (i.) \**The Criminal Code* ;  
(ii.) †“ *The Navigation Acts, 1876 to 1950* ” ;  
(iii.) ‡“ *The Health Acts, 1937 to 1949* ” ; or  
(iv.) Any other prescribed Act,

or of any regulation, by-law, ordinance, or rule thereunder.

\* 63 V. No. 9, Sch. I.

† 41 V. No. 3 and amending Acts.

‡ 1 G. 6 No. 31 and amending Acts.

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(2.) Nothing in this Act shall prejudice or otherwise affect any by-law or ordinance not inconsistent with the provisions of this Act made by a Local Authority or Brisbane City Council under or pursuant to the provisions of \**"The Local Government Acts, 1936 to 1951,"* or †*"The City of Brisbane Acts, 1924 to 1951,"* or any by-law not inconsistent with the provisions of this Act made by a Fire Brigade Board under or pursuant to the provisions of ‡*"The Fire Brigades Acts, 1920 to 1931."*

(3.) Where any act or omission is an offence both under a provision of this Act and under a provision of any Act, regulation, rule, ordinance, or by-law in this section before referred to, the offender may be prosecuted under either such provision but so that he shall not be twice punished for that offence.

(4.) Nothing in this Act shall prejudice or in any way interfere with the powers of inspection and the regulation of explosives in any mine within the meaning of §*"The Mines Regulation Acts, 1910 to 1945,"* or ||*"The Coal Mining Acts, 1925 to 1952."*

7. The Governor in Council may from time to time by the regulations exempt from the operation of this Act, either wholly or to such extent as he thinks advisable, safety fuses, safety cartridges, and any other explosive. Exemptions.

8. (1.) In this Act, unless the context or subject-matter otherwise indicates or requires, the following terms shall have the meanings set against them respectively, that is to say:— Definitions.

"Chief Inspector"—The Chief Inspector of Explosives appointed by or under this Act, and includes any person who is for the time being carrying out the duties of the office of Chief Inspector; Chief Inspector.

"Explosive"—Any and every substance manufactured or used with a view to produce a practical effect by explosion or a pyrotechnic Explosive.

\* 1 G. 6 No. 1 and amending Acts.

† 15 G. 5 No. 32 and amending Acts.

‡ 10 G. 5 No. 23 and amending Acts.

§ 1 G. 5 No. 24 and amending Acts.

|| 16 G. 5 No. 30 and amending Acts.

effect. Without limiting the generality of the foregoing the term includes gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires, fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined, and also any substance declared to be an explosive under and for the purposes of this Act ;

- Factory.** “ Factory ”—Any area of land licensed under this Act for the manufacture of any explosive together with every mound, building, magazine or other structure or work whatsoever which is wholly or partly appurtenant to the area of land so licensed ;
- Government magazine.** “ Government magazine ”—Any Government magazine for the storage or keeping of explosives so appointed by or under this Act ;
- Inspector.** “ Inspector ”—An inspector of explosives appointed by or under this Act : The term includes the Chief Inspector ;
- License.** “ License ”—A license including any renewal or transfer thereof granted under or continued in force by this Act and in force at any material time ;
- Magazine.** “ Magazine ”—Any Government magazine or any area of land, building or other structure, hulk, or repository or other receptacle licensed under this Act as a magazine for the storage or keeping of any explosive. Where an area of land is a Government magazine or a magazine licensed under this Act, every mound, building or other structure, or work whatsoever which is wholly or partly appurtenant to that area of land shall be deemed to be included in and to form part of that Government magazine or licensed magazine, as the case may be ;
- Manufacture.** “ Manufacture ”—Includes, but without limit to the ordinary meaning of that term, making, remaking, altering, breaking up, sorting out, reconditioning, and any process of manufacture ;

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- “ Minister ”—The Treasurer or other Minister of the Crown for the time being charged with the administration of this Act ; Minister.
- “ Order in Council ”—An Order in Council made under or continued in force by this Act ; Order in Council.
- “ Package ”—Any canister, case, box, barrel, tin, or other receptacle whatsoever, including every means by which goods may be cased, covered, enclosed, contained, or packed ; Package.
- “ Person ”—Includes a body corporate ; Person.
- “ Place ”—Includes any vessel, vehicle, factory, magazine, hulk, land, building or other structure, repository or other receptacle, and any premises whatsoever ; Place.
- “ Prepare for use ”—When used with reference to any explosive means preparing or attempting to prepare a charge of or charging or attempting to charge that explosive or dealing or attempting to deal by any means whatever with that explosive so that it may thereupon be fired or detonated or caused to be otherwise exploded ; Prepare for use.
- “ Prescribed ”—Prescribed by this Act ; Prescribed.
- “ Regulations ”—Regulations made under or continued in force by this Act ; Regulations.
- “ Sale ”—Includes barter and exchange and supply, and also offering or attempting to sell, or receiving for sale, or exposing or having in possession for sale, or sending, forwarding or delivering for or on sale, or causing, or suffering, or permitting or allowing to be sold or offered or exposed for sale ; Sale.
- “ Substance ”—Includes, but without limit to the generality of its meaning, any gas, any liquid, and gas mixture and any liquid mixture ; Substance.
- “ This Act ”—This Act and all Proclamations, Orders in Council, and regulations hereunder ; This Act.
- “ Vehicle ”—Any vehicle used for the carriage of passengers, or goods, or both passengers and goods on land, and any aeroplane, airship, glider, balloon, or other means used for the carriage of passengers, or goods, or both passengers and goods by air ; Vehicle.

PART I.—  
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Vessel.

“ Vessel ”—Includes any ship, lighter, boat, and every other kind of vessel used in navigation whatever may be the means of its propulsion.

Derivatives.

(2.) Derivatives of any term to which a meaning is assigned by this section shall in this Act, unless the context otherwise indicates or requires, have a corresponding meaning.

Reference to  
other Acts.

(3.) Any reference in this Act to any other Act shall be taken to include a reference to any later Act amending or in substitution for that other Act.

PART II.—  
ADMINISTRATION.

## PART II.—ADMINISTRATION.

Administra-  
tion of Act.

