

**NORTHERN TERRITORY OF AUSTRALIA**  
**DANGEROUS GOODS REGULATIONS 1985**

As in force at 3 November 2021

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 3 November 2021

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## DANGEROUS GOODS REGULATIONS 1985

### Regulations under the *Dangerous Goods Act 1998*

#### Part 1            General matters

##### Division 1       Preliminary matters

###### 1            Citation

These Regulations may be cited as the *Dangerous Goods Regulations 1985*.

###### 2            Interpretation

(1) In these Regulations:

**ADG Code**, see regulation 4 of the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Regulations 2011*.

**approved form**, for a matter, means the form approved by the Competent Authority for that matter.

**approved period** means either of the following:

- (a) a retail purchase approved period;
- (b) an approved possession period.

**approved possession period**, see regulation 140(1).

**authorised explosive**, see regulation 70(1).

**capacity**, in relation to a container, means the total volume of the space enclosed within the container.

**caravan** means a structure designed or adapted for human habitation, or for use as a shop or workshop, that is capable of being moved from one place to another whether by means of towing or transporting on a vehicle or trailer and includes a vehicle designed or adapted for use as a caravan.

**compatibility group**, for an explosive, means the compatibility group for the explosive under the ADG Code.

**combustible liquid** means a combustible liquid as defined in AS 1940 "The storage and handling of flammable and combustible liquids".

**depot** means a building, structure, room, compartment, tank, store, area or container in or on which explosives are stored, but does not include a process building.

**detonator** includes a detonating relay and an electric detonator and all adaptations of them.

**Director of the Fire and Rescue Service** means the Director as defined in section 3(1) of the *Fire and Emergency Act 1996*.

**disposable container** means packaging for Class 2 dangerous goods that is not designed to be refilled and has a capacity not exceeding 1 L.

**disqualifying offence**, see regulation 2A.

**explosives** means Class 1 dangerous goods.

**flammable liquid** means a flammable liquid as defined in AS 1940 "The storage and handling of flammable and combustible liquids".

**fuel gas** means a gas or mixture of gases that may be burned with air to produce light, heat or power and includes natural gas, L.P. gas and tempered L.P. gas.

**infringement notice**, for Part 5, see regulation 211(1).

**infringement notice offence**, for Part 5, see regulation 210(1).

**inner packaging** means packaging which is in contact with the goods placed in the packaging and which is for use inside outer packaging.

**intermediate packaging** means packaging that contains inner packages and which for the purposes of conveyance is placed in outer packaging.

**intoxicated** means under the influence of alcohol or a drug to the extent that the capacity to exercise proper care and skill is significantly impaired.



**L.P. gas** means liquefied petroleum gas that is a mixture of hydrocarbon comprised substantially of propane or butane, or both, in a liquid or gaseous state.

**magazine** means any premises, place, receptacle or ship specified in a licence as a magazine for the storage of explosives.

**natural gas** means a mixture containing hydrocarbons comprised substantially of methane obtained from bore holes or from crude oil other than by thermal or catalytic process.

**on site** means at, or adjacent to, the place of use.

**outer packaging** means packaging which contains one or more inner packages.

**owner**, in relation to a vehicle, means the person:

- (a) described in a certificate of registration issued under the *Motor Vehicles Act 1949*, or under a law of a State or Territory relating to the registration of vehicles, in that State or Territory, as the owner;
- (b) in possession of the vehicle pursuant to a valid and subsisting contract under a hire purchase agreement or the assignee of the right to possession;
- (c) in possession of the vehicle that is subject to a valid and subsisting bill of sale; or
- (d) in possession of the vehicle pursuant to a current contract for hire or lease.

**package** means packaging and its contents.

**packaging** means any device that is designed to contain goods, but does not include the following as defined in the *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Regulations 2011*:

- (a) a tank;
- (b) a tank vehicle that is a road vehicle;
- (c) a demountable tank;
- (d) a freight container.

**prescribed amount**, for Part 5, see regulation 210(2).

**process building** means a building in or on licensed premises in which explosives (other than those for immediate use) are manufactured or are used in any process of manufacture, but does not include a building which under the terms of the licence or of an order in writing by the Competent Authority, is not to be regarded as a process building.

**protected place** means a:

- (a) public place;
- (b) railway or aerodrome;
- (c) waterway used for navigation;
- (d) dock, wharf, pier, jetty, reservoir, river, wall, sea wall or bridge;
- (e) water main or water supply channel, other than an underground main or channel;
- (f) main electrical substation;
- (g) electrical power transmission line having a line voltage of 1 kV or more; or
- (h) radio or television transmitter used in community broadcasting or television services.

**protected work** means a:

- (a) residential building;
- (b) government or public building, church, chapel, college, school or hospital, or any other premises where the public are accustomed to assemble;
- (c) shop, factory, warehouse, store or other premises, or a yard in which persons are employed or engaged in a trade, business or profession; or
- (d) a depot or process building situated in or on licensed premises.

**public place** means a place other than buildings to which the public has its own right to resort whether or not on payment of money or other consideration and includes a public highway or street.

**retail purchase approved period**, see regulation 139.

**shopgoods fireworks**, see regulation 70(1).

**tempered L.P. gas** means gas manufactured by mixing liquefied petroleum gas with air.

**town** has the same meaning as in the *Crown Lands Act 1992*.

- (2) A reference in these Regulations to the abbreviation "AS" followed by a group of numerals or letters, or numerals and letters, is a reference to the Australian Standard, indicated by that group, published by Standards Australia.
- (3) Where a standard, rule, code or specification adopted by these Regulations, whether in whole or in part, refers to another document, that document shall be deemed to be incorporated with, and form part of, the standard, rule, code or specification.
- (4) A reference in these Regulations to a standard, rule, code or specification includes a reference to the edition of, and to the amendments to, the standard, rule, code or specification specified in Schedule 1.
- (5) Unless the contrary intention appears, a standard, rule, code or specification referred to in these Regulations shall be read as though:
  - (a) **should** means must;
  - (b) a reference to the **statutory authority** or similar body is a reference to the Competent Authority; and
  - (c) a recommendation is a requirement.
- (6) Where a standard, rule, code or specification adopted by these Regulations is inconsistent with these Regulations, the latter shall prevail and the former shall, to the extent of the inconsistency, be invalid.
- (7) Where there is a discrepancy, conflict or inconsistency between one or more standards, rules, codes or specifications adopted by these Regulations, the Competent Authority shall determine by notice in writing which standard, rule, code or specification shall prevail and the standard, rule, code or specification so determined shall be complied with.
- (8) Unless the contrary intention appears, a reference in these Regulations to:
  - (a) a licence is a reference to a licence that is in force;
  - (b) licensed premises is a reference to premises in relation to which a licence is issued;

