

Queensland



Subordinate Legislation 1998 No. 235

Explosives Act 1952

EXPLOSIVES AMENDMENT REGULATION (No. 1) 1998

TABLE OF PROVISIONS

| Section | Page |
|--------------------------------------------------------------------------------|------|
| 1 Short title | 3 |
| 2 Regulation amended | 3 |
| 3 Amendment of s 2 (Definitions) | 3 |
| 4 Insertion of new s 5A | 3 |
| 5A Declaration of “manufactured fireworks (shop goods)”—Act, s 33 | 4 |
| 5 Amendment of s 9 (Requirement to be licensed) | 4 |
| 6 Amendment of s 53 (Modes of storage) | 4 |
| 7 Replacement of pt 7, div 1, hdg | 4 |
| 8 Replacement of s 57 (Division 1 of class 6 explosives) | 5 |
| 57 Division 1 of class 6 explosives (ammunition) | 5 |
| 9 Omission of s 58 (Licence applications) | 5 |
| 10 Amendment of s 59 (Licence to sell explosives) | 5 |
| 11 Amendment of s 60 (Public sale of explosives) | 5 |
| 12 Replacement of pt 7, div 2 | 6 |
| <i>Division 2—Sale of class 7 explosives (fireworks)</i> | |
| 62 Application of div 2 | 6 |
| 62A Sale of class 7 explosives (fireworks) | 6 |
| 13 Replacement of pt 7, div 3, hdg | 7 |
| 14 Omission of s 64 (Fireworks in public places) | 7 |

| | | |
|-----|-----------------------------------------------------------------------------------------|----|
| 15 | Omission of pt 7, div 4, hdg | 7 |
| 16 | Amendment of s 65 (Shotfirer's licences and shotfirer's (restricted) licences) | 7 |
| 17 | Insertion of new pt 7, div 4 | 8 |
| | <i>Division 4—Use of class 7 explosives (fireworks)</i> | |
| 65A | Application of div 4 | 8 |
| 65B | Use of class 7 explosives (fireworks) | 8 |
| 65C | Shotfirers' licences for class 7 explosives | 9 |
| 65D | Recording use of class 7 explosives | 9 |
| 65E | Reporting theft or shortage of class 7 explosives | 9 |
| 65F | Reporting accidents involving class 7 explosives | 10 |
| 18 | Amendment of s 66 (Permits) | 10 |
| 19 | Amendment of sch 5 (Prohibited and restricted explosives) | 10 |
| 20 | Amendment of sch 3 (Fees) | 10 |
| 21 | Insertion of new sch 6 | 11 |

SCHEDULE 6

CLASS 7 EXPLOSIVES (FIREWORKS) TO WHICH PART 7,
DIVISIONS 2 AND 4 DO NOT APPLY

Short title

1. This regulation may be cited as the *Explosives Amendment Regulation (No. 1) 1998*.

Regulation amended

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

Amendment of s 2 (Definitions)

3. Section 2—

insert—

‘**“manufactured fireworks (shop goods)”** see section 5A.

“road” see *Traffic Act 1949*, section 9.1’.

Insertion of new s 5A

4. After section 5—

insert—

¹ Section 9 provides—

‘**“road”** includes any road, street, highway, alley, avenue, lane, thoroughfare, track, carriageway, footway, or subway, whether surveyed or unsurveyed (and all bridges, viaducts, culverts, grids, approaches, crossings, and other things appurtenant thereto) open to or used by the public or to which the public have or are permitted to have access whether on payment of a fee or otherwise, and also includes—

(a) any road, street, footway, track, or highway dedicated to the public or declared or proclaimed to be a road, street, footway, track, or highway under any Act and any ferry or ford; and

(c) any place declared by regulation to be a road for the purposes of this Act.

Example of paragraph (c)—

Under a regulation, a public parking area at a specified type of shopping centre may be declared to be a road for the purpose of part 6A.’

