

# Queensland



## Subordinate Legislation 1995 No. 328

### *Explosives Act 1952*

# EXPLOSIVES AMENDMENT REGULATION (No. 2) 1995

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### SCHEDULE 5

#### PROHIBITED AND RESTRICTED EXPLOSIVES

**Short title**

1. This regulation may be cited as the *Explosives Amendment Regulation (No. 2) 1995*.

**Regulation amended**

2. This regulation amends the *Explosives Regulation 1955*.

**Amendment of s 2 (Definitions)**

3. Section 2—

*insert—*

“**ammunition**” means a class 1, 2, 3, 4 or 5 explosive (other than when in a firework) enclosed in a case or device, or adapted or prepared to form any of the following—

- (a) a cartridge or charge for small arms, cannon, or another weapon, or for blasting;
- (b) a safety or other fuse for blasting or for shells;
- (c) a tube for firing explosives;
- (d) a percussion cap, detonator, fog signal, shell, torpedo, war rocket or a similar device.

“**chlorate mixture**” means an explosive containing a chlorate and includes a chlorate preparation consisting partly of nitro-glycerine or another liquid nitro compound.

“**detonator**” means a capsule or case of a strength and construction containing a class 5 explosive in such quantity that the explosion of 1 capsule or case will cause similar capsules or cases near it to explode.

“**firework**” includes firework composition and manufactured fireworks.

“**firework composition**” means a chemical compound or mechanically mixed preparation of an explosive or inflammable nature used for making manufactured fireworks, not included in class 1, 2, 3, 4, 5, or 6, and includes a star and a coloured fire composition.

“**fulminate**” means a chemical compound or mechanical mixture, whether

or not in class 1, 2, 3 or 4 that—

- (a) is suitable for use in a percussion cap or another appliance for causing detonation because of its great susceptibility to detonation; or
- (b) is especially dangerous because of its extreme sensitivity to explosion and great instability (its readiness to undergo decomposition).

**“gunpowder”** includes black powder and blasting powder.

**“manufactured fireworks”** means a class 1, 2, 3, 4, 5, or 6 explosive or a firework composition, enclosed in a case or device or manufactured to form any of the following, and includes a substantially constructed and hermetically closed metal case containing not more than 450 gm of coloured firework composition of such a nature as not to be liable to spontaneous ignition—

- (a) a squib, cracker, serpent, rocket (other than a war rocket), maroon, lance, wheel, chinese fire, roman candle, aluminium torch, magnesium torch, sparkler;
- (b) another article adapted for producing pyrotechnic effects or pyrotechnic or sound signal.

**“nitrate mixture”** means a preparation (other than gunpowder) formed by mechanically mixing a nitrate with any form of carbon or carbonaceous substance with no explosive properties, whether or not the preparation has sulphur added to it or another non-explosive substance is mechanically mixed with it.

**“nitro-compound”** means a chemical compound with explosive properties, or capable of combining with metals to form an explosive compound, produced by the chemical action of nitric acid (whether or not mixed with sulphuric acid), or a nitrate mixed with sulphuric acid, on a carbonaceous substance, whether or not the compound is mechanically mixed with another substance

**“percussion cap”** does not include a detonator.

**“safety fuse”** means a fuse for blasting that—

- (a) burns and does not explode; and
- (b) does not contain its own means of ignition; and

- (c) is of a strength and construction, and contains an explosive in a quantity that the burning of the fuse will not ignite other fuses in contact with it.’

### **Replacement of s 5 (Classification of explosives)**

#### **4. Section 5—**

*omit, insert—*

#### **‘Classification of explosives**

**‘5.** Unless otherwise stated, explosives are classified in schedule 4.<sup>1</sup>’

### **Insertion of new s 13A (Prohibited imports and exports)**

#### **5. After section 13—**

*insert—*

#### **‘Prohibited and restricted explosives**

**‘13A.** For section 17A of the Act, explosives in schedule 5 must not—

- (a) be brought into, or sent out of Queensland; or
- (b) be manufactured, kept, stored, carried, sold or used in Queensland.’

### **Insertion of new sch 4 and 5**

#### **6. After schedule 3—**

*insert—*

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<sup>1</sup> See section 28 (Classification of explosives) for the classification of explosives for part 5 (Carriage of explosives)

## **‘SCHEDULE 4**

### **‘CLASSIFICATION OF EXPLOSIVES**

section 5

#### **‘Classes of explosive**

**‘1.(1)** Explosives are divided into 7 classes as follows—

Class 1—gunpowder

Class 2—nitrate mixture

Class 3—nitro-compound

Class 4—chlorate mixture

Class 5—fulminate

Class 6—ammunition

Class 7—firework.