- (d) the kind or quantity of explosives which premises are licensed to contain is a reference to the kind and maximum quantity of explosives that may lawfully be stored in the premises.
- (9) For the purposes of these Regulations, unless the contrary intention appears:
- (a) a substance or article is **away** from another substance or article if:
    - (i) the substance or article is so situated in relation to the other that, in such circumstances as can reasonably be foreseen, one cannot come into contact with the other; and
    - (ii) there is between them:
      - (A) a distance of not less than 5 m; or
      - (B) a wall impervious to liquid, being a brick wall or equivalent, at least as high as the higher of the substances or articles;
  - (b) a substance or article is **separated** from another substance or article if the substances or articles are sufficiently distant one from the other that they will not react chemically with each other and, in any case, not less than one metre apart;
  - (d) a substance or article is **in immediate use** if it is:
    - (i) in actual use in a process of manufacture, mixing, blending, degreasing, cleaning, painting or testing;
    - (ii) being placed in vats, mixers or other containers in the course of any such process;
    - (iii) being conveyed within a depot or a process building; or
    - (iv) not stored in or on premises for more than 12 hours continuously,and a substance or article, other than an explosive, is manufactured for immediate use if it is manufactured with the intention that, immediately after it is manufactured, it will be **in immediate use**; and

- (e) an explosive is ***manufactured for immediate use*** if, after its manufacture, it is:
  - (i) stored in or on the premises where it was manufactured for less than 12 hours continuously before it is placed in its position of final use; and
  - (ii) used as soon as practicable after being placed in its position of final use.
- (10) A reference in these Regulations to a ***Class*** of dangerous goods is a reference the UN Class of those goods ascertained in accordance with the ADG Code.
- (14) A reference in these Regulations to a prescribed fee is a reference to the fee specified in column 2 of Schedule 2 in respect of the regulation specified in column 1 of that Schedule.

## **2A        Disqualifying offences**

Each of the following is a ***disqualifying offence***:

- (a) an offence against:
  - (i) the Act or these Regulations; or
  - (ii) a law of the Commonwealth, a State or another Territory that substantially corresponds to the Act or these Regulations;
- (b) an offence, whether or not committed in the Territory:
  - (i) involving violence or a threat of violence; or
  - (ii) concerning the manufacture, supply, use or misuse of a dangerous drug as defined in section 3(1) of the *Misuse of Drugs Act 1990*; or
  - (iii) involving the use, carriage or discharge of explosives (other than shopgoods fireworks); or
  - (iv) involving firearms or offensive weapons;
- (c) an offence against a provision of Part VI, VII or VIII of the Criminal Code or against a law of the Commonwealth, a State or another Territory that substantially corresponds to a provision of those Parts;

- (d) an offence against a provision of the *Domestic and Family Violence Act 2007* or against a law of the Commonwealth, a State or another Territory that substantially corresponds to a provision of that Act, including for a breach of an order under that Act or law;
- (e) an offence against a provision of the *Firearms Act 1997*, the *Weapons Control Act 2001* or against a law of the Commonwealth, a State or another Territory that substantially corresponds to either of those Acts;
- (f) an offence, of which a person was found guilty in the previous 12 months, whether or not committed in the Territory, in relation to which it was open to the court to impose a term of imprisonment of more than 2 years.

## **Division 2            Licences**

### **Subdivision 1    Requirement for licences**

#### **3            Manufacture of explosives**

- (1) A person must not manufacture explosives except under and in accordance with the terms and conditions of a licence.

Maximum penalty:       40 penalty units.

- (2) This regulation does not apply in relation to the filling of safety cartridges in the manner prescribed in regulation 81.

#### **4            Storage of explosives**

- (1) A person must not store explosives on premises except under and in accordance with the terms and conditions of a licence.

Maximum penalty:       40 penalty units.

- (2) A person licensed to manufacture explosives on premises may store on the premises the goods manufactured under the licence.
- (3) Subregulation (1) does not apply if:
  - (a) the explosives are shopgoods fireworks; or
  - (b) the person is exempt under regulation 91.

**5            Storage of shopgoods fireworks**

A person must not store shopgoods fireworks on premises except under and in accordance with the terms and conditions of a licence.

Maximum penalty:       40 penalty units.

**5B          Sale of explosives**

- (1) A person must not sell explosives (other than safety cartridges, distress signals or propellant for firearms) except under and in accordance with the terms and conditions of a licence.

Maximum penalty:       40 penalty units.

- (2) A person must not sell explosives in a public place within the meaning of the *Summary Offences Act 1923*.

Maximum penalty:       40 penalty units.

- (3) Subregulation (1) does not apply if the person is exempt under regulation 127 or 130.

**5C          Import or export of explosives**

A person must not import or export explosives prescribed in regulation 84 into or out of the Territory unless he or she has given the Competent Authority the approved notice of his or her intention to import or export the explosives and has received the approval of the Competent Authority to import or export the explosives.

Maximum penalty:       40 penalty units.

**5D          Possession of explosives**

- (1) A person must not have any explosives (other than safety cartridges, distress signals or propellant for firearms) in his or her possession except under and in accordance with the terms and conditions of a licence.

Maximum penalty:       40 penalty units.

- (2) A person who possesses shopgoods fireworks that are not intended for sale is exempt from subregulation (1) during an approved period.

**5E            Authorised explosives**

- (1) The Competent Authority may, by notice in the *Gazette*, authorise the handling of the explosives or class of explosives specified in the notice in the circumstances and subject to the conditions that are specified in the notice.
- (2) The Competent Authority may, by instrument, authorise a person to handle a specified explosive subject to the conditions specified in the instrument.
- (3) A person must not handle explosives specified under subregulation (1) or (2) except in the circumstances and subject to the conditions specified in the notice or instrument, as the case may be.

Maximum penalty:       40 penalty units.

- (4) A person must not handle an explosive unless authorised to do so.

Maximum penalty:       40 penalty units.

**Subdivision 2   Applications etc.**

**5F            Applications**

- (1) A person may apply to the Competent Authority for a licence.
- (2) An application under subregulation (1) must:
  - (a) be made in the approved form; and
  - (b) be accompanied by:
    - (i) any information required by the approved form; and
    - (ii) the prescribed fee.

**5G            False or misleading applications**

A person must not make a statement in an application under regulation 5F that is false or misleading in a material particular.

Maximum penalty:       17 penalty units.



## **5H            Determination of application**

- (1) Subject to these Regulations, the Competent Authority must consider an application made under regulation 5F and may determine it by:
  - (a) granting the licence conditionally or unconditionally; or
  - (b) refusing to grant the licence.
- (2) If the Competent Authority grants a licence subject to conditions, the conditions must be as prescribed in regulation 7 or 8 or as the Competent Authority considers necessary in a particular case.
- (3) A licence must not be granted to a person who is under 18 years of age.
- (4) A licence under this Division to sell shopgoods fireworks, other than by retail to the public during a retail purchase approved period, must not be granted unless the Competent Authority receives a certificate from the Commissioner of Police stating that, in the Commissioner's opinion, the relevant person in relation to the application is an appropriate person to whom the licence may be granted.
- (5) In forming the opinion about the relevant person, the Commissioner must have regard to the following matters:
  - (a) whether a criminal history check discloses that the relevant person has been found guilty of a disqualifying offence;
  - (b) any other material available to the Commissioner (for example, criminal intelligence about a person associated with the relevant person or the fact the relevant person is on bail in relation to pending charges) that the Commissioner considers appropriate.
- (5A) The Commissioner must, within 28 days after receiving a request for a certificate, issue, or refuse to issue, the certificate.
- (6) The certificate must be dated not more than 4 months earlier than the date the application is received by the Competent Authority.
- (7) In this regulation:

***relevant person***, in relation to an application, means:

  - (a) the individual who is applying for the licence; or

- (b) if the applicant is a body corporate – the individual who is the manager of the business to which the licence would relate if granted.