9. This Act shall be administered by the Minister and, subject to the Minister, by the Chief Inspector of Explosives who shall make to the Minister an annual report upon the administration of this Act.

Appoint-  
ment of  
officers.

10. (1.) The Governor in Council shall from time to time appoint a Chief Inspector of Explosives and may from time to time appoint such inspectors of explosives and other officers as he deems necessary for the due and effectual administration of this Act.

(2.) The person in office for the time being as Portmaster under \**“ The Navigation Acts, 1876 to 1950,”* shall, by virtue of his holding that office and without further or other appointment under this Act, be and be deemed to be the Officer in Charge of Government Magazines.

Issue of  
licenses.

11. (1.) (a) Subject to this Act, the Chief Inspector may grant, renew, and transfer licenses of the different classes for any of the purposes of this Act.

(b) Every license, renewal, or transfer of a license granted under this Act shall be in or to the effect of the prescribed form.

(c) Each and every license granted under this Act shall specify—

(i.) The name of the license holder ;

(ii.) The authority given to the license holder by that license or, where any place is licensed thereby for any of the purposes of this Act,

\* 41 V. No. 3 and amending Acts.

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a description of that place sufficient in the opinion of the Chief Inspector to identify it; and

(iii.) All other prescribed particulars, if any,

and shall be deemed to be granted subject to all the terms and conditions, if any, therein specified and to all other terms and conditions as may for the time being be prescribed for the class of licenses to which that license belongs.

(2.) Every application for a license or any renewal or transfer thereof shall be in or to the effect of the prescribed form, shall be signed by the applicant, shall be accompanied by the prescribed fee, and shall contain or be accompanied by such information and particulars as are prescribed.

(3.) Subject as hereinafter in this section provided, the Chief Inspector may grant or refuse to grant any license or the renewal or transfer of any license under or for any purpose of this Act :

Provided that—

- (i.) The Chief Inspector shall refuse to grant or to renew or to transfer any license if thereunto directed by the Minister ; and
- (ii.) If the Chief Inspector refuses to grant or to renew or to transfer any license, the applicant therefor may request him to refer the matter to the Minister for direction.

The direction of the Minister that a license or the renewal or transfer thereof shall or shall not be granted, as the case may be, shall be final and conclusive of that matter, and it is hereby declared that the Minister may act in the matter according as he, in his absolute discretion, deems fit.

(4.) In granting any license or a renewal or transfer thereof the Chief Inspector shall not be bound by the application but, subject to this Act, he may—

- (i.) Grant the license or renewal or transfer without terms and conditions or ;
- (ii.) Grant the license or renewal or transfer subject to such terms and conditions as may be fixed by him :



Provided that a license or a renewal or transfer thereof granted by direction of the Minister shall be so granted subject to such terms and conditions, if any, as the Minister specifies :

Provided further that where a license is granted subject to terms and conditions every renewal or transfer thereof shall, unless the Minister or, subject to the Minister, the Chief Inspector directs otherwise, be deemed to be granted under and subject to those terms and conditions.

(5.) The holder of any license under this Act shall not contravene or fail to comply with any term or condition subject to which that license is granted.

Cancellation  
of licenses.—

12. (1.) The Chief Inspector may and shall, if thereunto directed by the Minister, cancel any license—

- (i.) If there has been a substantial change in circumstances since the grant of that license ;  
or
- (ii.) If the holder of that license for the time being is convicted of an offence against this Act, or, with respect to the manufacture, carrying, storing, keeping, sale, or using of any explosives, any other Act (including any regulation, by-law, or ordinance thereunder) ;  
or
- (iii.) If the holder of that license for the time being fails to comply with the terms and conditions subject to which that license is granted :

Provided that the Chief Inspector may, and shall, if thereunto directed by the Minister, in lieu of cancelling a license, suspend it.

Such suspension shall whilst it is in force have the same effect as a cancellation of the license and the Chief Inspector may, and shall if thereunto directed by the Minister, when suspending a license fix the period of its suspension or he may, and shall if thereunto directed by the Minister, suspend it without fixing the period of its suspension.

Suspension under this Act of any license shall not extend, upon the termination of that suspension, any period during which that license would ordinarily have remained in force if it had not been so suspended.

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(2.) Where the Chief Inspector has upon any date suspended a license without fixing the period of its suspension, the onus of proof that such license is in force at any later date shall be on the defendant, but without prejudice to the right of the prosecutor to adduce evidence proving or tending to prove that such license is not in force at that later date.

(3.) Where a license is cancelled or suspended by the Chief Inspector otherwise than pursuant to a direction by the Minister, the holder of that license may request the Chief Inspector to refer the matter to the Minister for his direction.

The direction of the Minister that a license shall or shall not be cancelled or suspended, as the case may be, shall be final and conclusive of the matter, and it is hereby declared that, subject to this section, the Minister may act in the matter according as he, in his absolute discretion, deems fit.

**13.** All explosives upon being imported or brought into or manufactured in Queensland shall be inspected and examined by an inspector, and shall be inspected and examined from time to time thereafter as often as appears to the Chief Inspector to be necessary. <sup>Inspection of explosives.</sup>

**14.** (1.) Any inspector may at any time during any day or night— <sup>Powers of inspectors.</sup>

- (i.) Enter and inspect any place where or in which he has reasonable grounds for believing any explosive or any ingredient used or capable of being used in the manufacture of any explosive is situated, and inspect and examine any explosive or ingredient as aforesaid found thereon or therein ;
- (ii.) Make any general or particular inquiries as to the observance of, or which are necessary for the purposes of, this Act ;
- (iii.) Inspect and examine any explosive or any ingredient used or capable of being used in the manufacture of any explosive which is being carried or which is at any place in the course of or for the purpose of being carried from one place to another ;