**(2)** If an explosive is in more than 1 class it is taken to be in the last class in which it is mentioned.

#### **‘Class 1 explosives**

**‘2.** Gunpowder is a class 1 explosive.

#### **‘Class 2 explosives**

**‘3.** An explosive with a nitrate mixture in it is a class 2 explosive.

#### **‘Class 3 explosives**

**‘4.(1)** An explosive with a nitro-compound in it is a class 3 explosive.

**‘(2)** There are 2 divisions of class 3 explosives.

**‘(3)** Division 1 includes any chemical compound or mechanically mixed

preparation all or part of which is nitro-glycerine or another liquid nitro-compound.

‘(4) Division 2 includes any nitro-compound that is not in division 1.

**‘Class 4 explosives**

‘5. An explosive with a chlorate mixture in it is a class 4 explosive.

**‘Class 5 explosives**

‘6.(1) An explosive with fulminate in it is a class 5 explosive.

‘(2) There are 2 divisions of class 5 explosives.

‘(3) Division 1 includes—

- (a) the compounds fulminate of silver and mercury and preparations of these substances as used in percussion caps; and
- (b) any preparation consisting of a mixture of a chlorate with—
  - (i) phosphorus or certain descriptions of phosphorus compounds, with or without the addition of carbonaceous matter; or
  - (ii) sulphur or a sulphide with or without carbonaceous matter.

‘(4) Division 2 includes substances such as the chloride and the iodide of nitrogen, fulminating gold and silver, diazobenzol and the nitrate of diazobenzol.

**‘Class 6 explosives**

‘7.(1) Ammunition is a class 6 explosive.

‘(2) There are 3 divisions of class 6 explosives.

‘(3) Division 1 includes safety cartridges, safety fuses for blasting, railway fog signals and percussion caps.

‘(4) Division 2 includes ammunition (not included in division 1) that does not contain its own means of ignition, for example, cartridges (other than safety cartridges) for small arms, cartridges and charges for cannon, shells, mines, blasting or other similar purposes, shells and torpedoes

containing an explosives, fuses (other than safety fuses) for blasting, fuses for shells, tubes for firing explosives, and war rockets.

‘(5) Division 3 includes ammunition (not included in division 1) with its own means of ignition, for example detonators, cartridges (other than safety cartridges) for small arms, fuses (other than safety fuses) for blasting, fuses for shells and tubes for firing explosives.

**‘Class 7 explosives**

‘8.(1) Fireworks are class 7 explosives.

‘(2) There are 3 divisions of class 7 explosives.

‘(3) Division 1 includes firework compositions (other than manufactured fireworks).

‘(4) Division 2 includes manufactured fireworks containing more than 40 gm of firework composition in each firework.

‘(5) Division 3 includes manufactured fireworks containing not more than 40 gm of firework composition in each firework, enclosed in a case of paper or other suitable material, and includes—

- (a) amorces or toy caps containing not more than 5 gm of explosive and not more than 0.7 gm of amorphous phosphorus in each 1 000 dots; and
- (b) throwdowns containing not more than 2.5 gm of explosive and at least 2 kg of non-explosive material in each 1 000 throwdowns; and
- (c) snaps for bon bon crackers containing not more than 2 gm of explosive in each 1 000 snaps.

**‘SCHEDULE 5****‘PROHIBITED AND RESTRICTED EXPLOSIVES**

section 13A

1. Cartridges for small arms—
  - (a) with a bullet or projectile containing an incendiary, tracer, explosive, lachrymatory or noxious composition, other than—
    - (i) cartridges for use as a flare, distress signal, pyrotechnic signal or wildlife control device; or
    - (ii) cartridges kept in small quantities with the chief inspector’s approval by a genuine collector of ammunition.
  - (b) in which the bullet or projectile is not firmly fixed; or
  - (c) from which composition may escape because of its construction; or
  - (d) with a split, cracked or defective case.
2. A firework from which firework composition may escape because of its construction.
3. Fireworks liable to explode en masse.
4. A firework, all or part of which explodes, containing aluminium or magnesium mixed with potassium chlorate or another chlorate, with or without another substance.
5. A firework (other than amorces) all or part of which contains potassium chlorate or another chlorate mixed with sulphur, a sulphide or phosphorus, with or without another substance.
6. A firework (other than a class 7, division 2 firework, amorces, throwdowns or snaps for bon bons) containing its own means of ignition.
7. A class 7, division 3 firework other than—
  - (a) amorces, indoor table bombs, toy pistol caps, straitline starting



pistol caps, sparklers, snaps for bon bon crackers and streamer cones; or

- (b) a class 7, division 3 firework to be used solely for exploding it or producing a pyrotechnic effect at a display for public entertainment under the personal supervision of a person with sufficient training or experience to use the firework.
- 8. A firework that, on ignition, may be projected through the air in an erratic or unpredictable flight.
  - 9. A firework (other than one included in items 2 to 8) the chief inspector reasonably considers is unsafe.’.
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#### ENDNOTES

- 1. Made by the Governor in Council on 30 November 1995.
- 2. Notified in the gazette on 1 December 1995.
- 3. Laid before the Legislative Assembly on . . .
- 4. The administering agency is the Department of Minerals and Energy.