## **5J            Form of licence**

A licence must be in accordance with the approved form and must specify the premises, ship or aircraft in relation to which it is issued.

## **5K            Variation etc. of conditions of licence**

- (1) The Competent Authority may serve on a licensee notice that a condition of his or her licence is varied or revoked or that a new condition has been added to his or her licence.
- (2) The variation, revocation or addition of a condition takes effect on service of the notice under subregulation (1).
- (3) The licensee must, within 21 days of receiving a notice under subregulation (1), produce his or her licence to the Competent Authority for the variation, revocation or addition of the condition to be endorsed on it.
- (4) A licensee may apply to the Competent Authority for a condition of his or her licence to be varied or revoked or for a new condition to be added to his or her licence.
- (5) An application under subregulation (4) must:
  - (a) be in writing; and
  - (b) specify details of the condition in respect of which the variation or revocation is applied for or the condition that is to be added to the licence, as the case may be; and
  - (c) be accompanied by the licence to which the application relates and the prescribed fee.
- (6) The Competent Authority, after receiving an application under subregulation (4), may vary, revoke or add the condition as specified in the application and must endorse the licence accordingly.

## **5L            Cancellation or suspension of licence**

- (1) The Competent Authority may, by instrument served on a licensee:
  - (a) cancel; or
  - (b) suspend for a period specified in the instrument,

a licence if:

- (c) the licensee has been found guilty of:
    - (i) an offence against the Act or these Regulations; or
    - (ii) an offence against a law of another jurisdiction that substantially corresponds with the Act or these Regulations; or
  - (d) the licensee has contravened or failed to comply with:
    - (i) a condition of the licence; or
    - (ii) the written directions of an officer; or
  - (e) the Competent Authority is of the opinion that, in the interests of any person, the licence should be cancelled or suspended.
- (2) If a licence is cancelled under subregulation (1), the licensee must return the licence to the Competent Authority within 14 days of being notified that the licence has been cancelled.

Maximum penalty:        17 penalty units.

## **5M        Appeals**

- (1) A person who is dissatisfied with:
- (a) a decision of the Competent Authority under this Subdivision; or
  - (b) a decision by the Commissioner of Police not to provide a certificate that an applicant is an appropriate person to whom a licence may be granted;
- may appeal to the Local Court against the decision.
- (2) An appeal under subregulation (1) must:
- (a) be made within 28 days after the date on which the person received notice of the decision; and
  - (b) be in writing setting out the grounds on which the person makes the appeal.
- (3) A copy of the application must be served on the Competent Authority and, if subregulation (1)(b) applies, the Commissioner of Police.

- (4) The Local Court must conduct a hearing, in the manner it thinks fit, into the reasons for the Competent Authority (or the Commissioner of Police, as the case may be) having made the decision appealed against.
- (5) The Local Court hearing an appeal has all the powers, duties and functions of the Competent Authority (or the Commissioner of Police, as the case may be) in relation to the matter to which the appeal relates.
- (6) The Local Court must determine the appeal by:
  - (a) confirming the decision of the Competent Authority (or the Commissioner of Police, as the case may be); or
  - (b) varying the decision of the Competent Authority (or the Commissioner of Police, as the case may be) in any manner as it thinks fit; or
  - (c) substituting the Local Court's own decision for the decision of the Competent Authority (or the Commissioner of Police, as the case may be); or
  - (d) disallowing the decision of the Competent Authority (or the Commissioner of Police, as the case may be).
- (7) A determination under subregulation (6) takes effect:
  - (a) on the date specified in the determination; or
  - (b) if no date is specified – on the date of the determination.
- (8) If the appeal is against a decision by the Commissioner of Police not to provide a certificate that an applicant is an appropriate person to whom a licence may be granted, the Local Court must take steps to maintain the confidentiality of classified information provided to it by the Commissioner, including steps to receive evidence and hear argument about the information in the absence of the parties to the proceedings, their representatives and the public, if the Court considers the classified information is criminal intelligence.
- (9) If the Local Court considers classified information is not criminal intelligence, the Court must allow the Commissioner of Police to withdraw the classified information from consideration.

(10) A person (other than the Commissioner of Police or a person authorised by the Commissioner) must not disclose to any person:

- (a) information the Local Court considers is criminal intelligence; or
- (b) classified information that is withdrawn under subregulation (9).

Maximum penalty:     40 penalty units.

(11) In this regulation:

***classified information*** means information the Commissioner of Police classifies as criminal intelligence.

***criminal intelligence*** means:

- (a) information relating to actual or suspected criminal activity (whether in the Territory or elsewhere) the disclosure of which could reasonably be expected to:
  - (i) prejudice a criminal investigation; or
  - (ii) enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement; or
  - (iii) endanger a person's life or physical safety; or
- (b) information the disclosure of which could reasonably be expected to reveal, and prejudice the effectiveness of, any of the following:
  - (i) police information-gathering or surveillance methods;
  - (ii) police procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law.

## **5N        Replacement licence**

- (1) If a licence is lost, defaced or destroyed, the licensee may apply to the Competent Authority for a replacement licence.
- (2) An application under subregulation (1) must be in the approved form and accompanied by:
  - (a) a statutory declaration by the licensee setting out details of the loss, defacing or destruction; and

- (b) the prescribed fee.
- (3) A replacement licence must be in the same terms and subject to the same conditions as the original licence.

## **7            General conditions**

A licence:

- (a) is not transferable;
- (b) is valid only in respect of:
  - (i) the premises or vehicle in relation to which it is issued;
  - (ii) the activity, nature, type and quantity of explosives specified in it; and
  - (iii) the person named in it or, where specified in the licence, the employee, agent or person under the direct supervision of the licensee; and
- (c) commences on the date of grant and remains in force until the expiry date specified in the licence unless sooner cancelled or suspended in accordance with these Regulations.

## **Division 3            General Precautions**

### **13            General precautions to be observed**

Except in accordance with the Act or these Regulations, a person shall not, in respect of explosives, do any act that may cause fire, explosion, spillage or the escape of explosives, or do any act that is not reasonably necessary for the purposes of, or incidental to, the handling of the explosives.

### **14            Placing of notices by officer**

- (1) Where, under section 18(1)(k) or (3)(e) of the Act an officer has given a direction or, under section 21, takes an action authorised by that section, he or she may, for the purposes of that direction or action, place a notice on the explosives or on or in any premises, vehicle, equipment or container used in the handling of the explosives, to which the direction or action relates.
- (2) A notice under subregulation (1) may specify actions that are prohibited or measures to be taken in handling the explosives to which the notice relates.

- (3) An action that is prohibited by a notice under this regulation remains prohibited until such time as the notice is removed.
- (4) A person, other than an officer or a person authorized by an officer, shall not remove a notice placed in accordance with subregulation (1) on explosives or on or in any premises, vehicle, equipment or container used in the handling of explosives.