‘Declaration of “manufactured fireworks (shop goods)”—Act, s 33

‘5A. For the Act, section 33, the following explosives are declared to be manufactured fireworks (shop goods)—

- amorces
- indoor table bombs
- model rocket motors
- snaps for bon bon crackers
- sparklers
- straitline starting pistol caps
- streamer cones
- toy pistol caps.’.

Amendment of s 9 (Requirement to be licensed)

5. Section 9(1), before ‘store’—

insert—

‘, be in possession of, ’.

Amendment of s 53 (Modes of storage)

6.(1) Section 53(1)(a), from ‘highway’ to ‘thoroughfare’—

omit, insert—

‘road, railway, waterway’.

(2) Section 53(2), ‘highway, street’—

omit, insert—

‘road’.

Replacement of pt 7, div 1, hdg

7. Part 7, division 1, heading—

omit, insert—

‘Division 1—Sale of explosives other than class 7 explosives (fireworks)’.

Replacement of s 57 (Division 1 of class 6 explosives)

8. Section 57—

omit, insert—

‘Division 1 of class 6 explosives (ammunition)

‘57. A licence is not required to sell explosives of division 1 of class 6.’.

Omission of s 58 (Licence applications)

9. Section 58—

omit.

Amendment of s 59 (Licence to sell explosives)

10.(1) Section 59(4), ‘an explosive of division 2 of class 7 fireworks or’—

omit.

(2) Section 59(4), after ‘permit’—

insert—

‘authorising the use of the explosive’.

Amendment of s 60 (Public sale of explosives)

11.(1) Section 60(1), from ‘highway’ to ‘thoroughfare’—

omit, insert—

‘road’.

(2) Section 60(3)—

omit.

Replacement of pt 7, div 2**12. Part 7, division 2—**

omit, insert—

‘Division 2—Sale of class 7 explosives (fireworks)**‘Application of div 2**

‘**62.** This division does not apply to a class 7 explosive (firework) mentioned in schedule 6.

‘Sale of class 7 explosives (fireworks)

‘**62A.(1)** A person must not sell a class 7 explosive unless the person holds a licence to sell the explosive.²

Maximum penalty—

- (a) for an individual—84 penalty units; or
- (b) in any other case—840 penalty units.

‘**(2)** The holder of a licence to sell a class 7 explosive must not sell a class 7 explosive to a person unless the person is—

- (a) an inspector; or
- (b) a holder of a shotfirer’s licence authorising the use of the explosive; or
- (c) another holder of a licence to sell the explosive.

Maximum penalty—

- (a) for an individual—84 penalty units; or
- (b) in any other case—840 penalty units.

² Section 8 of the Act provides—

‘**“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.’

‘(3) The holder of a licence to sell a class 7 explosive must not keep a class 7 explosive in a shop, on a road or in another public place.

Maximum penalty—

- (a) for an individual—40 penalty units; or
- (b) in any other case—400 penalty units.

‘(4) The holder of a licence to sell a class 7 explosive must not sell a class 7 explosive unless the explosive is contained in a package that is closed to prevent the escape of the explosive and is labelled to indicate the presence of the explosive.

Maximum penalty—

- (a) for an individual—5 penalty units; or
- (b) in any other case—50 penalty units.

Replacement of pt 7, div 3, hdg

13. Part 7, division 3, heading—

omit, insert—

‘Division 3—Use of blasting explosives’.

Omission of s 64 (Fireworks in public places)

14. Section 64—

omit.

Omission of pt 7, div 4, hdg

15. Part 7, division 4, heading—

omit.

Amendment of s 65 (Shotfirer’s licences and shotfirer’s (restricted) licences)

16.(1) Section 65, heading—

omit, insert—

‘Shotfirers’ licences and shotfirers’ (restricted) licences for blasting explosives’.

(2) Section 65(1), after ‘permit’—

insert—

‘authorising the use of the explosive’.

Insertion of new pt 7, div 4

17. After section 65—

insert—

‘Division 4—Use of class 7 explosives (fireworks)’

‘Application of div 4

‘65A. This division does not apply to a class 7 explosive (firework) mentioned in schedule 6.