- (iv.) Remove for examination, including the testing thereof, any explosive or ingredient hereinbefore in this section mentioned or portions or samples of any explosive or ingredient as aforesaid, found ;
- (v.) Seize, remove, and detain any explosive or ingredient as aforesaid found which is or which in his opinion is an unauthorised explosive within the meaning of that term in subsection two of section seventeen of this Act or in relation to which it appears to him that this Act is being or has been otherwise howsoever contravened or not complied with and any package, vehicle, hulk, or vessel in which such explosive or ingredient is found, and for the purposes of this paragraph may, instead of removing such explosive or ingredient from the place where it has been seized, direct the occupier of such place to detain the same in that place, or in such other place under the control of the occupier, and in accordance with any other direction, as will, in the inspector's opinion, least endanger the public safety ;
- (vi.) Require any person found in possession of any explosive or any ingredient used or capable of being used in the manufacture of any explosive to supply his name and address, and if such explosive or ingredient was obtained by him from any other person, the name and address of the supplier from whom he obtained such explosive or ingredient and also to produce any invoice or other document given to him by the supplier concerning such explosive or ingredient and inspect and take copies of or extracts from any entries found therein ;
- (vii.) Where he believes it necessary in the public interest, with the consent of the Minister, destroy or otherwise render harmless and dispose of any explosive or any ingredient used or capable of being used in the manufacture of any explosive : Provided that in cases of imminent danger to life or property or where in his opinion there is

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such imminent danger he may so act without such consent in which event, if he is not the Chief Inspector, he shall immediately report his action to the Chief Inspector.

The expense of destruction or disposal of any explosive or ingredient under this paragraph shall be borne by the owner thereof ;

- (viii.) Where he considers that any act or practice on the part of any person concerned in manufacturing, carrying, storing, keeping, or using any explosive or any ingredient used or capable of being used in the manufacture of any explosive or of any person in the immediate vicinity of the place where any explosive or any ingredient used or capable of being used in the manufacture of any explosive is being manufactured, carried, stored, kept, or used, is unnecessarily dangerous to the public safety or the safety of any person, direct such person to cease such act or practice or to do or omit to do anything in relation thereto as will in the inspector's opinion remedy the same and such inspector, if he is not the Chief Inspector, shall immediately report the act or practice and his direction to the Chief Inspector ;
- (ix.) Upon the seizure under this Act of any explosive or ingredient as aforementioned found in any vehicle, hulk, or vessel, use (without seizing) for the purposes of the removal and detention of that explosive or ingredient such vehicle, hulk, or vessel and any tug, tender, engine, tackle, beasts, accoutrements, or other thing belonging to or drawing or provided for drawing such vehicle, hulk, or vessel ;
- (x.) Require the production of any license and of any book, record, or writing which by this Act is required to be held or kept, and inspect, examine, and take copies of or extracts from the same ;

(xi.) Call to his aid—

- (A) Any member of the Police Force where he has reasonable cause to apprehend any obstruction in the exercise of his powers or in the execution of his duties ;
- (B) Any person he may think competent to assist him in any inspection or examination under this Act.

(2.) Whenever it appears to an inspector that this Act is being contravened or not complied with in relation to any explosive or any ingredient used or capable of or intended for use in the manufacture of any explosive, such inspector may, whether or not proceedings are taken against any person for committing an offence against this Act, direct the person then apparently having the possession or control of such explosive or ingredient to do forthwith or within such time as such inspector specifies all such acts and things as, in the opinion of such inspector, are necessary in order to ensure compliance with this Act.

The giving of such a direction shall not affect any proceeding or any action authorised by this Act which has been or may be taken for the non-compliance which resulted in the direction, but the person to whom the direction is given shall not be liable under this Act in respect of any continuation of that non-compliance during the time, if any, allowed by the direction.

If the inspector is of opinion that such direction is not being, or has not been, or is not likely to be, complied with he may seize the explosive or ingredient concerned, and may take further action under this Act.

(3.) A person shall not be precluded by any contract from complying with a direction under this section and a person shall not be liable under any contract to a penalty or forfeiture for complying with such a direction if he gave notice of such contract to the inspector at or before the time at which the inspector gave the direction.

(4.) Any direction given under this section by an inspector who is not the Chief Inspector shall be immediately reported by him to the Chief Inspector.

(5.) Notwithstanding anything to the contrary in this Act, if an inspector has issued any order or given any direction or notice or made any request under this Act, he or any other inspector who is empowered by

Matters  
may be  
completed  
by different  
inspectors.

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this Act to issue, give, or make a like order, direction, notice, or as the case may be, request, at any time may (and if so directed by the Chief Inspector shall) withdraw or revoke or from time to time may (and if so directed by the Chief Inspector shall) vary the order, direction, notice, or request, or take further steps thereon.

15. (1.) Any explosive or ingredient or package, vehicle, hulk, or vessel seized under this Act may be removed and detained and shall be dealt with as the Minister or, subject to the Minister, the Chief Inspector may direct, and any such explosive or ingredient and any package in which such explosive or ingredient is contained may be forfeited by direction of the Minister notwithstanding that no person has been convicted of or prosecuted for any offence in relation thereto.

Further  
powers of the  
Minister and  
Chief  
Inspector,  
&c.

(2.) The Minister or, subject to the Minister, the Chief Inspector may authorise the reconditioning, or destruction or other disposal of any explosive or any ingredient used or capable of being used in the manufacture of any explosive which is considered by the person giving the authority dangerous to the public safety.

The person authorised under this subsection shall carry out the purpose authorised and may give all such directions as will, in his opinion, carry out that purpose and may seize such explosive, if he considers such seizure necessary, to effect that purpose.

Any explosive or ingredient the subject of an authority under this subsection shall be dealt with by or at the expense of the owner thereof.

(3.) All costs, charges, and expenses incurred in handling, storing, reconditioning, destroying or otherwise disposing of, and otherwise dealing with (or incurred in doing any of these things) any explosive or ingredient which is an authorised explosive within the meaning of subsection two of section seventeen of this Act, or in relation to which this Act has been otherwise contravened or not complied with, consequent upon the seizure and detention thereof under this Act, and all costs, charges, and expenses incurred in handling and otherwise dealing with any package, vehicle, hulk, or vessel in which such explosive or ingredient was found and which was seized under this Act, shall be payable by the owner thereof.