**15            Explosives in unsafe condition not to be handled**

A person shall not:

- (a) manufacture explosives that are unsafe; or
- (b) import into the Territory, sell, or handle explosives that are not in good condition or are unsafe.

**16            Equipment for use with explosives**

A person shall not sell or supply equipment for use with explosives that:

- (a) is unsafe for use with those explosives; and
- (b) where these Regulations prescribe requirements in relation to the equipment when so used, does not conform to those requirements.

**17            Restriction on age of employees, &c.**

A person who has not attained the age of 16 years shall not be employed or permitted to sell or handle explosives.

**23            Interference with signs and labels**

Except in accordance with the Act or these Regulations a person shall not pull down, erase, mutilate or otherwise interfere with any notice, sign, label or marking erected, affixed or made in pursuance of these Regulations.

**24            Notification of theft, &c., of explosives**

A person shall immediately notify an officer or a member of the Police Force upon becoming aware of the theft, loss of, or unauthorized interference with, explosives.

## **Division 4            Dangerous occurrence**

### **27            Competent Authority or officer may inquire and report**

- (1) The Competent Authority or an officer nominated by the Competent Authority, may inquire as he considers necessary into the circumstances of a dangerous occurrence with a view to establishing its cause and shall make a written report of his findings which, in the case of an officer other than the Competent Authority, shall be given to the Competent Authority.
- (2) In discharging his duty under subregulation (1), the Competent Authority or an officer may require a person to inform him of what that person knows concerning a dangerous occurrence and the person shall comply with that requirement.



## Part 2                      Class 1 dangerous goods (explosives)

### Division 1                Preliminary matters

#### 70                      Interpretation

(1) In this Part, unless the contrary intention appears:

***ammonium nitrate explosive mixture*** means a substance consisting of a mixture of ammonium nitrate with some other substance (other than an explosive) and which is impregnated with mineral oil or some other carbonaceous substance.

***authorised explosive*** means an explosive the handling of which is authorised under regulation 5E.

***blasting explosive*** means an explosive that is adapted and intended for blasting, and includes a detonator.

***charge*** means explosives that are placed in a drill hole or other place of use or the act of placing explosives in a drill hole or other place of use.

***containing its own means of ignition*** means having a device, whether attached to an explosive or forming part of it, that is adapted to explode or fire such explosive by heat, friction or percussion.

***distress signals*** means signalling and similar devices being Class 1.2G, 1.3G or 1.4G explosives required, intended or adapted for equipping a ship, vehicle or aircraft for emergency use and includes highway flares, marine distress flares, line-carrying rockets, anti-hail rockets, signal rockets, smoke generators and landing flares.

***drill hole*** means a hole made for the purpose of placing explosives in position for use.

***firearm*** has the same meaning as in the *Firearms Act 1997*.

***misfire*** means a charge or part of a charge that, upon firing or attempted firing, fails to explode or function.

***nitro-compound explosives*** means all compounds or mixtures containing nitro-glycerine or nitro-glycol or nitro-glycerine and nitro-glycol that are used for blasting.

***permit to conduct a fireworks display*** means a permit to conduct a fireworks display granted under regulation 141.

***permit to handle explosives for special effects*** means a permit to handle explosives for special effects granted under regulation 143.

***propellant for firearms*** means propellant explosives adapted or intended for exclusive use as a propelling charge in safety cartridges.

***safety cartridges*** means cartridges of Class 1.4S explosives for use in firearms.

***shopgoods fireworks*** means fireworks that are Classes 1.4G and 1.4S explosives containing not more than 40 g of explosive or firework composition.

***shotfirer*** means a person who is the holder of a shotfirer's certificate granted under regulation 133.

- (2) Unless the contrary intention appears, where in this Part there is a requirement to use letters, the lettering shall conform to Type B of AS 1744 "Forms of letters and numerals for road signs" and shall be used on a contrasting background.

## **72                      Application**

This Part shall not apply to the handling or sale of:

- (a) amorces containing not more than 7.5 g of explosive for every 1,000 dots of explosive;
- (b) snaps for bonbons containing not more than 2 g of explosives for every 1,000 bonbons;
- (c) streamer cones or confetti bombs each containing not more than 30 mg of explosives;
- (d) sparklers;
- (e) model rocket propellant devices each containing not more than 20 g of explosives; and
- (f) other approved devices containing small amounts of explosives.

## **Division 2                      Manufacture of explosives**

### **73                      Manufacture of explosives subject to conditions of licence**

- (1) Subject to these Regulations, the manufacture of explosives shall be in accordance with and subject to the conditions of a licence.

- (2) For the purpose of subregulation (1), a licence includes a shotfirer's certificate which authorizes the holder to manufacture ammonium nitrate explosive mixture for immediate use.

#### **74                      Records of manufacture**

- (1) In addition to any other requirement contained in these Regulations, the holder of a licence authorizing the manufacture of explosives shall keep and maintain at the premises referred to in his licence a record in an approved form containing particulars of:
- (a) the quantities of explosives manufactured and the date of manufacture;
  - (b) the quantity of explosives sold or used and the date of sale or use;
  - (c) the place where explosives are used and the purpose for which used; and
  - (d) the signature of the purchaser or user.
- (2) The record referred to in subregulation (1) shall be retained for 2 years after the date on which the entry is made.

### **Division 3                      Manufacture of ammonium nitrate explosive mixture**

#### **75                      Quantity of ammonium nitrate explosive mixture manufactured**

- (1) Where ammonium nitrate explosive mixture is manufactured on site, the quantity manufactured and the quantities of ammonium nitrate and any other ingredient for use in the manufacture shall be not greater than that required for immediate use.
- (2) Where by reason of unusual circumstances it is not possible to immediately use the quantity of ammonium nitrate explosive mixture referred to in subregulation (1), the mixture shall be stored in a magazine.

#### **76                      Containers for ammonium nitrate explosive mixture**

A person shall not store or convey ammonium nitrate explosive mixture unless the mixture is stored or conveyed in closed leak-proof containers constructed of plastic, black-iron, black steel or other approved material and the containers are marked in accordance with regulation 89.

**77            Conditions of manufacture of ammonium nitrate explosive mixture**

Ammonium nitrate explosive mixture shall not be manufactured unless:

- (a) at the place of manufacture, in a prominent place, a notice is displayed bearing:
  - (i) the words "DANGER – EXPLOSIVES – NO SMOKING – KEEP FIRE AWAY" in red capital letters not less than 150 mm in height on a white background; and
  - (ii) the class label for Class 1.1D explosives as specified in the ADG Code;
- (b) the design and construction of a mechanical mixer, injector or other device used in the manufacture is approved;
- (c) any mechanical mixer, injector or other device used in the manufacture is effectively bonded to provide a continuous electrical path to earth;
- (d) a building in which the manufacture is carried out:
  - (i) is open on not less than one side;
  - (ii) has a floor of concrete or other approved material;
  - (iii) is constructed with the least practicable quantity of timber or other combustible material; and
  - (iv) is equipped with not less than one fire hose reel or portable fire extinguisher of a water type with a rating not less than 2A and not less than one portable fire extinguisher of a dry chemical, vaporizing liquid or foam type, with a rating not less than 40B and in addition, where the quantity of ammonium nitrate explosive mixture at any one time is more than one tonne, not less than 2 fire hydrants installed at locations determined by the Director of the Fire and Rescue Service;
- (e) a vehicle in which the ammonium nitrate explosive mixture is manufactured conforms to the requirements specified in regulation 80 or is otherwise approved in accordance with that regulation; and

- (f) the manufacture complies with section 4 of Part 2 of AS 2187 "Explosives – Storage, transport and use", where the manufacture includes the use of ammonium nitrate and a fuel oil mixture, with or without any other approved substance.