‘Use of class 7 explosives (fireworks)’

‘65B.(1) A person must not use a class 7 explosive unless the person is—

- (a) an inspector; or
- (b) the holder of a shotfirer’s licence authorising the use of the explosive.

Maximum penalty—

- (a) for an individual—84 penalty units; or
- (b) in any other case—840 penalty units.

‘(2) However, another person may assist in the use of a class 7 explosive if the person is under the direct and personal supervision of a holder of a shotfirer’s licence authorising the use of the explosive.

‘Shotfirers’ licences for class 7 explosives

‘65C.(1) An applicant for a shotfirer’s licence must—

- (a) be 18 years or more; and
- (b) be physically capable of carrying out the duties of a shotfirer; and
- (c) produce evidence that the person has—
 - (i) completed a course approved by the chief inspector in relation to the use of the explosive to which the licence relates; or
 - (ii) experience satisfactory to the chief inspector in relation to the use of the explosive to which the licence relates; and
- (d) have a knowledge of—
 - (i) this Act and regulation; and
 - (ii) the requirements of AS 2187 Part 4—Outdoor Fireworks Displays.

‘(2) The chief inspector may also require an applicant for a shotfirer’s licence to attend an interview with an inspector or undergo a written or practical test conducted by an inspector or other examiner approved by the chief inspector.

‘Recording use of class 7 explosives

‘65D. The holder of a shotfirer’s licence must keep a record of their use of class 7 explosives, including the date, time, location and type of explosive used.

Maximum penalty—

- (a) for an individual—5 penalty units; or
- (b) in any other case—50 penalty units.

‘Reporting theft or shortage of class 7 explosives

‘65E.(1) The holder of a shotfirer’s licence must immediately report a theft or shortage of a class 7 explosive either in transit or at the site at which

it is intended to use the explosive to the nearest police station and to the chief inspector.

Maximum penalty—

- (a) for an individual—10 penalty units; or
- (b) in any other case—100 penalty units.

‘(2) The report must state—

- (a) full details of the circumstances of the theft or shortage; and
- (b) what action has been or is being taken to recover the explosives.

‘Reporting accidents involving class 7 explosives

‘65F. The holder of a shotfirer’s licence must immediately report an accident involving the use of a class 7 explosive to the chief inspector.

Maximum penalty—

- (a) for an individual—15 penalty units; or
- (b) in any other case—150 penalty units.’.

Amendment of s 66 (Permits)

18. Section 66(8)(b), ‘public thoroughfare’—

omit, insert—

‘road’.

Amendment of sch 5 (Prohibited and restricted explosives)

19. Schedule 5, item 7—

omit.

Amendment of sch 3 (Fees)

20.(1) Schedule 3, item 1(c)—

omit, insert—

‘(c) class 7 explosives (fireworks)—

- | | |
|-------------------------------------------------------|----------|
| (i) manufactured fireworks (shop goods) | 127.10 |
| (ii) other class 7 explosives mentioned in schedule 6 | 60.50 |
| (iii) any other explosives | 197.40’. |

(2) Schedule 3, item 6—

omit, insert—

‘6. Licence to sell (other than class 7 explosives (fireworks) mentioned in schedule 6)—

- | | |
|------------------------------------|---------|
| (a) class 7 explosives | 11.40 |
| (b) any other explosives | 48.90’. |

Insertion of new sch 6

21. After schedule 5—

insert—

‘SCHEDULE 6

‘CLASS 7 EXPLOSIVES (FIREWORKS) TO WHICH PART 7, DIVISIONS 2 AND 4 DO NOT APPLY

sections 62 and 65A

- ‘1. Distress signals.
2. Explosive release devices.
3. Explosive rivets.
4. Fuse igniters and lighters.
5. Igniter cord.
6. Line throwing rockets.

7. Manufactured fireworks (shop goods).³

8. Power device cartridges.’.

ENDNOTES

1. Made by the Governor in Council on 20 August 1998.
2. Notified in the gazette on 21 August 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Mines and Energy.

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³ See section 5A (Declaration of “manufactured fireworks (shop goods)” — Act, s 33)