(4.) Where by or under this Act the amount of any costs, charges, or expenses incurred by an inspector in handling, storing, reconditioning, destroying or otherwise disposing of, or otherwise dealing with any explosive or ingredient used or capable of being used in the manufacture of any explosive is recoverable from any person, such amount may be recovered from that person in a summary way under \**The Justices Acts, 1886 to 1948,*” or by action as for a debt in any court of competent jurisdiction.

Obstruction  
of inspectors,  
&c.

16. A person shall not—

- (i.) Assault, obstruct, threaten, or intimidate any inspector in the exercise of his powers or in the discharge of his duties under this Act, or attempt so to do ; or
- (ii.) Refuse to allow to be inspected, examined, removed, or seized, or attempt to prevent the inspection, examination, removal, or seizure of any explosive or ingredient or any package, vehicle, hulk, or vessel or prevent or attempt to prevent the use of any vehicle, hulk, vessel, beast, or other thing in pursuance of this Act ; or
- (iii.) Retake or attempt to retake any explosive or ingredient or package, vehicle, hulk, or vessel removed or seized or any vehicle, hulk, vessel, beast, or other thing used under this Act ; or
- (iv.) Fail to state his name and address or the name and address of any other person or to produce any invoice, license, book, record, writing, or other document, or to allow, upon production, such invoice, license, book, record, writing, or other document to be inspected or examined or copies of or extracts from the same or any entries found therein to be taken, when so lawfully required by an inspector, or state in answer to such a requirement for a name and address a false name and address, or name, or address ; or
- (v.) Fail to comply in every respect with any lawful request, direction, order, or requirement of an inspector.

\* 50 V. No. 17 and amending Acts.

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17. (1.) The Governor in Council may from time to time by Order in Council classify explosives.

The Governor in Council shall not so classify any explosive until he has defined the composition, quality, and character of that explosive :

Provided that it shall not be necessary to publish such definition in respect of an explosive in the Order in Council classifying that explosive.

(2.) A person shall not import or bring into, or export from, or manufacture, store, keep, carry, sell, or use in Queensland an unauthorised explosive except under and in accordance with the authority of a permit granted under this Act.

For the purposes of this subsection an explosive shall be and be deemed to be an unauthorised explosive if—

- (i.) That explosive is not enumerated in the classification of explosives contained in an Order in Council made under this section and in force at the relevant time ; or
- (ii.) The composition, quality, or character of that explosive differs in any respect (whether by reason of deterioration or otherwise) from the composition, quality, and character defined by the Governor in Council for the explosive so enumerated as aforesaid which it is alleged to be.

(3.) The Chief Inspector shall make and keep a Register of Explosives and shall record therein every explosive classified by the Governor in Council and the composition, quality, and character of that explosive as defined for the time being by the Governor in Council.

In any proceedings under or for a purpose of this Act a certificate purporting to be under the hand of the Chief Inspector certifying that the composition, quality, and character of an explosive as defined by the Governor in Council is as specified in that certificate shall be received in evidence and shall be evidence of the matters therein contained and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such matters.

(4.) (a) Notwithstanding anything in this Act, the Governor in Council may from time to time by Order in Council prohibit, either absolutely or except in

Classification of explosives, definition of the composition, quality, and character thereof, and prohibitions in respect of specially dangerous explosives.



accordance with such conditions or restrictions or both conditions and restrictions as he deems fit, the importation or bringing into, or the exportation from, or the manufacture, storing, keeping, carriage, sale, or use (or all or any of them) in Queensland of any explosive when in the judgment of the Governor in Council it is expedient for the public safety to make such order.

(b) A person shall not import or bring into, or export from, or manufacture, store, keep, carry, sell, or use in Queensland an explosive contrary to a provision of an Order in Council made under this subsection.

(5.) (a) The Minister may permit for the purposes of trial or experiment, upon such terms and conditions as he may deem advisable, the importation or bringing into, or the manufacture, storing, keeping, carrying, selling, or using (or all or any of them) in Queensland of such quantity, as he shall specify, of an unauthorised explosive.

(b) The holder of a permit under this subsection shall not contravene or fail to comply with, or permit or allow any contravention of or failure to comply with, any term or condition of that permit :

Provided that such holder shall not be liable to be punished under any other provision of this Act for or in relation to an act or omission authorised by such permit.

(6.) Every other provision of this Act shall be read so as not to limit the application of this section or any provision of this section.

## PART III.—IMPORTATION AND EXPORTATION.

Explosives  
to be  
imported  
and  
exported  
under  
license.

18. A person shall not import or bring into or export from Queensland any explosive except under and in accordance with the authority of a license under this Act.

Notice of  
intention to  
import  
explosive.

19. A person shall before importing or bringing into Queensland any explosive give to the Chief Inspector of Explosives and to the Officer in Charge of Government Magazines notice as prescribed of his intention to import or bring into Queensland that explosive.

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AND  
EXPORTATION.

20. A person shall forthwith upon the arrival in Queensland of any explosive imported or brought into Queensland by him give to the Chief Inspector and to the Officer in Charge of Government Magazines notice as prescribed of the arrival in Queensland of that explosive.

Notice of  
arrival of  
imported  
explosive.

21. A person shall not import or bring into or export from Queensland any explosive unless that explosive is contained in a package which is constructed, packed, and labelled as prescribed.

Packing of  
explosives  
upon impor-  
tation or  
exportation.

## PART IV.—MANUFACTURE.

PART IV.—  
MANUFACTURE.

22. (1.) A person shall not manufacture, or permit or allow to be manufactured, any explosive elsewhere than at a factory licensed under this Act for the manufacture of that explosive :

Explosive to  
be manufac-  
tured in  
licensed  
factory.

Provided that this subsection shall not apply to—

- (i.) The manufacture of a quantity of any explosive not exceeding in the aggregate one pound (or, in the case of any prescribed explosive, such lesser quantity as may be prescribed) in weight for the purposes of a chemical experiment only and not for practical use or sale by a competent person or competent persons not under the age of twenty-one years or by a competent person or competent persons under the age of twenty-one years where such person or persons under that age manufacture the explosive under the direct supervision and control of a competent person or competent persons of or over the age of twenty-one years ;
- (ii.) The reconditioning of any explosive at a Government magazine.