**78                      Spillage of ammonium nitrate or ammonium nitrate explosive mixture**

A person who spills any ammonium nitrate or ammonium nitrate explosive mixture shall immediately dispose of the spillage in such a manner as to minimize the risk of fire.

**79                      Separation distances**

- (1) A building or place used for the manufacture of ammonium nitrate explosive mixture shall, unless otherwise approved, be separated from an exposure referred to in column 1 of Table 2 by the distance specified in column 2 of that table.

TABLE 2

Separation Distances from Buildings and Places used for the Manufacture of Ammonium Nitrate Explosive Mixture

Column 1	Column 2
Exposure	Separation distance in metres
Protected works, other than the store for the ammonium nitrate used in the manufacture	180
Protected place	45
Naked flame or other source of ignition	10
Combustible material, other than that required for the manufacture of the ammonium nitrate explosive mixture	15
Combustible liquids in quantities greater than 250 L	45

- (2) A person who manufactures ammonium nitrate explosive mixture for immediate use shall ensure that all detonators, priming charges and detonating cords are stored in strong, secure receptacles not less than 10 m from the mixture until such time as they are to be used with the mixture.

**80            Manufacture of ammonium nitrate explosive mixture in vehicles**

- (1) Subject to subregulation (2), ammonium nitrate explosive mixture shall not be manufactured in a vehicle unless:
- (a) the vehicle is powered by a compression ignition engine, utilizing fuel having a flash point not less than 61°C;
  - (b) the exhaust system of the vehicle:
    - (i) discharges away from any tanks or accessories at a level not lower than the top of the highest part of the vehicle; and
    - (ii) is separated from the vehicle along its vertical length by a shield not less than 100 mm larger in diameter than the exhaust pipe, which shield has the front side left open or perforated to the extent of not less than 60% for one-third of its circumference;
  - (c) where the engine or exhaust system other than the vertical section, extends beyond, or is exposed at the rear of the cabin, the engine and exhaust is shielded from overhead spillage by a metal shield which provides not less than 500 mm separation distance between the shield and any hot portion of the engine or exhaust system, and a separation distance of not less than 75 mm between the shield and any portion of the vehicle used for carrying ingredients for use in the manufacture of the ammonium nitrate explosive mixture;
  - (d) all electrical equipment is located to the rear of the cabin of the vehicle in accordance with Part 1 of AS 1076 "Code of practice for selection, installation and maintenance of electrical apparatus and associated equipment for use in explosive atmospheres (other than mining applications)".
  - (e) the injector or other device for loading, fitted to the vehicle, is electrically continuous with the vehicle and has a resistance of not more than 2 ohm for its total length;
  - (f) all wiring outside and to the rear of the cabin of the vehicle is enclosed in conduit and each circuit is protected by a fuse or manual reset circuit breaker which shall be not more than the rated current carrying capacity of the conductor; and

- (g) any battery in the vehicle is firmly secured to prevent movement in the event of the overturn of the vehicle and is fitted with an insulated cover and a cut-off switch which is located in a position that is easily accessible and clearly labelled.
- (2) Notwithstanding subregulation (1), the Competent Authority may approve the manufacture of ammonium nitrate explosive mixture in a vehicle which does not comply with the requirements of subregulation (1).
- (3) A vehicle used for the manufacture of ammonium nitrate explosive mixture shall not be used for the storage or conveyance of detonators or other explosives.

## **Division 4                      Filling of safety cartridges for firearms**

### **81                      Filling of safety cartridges in premises**

- (1) Where the filling of safety cartridges with explosives is carried out it shall be carried out in a room:
  - (a) to which the public does not have access;
  - (b) in which only work connected with the filling of the safety cartridges shall be carried on;
  - (c) in which no more than 10 kg of explosives is stored at any one time;
  - (d) from which materials of a highly combustible nature, flammable liquids, naked flames or other source of ignition or any item likely to cause fire or explosion are excluded;
  - (e) the work area of which shall not contain exposed iron or steel and shall be free from grit;
  - (f) in which is installed not less than one fire hose reel or one portable fire extinguisher of the water type with a rating of not less than 2A; and
  - (g) which is approved where the filling is for the purpose of the sale of the safety cartridges.
- (2) The requirements of subregulation (1) are the prescribed manner for the purposes of regulation 3(2).

## **Division 5            Authorized explosives**

### **82            Request for authorization of explosives**

- (1) A person may request the Competent Authority to authorize, in accordance with regulation 5E, the handling of an explosive or class of explosive.
- (2) Where a person makes a request in accordance with subregulation (1) he shall supply to the Competent Authority:
  - (a) as far as is practicable particulars of:
    - (i) the composition of the explosive, including the percentage by mass or volume that each ingredient bears to the whole;
    - (ii) the substance or substances which it is desired shall be approved as a substitute or substitutes for a specified ingredient;
    - (iii) the physical description of the explosive, including packaging;
    - (iv) the manufacture's recommended method of use of the explosive; and
    - (v) the performance characteristics of the explosive, including velocity of detonation, any unusual decomposition products and estimated shelf life; and
  - (b) samples of the explosive when requested by the Competent Authority.
- (3) A request in accordance with subregulation (1) shall be in writing and accompanied by the prescribed fee.

### **83            Dealing with unauthorized explosives**

A person shall not import or export from the Territory an explosive which is not an authorized explosive.

### **84            Import or export of prescribed explosives**

- (1) For the purposes of regulation 5C, all explosives (other than safety cartridges and distress signals) are prescribed.



- (2) A person who imports or exports explosives (other than safety cartridges and distress signals) into or out of the Territory shall notify the Competent Authority of:
  - (a) his intention to import or export explosives; and
  - (b) the arrival into the Territory of explosives.

**85            Record of imports**

- (1) A person who imports explosives (other than safety cartridges and distress signals) into the Territory shall maintain in respect of those explosives a record in an approved form containing particulars of:
  - (a) the date and means of importation;
  - (b) the type and quantity of explosives imported;
  - (c) the name of the manufacturer and the date of manufacture; and
  - (d) the name and address of the consignor.
- (2) The record referred to in subregulation (1) shall be retained for 2 years after the date on which the entry is made.

**86            Record of exports**

- (1) A person who exports explosives (other than safely cartridges and distress signals) out of the Territory shall maintain a record in an approved form containing particulars of:
  - (a) the date of receipt of, and the name of the person who supplied, the explosives to be exported;
  - (b) the date of export;
  - (c) the type and quantity of explosives exported;
  - (d) the place of loading and the means of export; and
  - (e) the name and address of the consignee.
- (2) The record referred to in subregulation (1) shall be retained for 2 years after the date on which the entry is made.

## **Division 6                      Packaging of explosives**

### **87                      Additional packaging requirement for explosives**

Packaging used for explosives shall conform with the following:

- (a) the outer packaging shall not contain explosives in excess of 25 kg;
- (b) the interior of all packaging shall be kept clean and free from grit; and
- (c) unless otherwise approved, iron or steel shall not be used in the construction of any packaging unless it is covered or guarded in such a manner as to prevent the exposure of the iron or steel.

### **88                      Packaging not to contain different explosives, &c.**

- (1) Subject to subregulation (2), packaging containing explosives shall not be used to store, at the same time, a different Class or compatibility group of explosive, or be used to store any other article or substance other than material used for packaging.
- (2) Regulation (1) shall not prohibit:
  - (a) the placing in one outer packaging of inner packaging containing one kind of propellant for firearms together with inner packaging containing another kind of propellant for firearms; or
  - (b) the placing of an article that is not of a flammable or explosive nature or likely to cause fire or explosion with Class 1.4S, 1.3G or 1.4G explosives.

## **Division 7                      Marking and labelling for explosives**

### **89                      Marking of packaging for explosives**

- (2) All outer and intermediate packaging containing explosives shall be marked with:
  - (a) the word "EXPLOSIVES" in capital letters not less than 25 mm in height or if that is not possible having regard to the size of the packaging as large as is practicable;
  - (b) the class label specified in the ADG Code for the Class and compatibility group of the explosives, with the label having sides not less than 100 mm in length or if that is not possible having regard to the size of the packaging as large as is

practicable; and

- (c) letters not less than 15 mm high, showing:
  - (i) the technical name of the explosives or the name approved for the explosives;
  - (ii) the UN Number for the explosives;
  - (iii) the name of the manufacturer;
  - (iv) the date of manufacture; and
  - (v) the weight of the explosives contained in the package.

- (3) In this regulation:

**UN Number** means the UN Number as defined in the Australian Code for the Transport of Explosives by Road and Rail, third edition, approved by the Workplace Relations Minister's Council, as amended from time to time.

## **90            Marking of explosives**

- (1) An individual cartridge, canister or bag of blasting explosives not containing its own means of ignition (other than detonators) shall be marked with the word "EXPLOSIVE" in capital letters not less than 7 mm in height together with the name of the explosive.
- (2) The outside of a detonator, not being a detonating relay, shall be clearly marked with the words "DETONATOR" or "BLASTING CAP" and "EXPLOSIVE DANGER" in capital letters not less than 3 mm in height.
- (3) The outside of a detonating relay shall be clearly marked with the words "EXPLOSIVE DANGER" in capital letters not less than 3 mm in height.
- (4) In the case of shopgoods fireworks, the immediate packaging, or individual fireworks if sold singly, shall be marked with directions, written in English, for the safe use and ignition of the fireworks.

## **Division 8            Storage of explosives**

### **91            Quantity of explosives stored without licence**

For regulation 4(3)(b), a person is exempt from the requirement of regulation 4(1) to store explosives in accordance with the terms and conditions of a licence in respect of:

- (a) the storage of explosives that are not stored for sale, where the quantity is not more than that specified in column 2 of Table 3 opposite to the explosive specified in column 1 of that table:

TABLE 3

Column 1	Column 2
Safety cartridges	50 kg
Propellant for firearms	10 kg
Distress signals	10 kg

- (b) the storage of explosives where the quantity does not exceed that specified in column 2 of Table 4 opposite to the explosive specified in column 1 of that table, by a shotfirer on land owned by him and outside of a town provided the explosives are stored in a secure place not less than 50 m from a building used for habitation and the explosives are used for a lawful purpose by the shotfirer within 3 months after the date of purchase:

TABLE 4

Column 1	Column 2
Blasting explosives, other than detonators	5 kg
Detonators	110 (in number)
Detonating cord	350 m
Igniters/safety fuse	50 kg

- (c) the storage in an approved place of explosives for sale where the quantity does not exceed that specified in column 2 of Table 5 opposite to the explosive specified in column 1 of that table:

TABLE 5

Column 1	Column 2
Safety cartridges	100 kg
Propellant for firearms	100 kg
Distress signals	50 kg

**92            Conditions of storage**

- (1) Where explosives are stored in or on premises in accordance with regulation 91, they shall be stored in accordance with this regulation.
- (2) Propellant for firearms, blasting explosives (other than detonators) and detonating cord shall be stored in a securely locked container accessible only to the person storing the explosive and no fuse-lighters or matches shall be stored in the container.
- (3) Detonators shall be stored in a securely locked container containing only detonators, located in a building which is kept securely locked at all times except when a person is in the building exercising supervision and the detonators are stored away from all other explosives.
- (4) Distress signals, stored otherwise than for sale, shall be stored in a spark proof container which shall not contain matches.
- (5) Safety cartridges, stored otherwise than for sale, and safety fuses, shall be stored in a secure, dry place away from other explosives.
- (7) Where distress signals are stored for sale:
- (a) they shall be stored in a room which is:
- (i) constructed of non-combustible material;
- (ii) not accessible to the public; and
- (iii) not attached to a building used or partly used for habitation;
- (b) they shall not be stored within 3 m of other dangerous goods;

- (c) a notice bearing the words "EXPLOSIVES – DISTRESS SIGNALS" in letters not less than 50 mm in height shall be displayed in a conspicuous place at the entrance to the room in which they are stored;
  - (d) they shall be stored in their original outer packaging or a spark-proof container marked with the words "DISTRESS SIGNALS" in letters not less than 50 mm in height on the outside of the container;
  - (e) not more than 25 kg of them shall be stored in an outer packaging or spark-proof container at any one time; and
  - (f) a fire hose reel or a water type portable fire extinguisher with a rating not less than 2A shall be installed in the room in which they are stored.
- (8) Where safety cartridges are stored for sale, they shall be stored:
- (a) in premises that are kept securely locked at all times when unattended:
    - (i) in a locked room in their original outer packaging in which they were received; or
    - (ii) in intermediate packaging in or on a shelf, cupboard or similar receptacle provided:
      - (A) the safety cartridges are located so that unauthorized persons are prevented from having access to them;
      - (B) the maximum quantity of safety cartridges exposed for sale at any one time does not exceed 5 kg; and
      - (C) the safety cartridges are not located in or near a window or on a sales counter in the premises; and
  - (b) so that they are separated from other dangerous goods by a partition or by distance or both sufficient to prevent a fire or explosion in either the safety cartridges or the other dangerous goods being communicated to the other.

## **92A        Conditions of storage – shopgoods fireworks**

- (1) A person who stores shopgoods fireworks otherwise than for sale must store them in accordance with Australian Standard AS 2187, Explosives – Storage, transport and use.