In this subsection “competent persons” means such persons as for the time being are prescribed (and, in so far as are not prescribed, such persons as for the time being are deemed by the Chief Inspector) as competent for the purposes hereof.

(2.) A person holding a license under this Act for a factory for the manufacture of any explosive shall not establish, or permit or allow to be established, or at any time maintain or carry on, or permit or allow to be

maintained or carried on, that factory elsewhere than at the site or otherwise than in the manner and under and subject to the terms and conditions specified in that license.

(3.) The occupier of any place or of any part of any place shall not permit or allow any explosive to be unlawfully manufactured thereat.

PART V.—  
CARRIAGE.Carriage of  
explosives.

## PART V.—CARRIAGE.

**23.** A person shall not carry or permit or allow to be carried on, in, or by means of any vehicle, or vessel, any explosive—

- (i.) Except under and in accordance with the authority of a license under this Act to carry that explosive; and
- (ii.) Unless that explosive is carried in such manner and under such conditions as are prescribed:

Provided that where—

- (A) Any explosive not exceeding the maximum weight prescribed for that explosive for the purposes of this subparagraph is conveyed by the holder of a license for a magazine for the storage or keeping of that explosive; or
- (B) Any explosive not exceeding the maximum weight prescribed for that explosive for the purposes of this subparagraph intended exclusively for the use of a person for a prescribed purpose is conveyed by that person; and

in either such case the explosive in question is carried in such manner and under such conditions as are prescribed, then the carriage of that explosive by that person shall not be an offence against this section.

Carrier  
exempt when  
others in  
fault.

**24.** Where a carrier is prevented from complying in any respect with section twenty-three of this Act by the wilful act, neglect, or default of the consignor or consignee of the explosive or other person (not being an agent or employee of the carrier), or by the improper refusal of the consignee or other person to accept delivery of the explosive, then such consignor, consignee, or other person shall be guilty of the offence in question against that section and shall be liable accordingly.

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CARRIAGE.

The conviction for such offence of such consignor, consignee, or other person shall exempt the carrier from liability therefor.

**25.** This Part of this Act shall not apply to or with respect to the carriage of explosives by the Commissioner for Railways.

Commissioner for Railways exempted.

## PART VI.—STORAGE.

PART VI.—  
STORAGE.

**26.** (1.) A person, whether on his own account or on account of any other person, shall not store or keep or permit or allow to be stored or kept any explosive at any place unless that place then is—

Where explosives may be kept.

- (i.) A factory licensed under this Act for the manufacture of that explosive ;
- (ii.) A Government magazine or a magazine licensed under this Act for the storage or keeping of that explosive ; or
- (iii.) A place duly approved in pursuance of some other Act (including any regulation, rule, by-law, or ordinance thereunder).

(2.) Without limiting or otherwise affecting the provisions of subsection one of this section, the occupier of any place or of any part of any place shall not permit or allow any explosive to be unlawfully stored or kept thereat.

(3.) Subject to subsection four of this section, the provisions of this section shall apply with respect to the storing or keeping for any period of time whatsoever of any explosive.

(4.) The provisions of this section shall not apply to the storage or keeping of any explosive—

Storage exemptions.

- (i.) By a person for use for a prescribed purpose, where that explosive is not for sale, and is kept or stored as prescribed, and the quantity thereof kept or stored does not exceed the prescribed maximum ; or
- (ii.) Which is exempted by this Act from this Part of this Act.

**27.** Every person storing or keeping any explosive for lawful private use and not for sale shall take all due precautions in the storage or keeping of that explosive for the prevention of theft or of accident by fire, explosion, or otherwise howsoever.

Precautions to be taken with respect to explosives for private use.

Government  
magazines.

**28.** The Minister may from time to time by notification published in the *Gazette* appoint any area of land, building or other structure, hulk, or repository or other receptacle, or other place to be a Government magazine for the storage or keeping of explosives and may from time to time by a notification published in like manner cancel any appointment of a Government magazine made by or under this Act.

Licensed  
magazines.

**29.** (1.) A person shall not establish or maintain, or permit or allow to be established or maintained, a place as a magazine for the storage or keeping of any explosive unless that place is licensed under this Act as a magazine for the storage or keeping of that explosive.

(2.) A person holding a license under this Act for a magazine shall not establish, or permit or allow to be established, or at any time maintain, or permit or allow to be maintained, that magazine elsewhere than at the site or otherwise than in the manner and under and subject to the terms and conditions specified in that license.

Cancellation  
of license for  
factory or  
magazine.

**30.** (1.) If the Chief Inspector at any time cancels or suspends a license for a factory or for a magazine the person whose license is so cancelled or suspended shall, within three days (or such longer period as may be allowed by the Chief Inspector) of the time of receiving notice of such cancellation or suspension, transfer any and every explosive, and any and every ingredient used or capable of being used in the manufacture of any explosive, in that factory or magazine to some place authorised under this Act for the storage or keeping of that explosive, and shall immediately notify in writing the Chief Inspector of the name and address of the owner of such place and of the nature and amount of the explosives so transferred.

(2.) Where the license for a factory or magazine is cancelled or suspended, any inspector or member of the Police Force may, with such assistants as he deems necessary, enter and search the premises thereof or in or upon which the same is situated, and may seize, remove, and detain any and every explosive found therein or thereon.

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SALE AND  
USE.

## PART VII.—SALE AND USE.

**31.** (1.) A person shall not sell any explosive except under and in accordance with the authority of a license under this Act to sell that explosive. Sale only by licensed dealer.

(2.) It shall be a condition subject to which every license to sell any explosive is granted that the holder thereof shall at all times store and keep that explosive under and in accordance with the requirements of this Act :

Provided that the provisions of Part VI. of this Act shall not be prejudiced or otherwise affected by anything in this Part of this Act contained and shall apply with respect to any explosive authorised to be sold by a license to sell.

**32.** A person shall not sell any explosive in any public thoroughfare or public place. No hawking of explosives.

**33.** A person shall not sell any explosive except an explosive which is classified or defined by the Governor in Council by Order in Council or the regulations as “manufactured fireworks (shop goods)” to a person under the age of eighteen years. Sales to children.