- (2) If shopgoods fireworks are stored for retail sale:
- (a) the fireworks must not be displayed, stored or exposed in any window, unenclosed place or space, or on a floor other than the ground floor; and
  - (b) if displayed for sale, the fireworks must be stored in a spark-proof container or display counter which is:
    - (i) conspicuously labelled on the outside with the word "FIREWORKS" in letters not less than 50 mm in height; and
    - (ii) not accessible to the public; and
    - (iii) kept closed except when fireworks are being placed in or removed from it; and
  - (c) if stored in a room to which the public does not have access, the fireworks must be stored in their original outer packaging or in a spark-proof container with the words "FIREWORKS" in letters not less than 50 mm in height on the outside of the container and the entrance to the room must be marked with the words "EXPLOSIVES – FIREWORKS" in letters not less than 75 mm in height; and
  - (d) not more than 50 kg of fireworks are to be stored in an outer packaging or spark-proof container at any time; and
  - (e) not more than 100 kg of fireworks are to be stored in a display counter at any time; and
  - (f) artificial lighting, matches or similar materials must not be placed in a spark-proof container or a display cabinet containing fireworks; and
  - (g) all outer packaging, spark-proof containers and display cabinets containing fireworks must be located away from exits and other areas where they could impede the free movement of persons in the premises; and
  - (h) all outer packaging, spark-proof containers and display cabinets containing fireworks must be located away from other dangerous goods and combustible material; and
  - (i) at least one notice bearing the words "DANGER – FIREWORKS – NO SMOKING" in letters not less than 75 mm in height must be conspicuously displayed on the outside of each spark-proof container or display cabinet in which the fireworks are displayed for sale; and

- (j) all areas in which the fireworks are stored or sold must have:
  - (i) installed a fire hose reel or water type portable fire extinguisher with a rating of not less than 2A; and
  - (ii) access to a 3A40BE dry chemical powder fire extinguisher; and
- (k) all areas in which the fireworks are stored or sold must be approved by an officer or the Director of the Fire and Rescue Service.

### **93            Place for storage of explosives**

Explosives stored in or on premises other than in accordance with regulation 92 or 92A must be stored in:

- (a) a magazine;
- (b) a government explosives magazine; or
- (c) premises specified in a licence which authorizes the manufacture or storage of explosives.

## **Division 8A            Explosives reserves and government magazines**

### **94A            Government explosives reserves and magazines**

- (1) The Minister may, by notice in the *Gazette*, declare Crown land within the meaning of the *Crown Lands Act 1992* to be a government explosives reserve.
- (2) The Competent Authority may establish government explosives magazines in the places, buildings or other structures that the Competent Authority thinks fit.

### **94B            Magazines**

- (1) A person may apply to the Competent Authority for approval to:
  - (a) keep a magazine on a government explosives reserve; or
  - (b) store explosives in a government explosives magazine.
- (2) An application must be accompanied by the prescribed fee.
- (3) The Competent Authority must consider the application and may:
  - (a) grant the approval, either conditionally or unconditionally; or
  - (b) refuse to grant the approval.



**94C              Terms of approval to be observed**

A person who is granted an approval under regulation 94B must comply with and not contravene the terms and conditions of the approval.

Maximum penalty:              40 penalty units.

**Division 8C              Trespass in respect of reserves, magazines, licensed premises etc.**

**94H              Trespass in respect of reserves, magazines, licensed premises etc.**

A person must not enter or remain without lawful authority in a government explosives reserve, a government magazine, premises specified in a licence or a vehicle, ship or aircraft conveying dangerous goods.

Maximum penalty:              40 penalty units.

**94J              Precautions to be observed**

A person on a government explosives reserve, government explosives magazine, a place specified in a licence or a vehicle, ship or aircraft conveying dangerous goods must not do any act which would tend to cause an explosion or fire or the release or spillage of dangerous goods in or about the reserve, magazine, place, vehicle, ship or aircraft.

**94K              Arrest without warning**

An officer, a member of the Police Force or the owner, occupier, driver or person in charge of any premises, vehicle, ship or aircraft referred to in regulation 94H or 94J, or a person authorised by any of those persons, may arrest without warrant any person found committing an offence against regulation 94H or 94J in respect of the premises, vehicle, ship or aircraft.

**Division 13              Sale, purchase or possession of explosives**

**127              Exemption from requirement to be licensed**

A person selling safety cartridges or distress signals is exempt from regulation 5B(1).

**128              Sales book**

A licensee who sells explosives (other than safety cartridges, distress signals and shopgoods fireworks) shall maintain an approved sales book containing in respect of each sale of explosives:

- (a) particulars of:
  - (i) the type and quantity of explosives sold;
  - (ii) the name and address of the purchaser;
  - (iii) the date of the sale; and
  - (iv) the address or location at which the explosives are to be used; and
- (b) the signature of the purchaser of the explosives or the person taking possession of the explosives on behalf of the purchaser.

**129              Sale of explosives**

- (1) A licensee must not sell explosives (other than safety cartridges, distress signals and propellant for firearms) unless:
  - (a) the purchaser:
    - (i) holds:
      - (A) a licence to possess explosives; or
      - (B) a permit to conduct a fireworks display; or
      - (C) a permit to handle explosives for special effects; or
    - (ii) is purchasing shopgoods fireworks during a retail purchase approved period; and
  - (b) if the purchaser holds a licence or permit mentioned in paragraph (a)(i):
    - (i) the purchaser supplies the particulars required to be recorded in the sales book; and
    - (ii) the purchase does not constitute a contravention of the licence or permit.
- (2) A person must not sell an explosive unless the explosive is an authorised explosive.

- (3) A person must not sell an explosive (other than a safety cartridge) to a person who is under the age of 18 years.
- (4) It is a defence to a prosecution for an offence against subregulation (3) if the defendant proves that:
  - (a) immediately before the sale, the person who sold the explosive was shown photographic identification indicating the purchaser was over the age of 18 years; and
  - (b) a reasonable person would have had no reason to suspect that the photographic identification was false or related to another person.
- (5) A person must not sell a safety cartridge or propellant for a firearm unless the purchaser holds a licence under the *Firearms Act 1997*.
- (6) A person must not sell an explosive to a person who is intoxicated.
- (7) It is a defence to a prosecution for an offence against subregulation (6) if the defendant proves that a reasonable person would have had no reason to suspect that the person was intoxicated.

### **130                      Approval of single sale without licence**

- (1) For regulation 5B(3), the Competent Authority may in respect of a single sale of explosives, exempt a person from the requirement of regulation 5B(1) to sell explosives only in accordance with the terms and conditions of a licence.
- (2) A person may apply to the Competent Authority for an exemption under subregulation (1) and the Competent Authority may grant or refuse to grant the exemption applied for.
- (3) Where the Competent Authority grants an exemption under subregulation (2) he may grant it subject to such conditions as he thinks fit.
- (4) A person granted an exemption under subregulation (2) shall comply with any conditions to which the exemption is subject.

### **131                      Possession of certain explosives**

- (3) The holder of a licence to possess explosives shall not purchase or be in possession of explosives:
  - (a) that he is not permitted by his licence to possess; or
  - (b) in a quantity greater than that permitted by his licence.

- (4) The holder of a licence to possess explosives, or a person acting on his behalf, shall at the time of purchasing the explosives:
  - (a) upon request by the person selling the explosives, produce his licence, or the licence of the person on whose behalf he is acting;
  - (b) state his name and address or the name and address of the person on whose behalf he is acting;
  - (c) state the address or location at which the explosives are to be used; and
  - (d) sign his name in the sales book.
- (5) A person shall not make a false or misleading statement in respect of a matter referred to in subregulation (4).