**34.** Every member of the Police Force, where it appears to him that this Act is being or has been contravened or not complied with in relation to the sale of any explosive, shall have and may exercise all or any of the powers under this Act of an inspector. Seizure by member of the Police Force on unlawful sale.

**35.** A person shall not prepare for use, or fire or detonate or cause to be otherwise exploded any explosive under conditions whereby life or property is endangered. Use of explosives under conditions endangering life, &c., prohibited.

## PART VIII.—GENERAL.

PART VIII.—  
GENERAL.

**36.** (1.) Every person who enters without permission or otherwise trespasses upon any Government magazine, or upon any magazine or factory licensed under this Act, or who, without permission, interferes with any magazine licensed under this Act, shall be guilty of an offence, and may be forthwith removed from such magazine or factory or place where such magazine is situated, by an inspector, or by any member of the Police Force, or by the occupier of such magazine or factory, or by any agent or servant of or other person authorised by such occupier. Penalty on and removal of trespassers.

(2.) The occupier of every magazine or factory licensed under this Act and every person employed in or about the same shall take all due precaution for the prevention of accident by fire or explosion in the same and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of such magazine or factory.

(3.) Every person other than the occupier of or a person employed in or about any Government magazine or magazine or factory licensed under this Act, who is found committing any act which tends to cause explosion or fire in or about such magazine or factory shall be guilty of an offence.

(4.) The occupier of any Government magazine or magazine or factory licensed under this Act shall post up in some conspicuous place or places a notice or notices warning all persons of their liability to penalties for offences under this section, but the absence of any such notice or notices shall not exempt a person from liability to a penalty for an offence under this section.

Arrest  
without  
warrant  
of persons  
committing  
dangerous  
offences.

**37.** Every person who is found committing any offence against subsection one of section thirty-six of this Act or committing any act (being an offence against this Act or any other Act (including any regulation, by-law, or ordinance under any other Act)) which tends to cause explosion or fire in or about any Government magazine or any magazine or factory licensed under this Act or any railway, harbour, wharf, vehicle, hulk, or vessel, or other place in, upon, or about which there is any explosive may be arrested without warrant by an inspector, or by a member of the Police Force, or by the occupier of that magazine or factory, or by the agent or servant of or other person authorised by such occupier, or by the occupier of such wharf or hulk, or other place, or by any agent or servant of or other person authorised by that railway authority or harbour authority or the occupier of such wharf or hulk, or other place, or by the person for the time being in charge of such vehicle or vessel, or by any other person authorised by the person so in charge, and be removed from the place at which he is arrested and conveyed as soon as conveniently may be before a court of petty sessions to be dealt with for that offence according to law.

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GENERAL.

Any person who is found with a firearm in his possession trespassing on any Government magazine, or any magazine or factory licensed under this Act shall, in addition to any other penalty which may be imposed, forfeit such firearm to Her Majesty.

**38.** (1.) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act. Penalties for offences.

(2.) (a) Subject to section thirty-nine of this Act, any person guilty of an offence against this Act shall, if no specific penalty is provided for that offence, be liable to a penalty not exceeding one hundred pounds.

(b) Any penalty or punishment to which the person convicted may be liable under this Act upon his conviction shall be in addition to any forfeiture under this Act.

(3.) All offences against this Act may be prosecuted in a summary way under \**"The Justices Acts, 1886 to 1949,"* upon the complaint of an inspector or of any other person authorised by the Minister :

Provided that if the regulations specify offences against this Act which may also be so prosecuted by any member of the Police Force then any offence so specified may also be so prosecuted upon the complaint of any such member.

(4.) A prosecution for any offence against this Act may be instituted at any time within twelve months after the offence was committed or within four months after the discovery of the offence, whichever is the later period.

(5.) Proceedings against any corporation for an offence against this Act may be taken against any person who is the manager or who acts or takes part in the management, administration, or government of such corporation, and such person shall be personally liable in such proceedings for the offence.

**39.** If upon convicting any person of an offence under this Act the adjudicating court finds— Imprisonment for offence.

(i.) That the offence was reasonably calculated to cause a dangerous accident or to endanger the safety of or to cause serious personal

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\* 50 V. No. 17 and amending Acts.



injury to any person (whether or not employed in or about any magazine, factory, harbour, wharf, railway, vehicle, hulk, or vessel, or other place where the offence was committed) or to cause damage to any property ; and

- (ii.) That the offence was committed wilfully by the personal act, personal neglect, or personal default of the offender ; and
- (iii.) That the offence cannot be adequately punished by a pecuniary penalty under this Act,

the court may, in lieu of imposing a pecuniary penalty, sentence the offender to imprisonment, with or without hard labour, for a term not exceeding six months.

## Forfeiture.

**40.** Upon a conviction for any offence against this Act—

- (i.) Any explosives (including ingredients used or capable of being used in the manufacture of explosives) to which such offence relates ; or
- (ii.) If such offence relates to a place whereon or wherein explosives are manufactured, stored, kept, carried, sold or used, all or any part of the explosives (including ingredients used or capable of being used in the manufacture of explosives) found therein or thereon at the time of the commission of the offence

(whether such explosives have been seized and are detained under this Act or have not been seized or are not being detained hereunder) together with all packages in which such explosives or ingredients are contained may, by order of the court which hears and determines the complaint or charge upon which such conviction was adjudged, be forfeited to Her Majesty.

If the conviction relates to any portion or sample of any explosives or ingredients as aforesaid, such forfeiture may extend to the whole of the explosives or ingredients from which such portion or sample was taken and to the packages in which such explosives or ingredients are contained, and may extend further to the whole of any similar explosives or ingredients belonging to the defendant or found on the defendant's premises or in his possession at the time of the commission of the offence and to the packages in which those explosives or ingredients are contained.

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**41.** (1.) All explosives, ingredients, packages, and other things forfeited to Her Majesty under this Act shall be dealt with or disposed of as the Minister may direct.

Disposal of  
forfeited  
explosives,  
&c.

(2.) Any forfeiture, dealing with, or disposal pursuant to this Act shall not confer upon any person any right to compensation.

**42.** (1.) In any proceedings under this Act on a complaint any order which the court is empowered to make may be made without an application or complaint being made in respect thereof, notwithstanding anything to the contrary in this or any other Act.

Power of  
court to  
make order  
without  
application  
therefor.

(2.) On any conviction under this Act the court may order such payment as it thinks fit as compensation for loss of time or expense incurred in consequence of the offence of which the defendant was committed or in connection with the proceedings to secure such conviction.

Compensa-  
tion on  
conviction.

**43.** (1.) Any order, direction, notice, or request in writing or any other document empowered, authorised or required by a provision of this Act to be served upon, or given or delivered to, any person by the Chief Inspector or any other inspector may be so given, delivered or served—

Service of  
notices, &c.

- (i.) By delivering the same to that person (or his manager, foreman, or agent) personally ;
- (ii.) By prepaid post letter containing that order direction, notice, request or other document and addressed to that person at his business or residential address, in which case it shall be deemed to be so served, given or delivered upon the receipt by that person of that letter ;
- (iii.) By prepaid registered letter containing that order, direction, notice, request or other document and addressed as aforesaid, in which case the production in evidence of the proper receipt from a post office for that letter shall, until the contrary is proved, be sufficient proof that it was so served, given or delivered upon the date when that letter would have been received by the person concerned in the ordinary course of post ; or

- (iv.) By affixing that order, direction, notice, request or other document to the door or some other conspicuous part of the place to which it relates or where any explosive or ingredient to which it relates is situated, or is stored or kept.

(2.) A person or his manager, foreman, or agent shall, if thereunto required by an inspector, acknowledge, by signing a duplicate copy thereof, an order, or a direction, notice, request, or other document under this Act requiring that owner to do or to refrain from doing any act or thing relating to any explosive or ingredient and served upon, or given or delivered to that person by that inspector.

Forgery of  
license, &c.

**44.** (1.) A person shall not—

- (i.) Forge or counterfeit any license, permit, certificate, or other authority granted under and for the purposes of this Act; or
- (ii.) Utter, or make use of any such license, permit, certificate, or other authority so forged or counterfeited; or
- (iii.) Personate any person named in any license, permit, certificate, or other authority granted under and for the purposes of this Act; or
- (iv.) Falsely pretend to be an inspector; or
- (v.) Connive at any such forging, counterfeiting, uttering, making use, personating or pretending as aforesaid.

(2.) Any person guilty of an offence against this section shall be liable to a penalty of not more than one hundred and fifty pounds or to imprisonment with or without hard labour for any period not exceeding six months.

Return of  
licenses, &c.,  
suspended or  
revoked.

**45.** When under this Act a license, permit, or other authority is suspended or revoked, then the person to whom that license, permit, or other authority was granted shall, if requested by any inspector, deliver forthwith to that inspector that suspended or revoked license, permit, or other authority.

If default in delivering any such license, permit, or other authority is continued by any person who has been convicted of the offence of failing to deliver

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GENERAL.

that license, permit, or other authority, then that person shall be deemed to commit a continuing offence and shall be liable to a penalty of not more than five pounds for each and every day during which that offence is continued :

Provided that the continuing offence in respect of such non-delivery shall not be deemed to commence until the expiration of fourteen days from the date of conviction as aforementioned.

46. No matter or thing done by the Minister or by any person acting with or under the authority of the Minister, or done by any inspector or member of the Police Force in good faith for the purpose of executing this Act or in the execution of his powers and duties under this Act, shall subject the Crown, or the Minister, or the person acting with or under the authority of the Minister, or subject the inspector or member of the Police Force, to any liability in respect thereof. Protection of Minister, &c.

47. Where in any prosecution under this Act an offence is proved in regard to any sample or portion of explosives or ingredients such offence shall be deemed to have been proved with regard to the whole of the explosives or ingredients from which the sample or portion was taken. Proof of offence.

48. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act. Regulations.

Without limiting the generality of the foregoing provisions of this section, the regulations may provide for all or any of the following matters, either generally or to meet a particular case, that is to say :—

- (i.) Declaring (subject to such exceptions, limitations or restrictions as may be specified in the regulations) that any substance (including any ingredient used or capable of being used in the manufacture of any explosive) which appears to be specially dangerous to life or property by reason of its explosive properties, or of any process in the manufacture thereof Explosives.

- being liable to explosion, or of any conditions in the use, carriage, storage, or handling thereof being liable to cause an explosion, shall be and be deemed to be an explosive under and for the purposes of this Act ;
- Importation. (ii.) Regulating and controlling the importation and exportation of explosives ;
- Prohibited explosives. (iii.) Prohibiting or restricting the importation, bringing into, manufacture, storage, keeping, carrying, sale, or use of explosives which in the opinion of the Governor in Council are dangerous to the public safety ; condemning all such explosives and providing for the destruction or other disposal thereof ;
- Licenses. (iv.) Providing for the grant, renewal, transfer, surrender, cancellation, or suspension of licenses, certificates, and permits either generally or of any particular class under this Act ; prescribing the period for which such licenses, certificates, and permits may be granted and the effect (if any) of change of owners or occupiers of any place the subject of any license, certificate, or permit ; prescribing terms and conditions upon and subject to which such licenses, certificates, and permits may be issued, renewed, transferred, surrendered, cancelled, or suspended ; prescribing fees for such licenses, certificates, and permits and the renewals, transfers, or duplicate copies thereof and the effect of such duplicate copies ;
- Factories and magazines. (v.) Regulating and controlling the manufacture (including any process in the manufacture) of explosives and the management and use of factories and Government magazines and licensed magazines and the place wherein any licensed magazine is situated ; prescribing, regulating, and controlling the mode of construction and what fittings, appliances, and equipment shall be kept or used in any such factory, magazine, or place (including the attaching of lightning conductors thereto) and providing for the maintenance of the same ; regulating and

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GENERAL.

controlling the use or retention in any factory, Government magazine, or licensed magazine of any article liable to spontaneous ignition, the cleaning of any such factory or magazine, the quantity of any explosive or ingredient used or capable of being used in any explosive that may be allowed in any such factory or magazine or any part thereof at any one time, and generally any matter which public safety or convenience may require ;

- (vi.) Prescribing rules for the employment and conduct of workmen and others employed or entering in factories or Government magazines or licensed magazines and for securing the safety of such employees and the public ; Rules for safety.
- (vii.) Providing for, regulating, and controlling the powers and duties of inspectors and members of the Police Force under this Act ; providing for the inspection of licenses, certificates, and permits and the inspection and examination of all places licensed under this Act, or where any explosive is conveyed or stored or kept or manufactured ; providing for the inspection and examination of explosives (including the testing thereof) wheresoever found, and prescribing fees for so doing ; providing as to the manner of giving directions or orders and making requests under this Act ; Inspection.
- (viii.) Prescribing the terms and conditions on which explosives may be deposited, stored, or kept in or removed from Government magazines or magazines licensed under this Act ; prescribing the fees or rents to be charged for storing or keeping explosives in licensed magazines ; prohibiting trespass on factories and Government magazines and licensed magazines ; Storage of explosives.
- (ix.) Regulating and controlling the manner in which explosives which are dangerous to the public safety or to property shall be dealt with ; Dangerous explosives.

- Carriage. (x.) Regulating and controlling the carriage of explosives ;
- Sale. (xi.) Regulating and controlling the sale of explosives, including but without limiting the generality thereof, requiring and prescribing records to be kept by sellers of explosives, ensuring that such records shall be correctly kept, requiring and prescribing delivery notes or receipts to be given upon the delivery of explosives, and prohibiting and restricting the sale of explosives as prescribed ;
- Use. (xii.) Regulating and controlling the use of explosives, including, but without limiting the generality thereof, specifying the persons who may use explosives and prohibiting the use of explosives by any persons not so specified except under and in accordance with a permit, if so prescribed, under this Act ;
- Packing and packages. (xiii.) Regulating and controlling the construction of packages for explosives, the manner of packing explosives, the labelling and marking of packages, and the weights to be contained in such packages ;
- Accidents. (xiv.) Requiring notice to be given of accidents by explosion or fire at factories and Government magazines and licensed magazines and during the storage, keeping, carriage, or use of explosives ; making provision for holding inquiries into such accidents ; providing for, regulating, and controlling the reconstruction of factories or magazines destroyed by such accidents ;
- Penalty. (xv.) Imposing penalties for the breach of any regulation not exceeding one hundred pounds for any one offence ;
- Forms. (xvi.) Forms under this Act and the respective purposes for which such forms shall be used ; the form of any record required by this Act to be kept ;
- Definitions. (xvii.) The definition of safety cartridges, safety fuses, and any other explosive and the definition of such terms as may be necessary for all or any of the purposes of this Act ;

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GENERAL.

(xviii.) All matters required or permitted by this Act to be prescribed ; Prescribed matters.

(xix.) Such other purposes as he deems expedient in the interests of the public safety or the safety of any person, and for the protection of property from damage by or resulting from explosion. General.

(2.) Where, in the opinion of the Governor in Council, the use of any substance for or in relation to or in connection with any purpose is capable of being especially dangerous to life or property by reason of the explosive properties of that substance, the Governor in Council may, by regulations made in pursuance of the powers conferred upon him by this section, declare that, in respect of its use for or in relation to or in connection with the purpose in question, that substance shall be and be deemed to be an explosive under and for the purposes of this Act, and regulate and control the use thereof for or in relation to or in connection with the purpose in question.

(3.) The power to regulate, or to control, or to regulate and control any act, matter, or thing by regulations under this Act shall include power to make regulations under this section prohibiting that act, matter, or thing either generally or to meet particular cases.

(4.) The power to make regulations under this Act shall include power to repeal, amend, or otherwise modify any regulation in force at the commencement of this Act and continued in force by virtue of any provision of this Act.

(5.) The power to make any regulation under this Act shall include power to make that regulation so that it may be of general application or so that it shall be limited in its application to any explosive or any ingredient used or capable of being used in the manufacture of any explosive or any explosives included in any prescribed class of explosives or any ingredients included in any prescribed class of ingredients, or to any part of any prescribed locality or place, or to any prescribed class or description of vehicles or vessels, or according to time, purposes, or circumstances, or otherwise as is prescribed.



(6.) Regulations may be made at any time after the passing of this Act.

Further powers with respect to Orders in Council and regulations.

49. (1.) When under this Act the Governor in Council has power to make any Order in Council or regulation he shall have power to make one or more Orders in Council or, as the case may be, regulations as appears to him necessary or expedient in the circumstances, and either at one and the same time or from time to time.

(2.) The Governor in Council may by any Order in Council revoke, amend, or otherwise modify any other Order in Council made, or any Order in Council continued in force under, the authority of this Act.

Orders in Council may be made under this Act at any time after the passing hereof.

(3.) No misnomer, inaccurate description or omission in or from any Order in Council or regulation shall in any wise prevent or abridge the operation of this Act with respect to the subject matter of that misnomer, inaccurate description or omission provided the same is designated so as to be understood.

Publication of Proclamations, Orders in Council, and regulations.

50. (1.) Every Proclamation, Order in Council, and regulation made under this Act shall—

- (i.) Be published in the *Gazette* ;
- (ii.) Upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
- (iii.) Take effect from the date of such publication unless, in the case of any such Order in Council or regulation, a later date is specified in that or any other Order in Council or, as the case may be, regulation for its commencement when in such event it shall take effect from that later date ; and
- (iv.) Be laid before Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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(2.) If Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after any such Proclamation, Order in Council, or regulation has been laid before Parliament disallowing such Proclamation, Order in Council, or regulation or part thereof, that Proclamation, Order in Council, or regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Proclamation or regulation.

(3.) In this section the term “sitting days” means days upon which Parliament actually sits for the despatch of business.

**FARM PRODUCE AGENTS.**

*See* AGRICULTURE.

**FRUIT CASES, SECOND-HAND.**

*See* AGRICULTURE.

**GUARDIANSHIP OF INFANTS.**

*See* CHILDREN.