## **Division 14            Use of blasting explosives**

### **132            Shotfirer's certificate required for blasting explosives**

- (1) A person shall not fire a charge of blasting explosives unless he is a shotfirer.
- (2) A person shall not assist in the preparation of a charge of blasting explosives unless he is:
  - (a) a shotfirer; or
  - (b) has attained the age of 18 years and is under the supervision of a shotfirer.

### **133            Application for shotfirer's certificate**

- (1) A person may apply in an approved form to the Competent Authority for a shotfirer's certificate.
- (2) An application under subregulation (1) shall contain particulars of:
  - (a) the purpose for which the certificate is required; and
  - (b) details of the applicant's experience in the handling of blasting explosives,and shall be accompanied by:
  - (c) a recent photograph approximately 40 mm x 50 mm in size, of passport type, of the applicant; and

- (d) a specimen signature of the applicant; and
  - (e) a statutory declaration by the applicant that he is not suffering from defective hearing, defective vision or a physical infirmity likely to interfere with the efficient and safe discharge of his duties as a shotfirer; and
  - (f) the prescribed fee.
- (3) The Competent Authority shall not grant a shotfirer's certificate unless he is satisfied that the applicant:
- (a) has attained the age of 18 years;
  - (b) is sufficiently fluent in the English language to be able to understand directions relating to the use of blasting explosives;
  - (c) has a sound knowledge of the theory of the use of blasting explosives;
  - (d) has not been convicted of a criminal offence which in the opinion of the Competent Authority would make the applicant unsuitable to be a shotfirer;
  - (e) has demonstrated his practical ability to use blasting explosives for the purpose for which he intends to use them and to fire blasting explosives by the method or methods that he intends to use; and
  - (f) is not suffering from defective hearing, defective vision or a physical infirmity likely to interfere with the efficient and safe discharge of his duties as a shotfirer.

#### **134        Shotfirer's certificate**

- (1) A shotfirer's certificate shall be in an approved form and shall specify:
  - (a) the type of work for which the shotfirer may use blasting explosives;
  - (b) the method of firing blasting explosives that the shotfirer may use; and
  - (c) such other conditions as the Competent Authority thinks fit.
- (2) A shotfirer's certificate may authorize a shotfirer to manufacture ammonium nitrate explosive mixture for immediate use.

**135            Shotfirer to observe conditions of certificate**

A shotfirer shall:

- (a) use blasting explosives only for the type of work specified in his shotfirer's certificate;
- (b) use only the method of firing a charge of blasting explosive as specified in his shotfirer's certificate;
- (c) observe the conditions specified in his shotfirer's certificate; and
- (d) manufacture ammonium nitrate explosive mixture only if authorized by his shotfirer's certificate.

**136            Use of blasting explosives**

- (1) Subject to these Regulations, the use of blasting explosives shall be in accordance with Part 2 of AS 2187 "Explosives – Storage, transport and use" with the exception that the minimum length of safety fuse which may be used shall be 1.25 m.
- (2) A person who conveys blasting explosives (other than in a vehicle) from a storage place or magazine shall convey them in a container of a type approved by an officer.
- (3) A person who uses blasting explosives shall return all surplus in excess of that required for immediate use to the storage place or magazine specified in his licence.

**137            Additional precautions**

- (1) A shotfirer in charge of blasting shall, before firing an explosive charge, ensure that:
  - (a) to prevent the entry of a person or vehicle to the place of blasting:
    - (i) all points of access to the place are guarded or locked; or
    - (ii) where the blasting is to be carried out in a public street or on a highway persons and approved warning devices are employed on approaches to the place of blasting;

- (b) there is prominently displayed at each point of access to and approaches to the site of the blasting:

- (i) a sign not less than 1,000 mm x 1,000 mm in size with the words:

"DANGER  
BLASTING  
OBEY SIGNALS"

in white capital letters not less than 150 mm in height on a red background;

- (ii) where electric detonators are to be used to fire blasting explosives, a sign not less than 1,000 mm x 1,000 mm in size with the words:

"DANGER  
BLASTING  
SWITCH OFF  
RADIO  
TRANSMITTERS"

in white capital letters not less than 150 mm in height on a red background;

- (c) the owners or occupiers of properties adjoining the site of the blasting are advised of the intention to undertake blasting;
- (d) an approved audible warning signal is given in accordance with section 8.1 of Part 2 of AS 2187 "Explosives – Storage, transport and use "; and
- (e) where there is a possibility of injury or damage being caused to a person or property by flying rock or other material, the charge is covered with blasting mats or other method of covering approved by an officer.
- (2) The Competent Authority may require a shotfirer to monitor, in an approved manner, the intensity of ground vibrations arising from blasting, where blasting is carried out in the proximity of a building or other structure and the shotfirer shall monitor the ground vibrations accordingly.

## **138        Responsibilities during blasting**

- (1) A person in charge of works for which blasting explosives are used shall ensure that these Regulations are complied with and that the firing of blasting explosives is carried out by a shotfirer.

- (2) A shotfirer who uses blasting explosives shall ensure that all unexploded explosives are removed from the blasting site or made safe in accordance with section 9 of Part 2 of AS 2187 "Explosives – Storage, transport and use".
- (3) A person shall not use blasting explosives in a municipality or town except with the permission of an authorized person and in accordance with directions, if any, given by that authorized person.
- (4) In this regulation:

**authorized person** means:

- (a) an officer; or
- (b) where the local government council of a municipality has designated in respect of its municipality an authorized person for the purpose of this regulation, that designated person.

**municipality** means a municipality constituted and in existence under the *Local Government Act 2019*.

## **Division 15      Fireworks**

### **139      Purchase of shopgoods fireworks**

The Minister may, by *Gazette* notice, approve a period of time (the **retail purchase approved period**) during which a person, who is not a licensee or the holder of a permit under regulation 141 or 143, may purchase and possess shopgoods fireworks.

*Note*

*Regulation 5D(2) provides that the possession of shopgoods fireworks during an approved period under this regulation is not an offence.*

### **140      Possession and ignition of fireworks**

- (1) The Minister may, by *Gazette* notice, approve a period of time (the **approved possession period**) during which a person may possess, throw, ignite or explode shopgoods fireworks.

*Note for subregulation (1)*

*Regulation 5D(2) provides that the possession of shopgoods fireworks during an approved period under this regulation is not an offence.*

- (2) A person (other than a permit holder under regulation 141 or 143) may only throw, ignite or explode a firework:
  - (a) if the firework is a shopgoods firework; and



(b) during the approved period.

Maximum penalty:      40 penalty units.

- (3) A person must not throw, ignite or explode a firework in a way likely to damage property or injure a person or animal.

Maximum penalty:      40 penalty units.

#### **140A      Provisions relating to approval under regulation 139 or 140**

- (1) An approval may be made subject to conditions specified in it, including a condition the approval does not apply to a place specified in it for all or part of the approved period to which the approval relates.

*Note for subregulation (1)*

*This subregulation does not limit section 42 of the Interpretation Act 1978.*

- (2) To remove doubt, a provision of By-laws is not a duplication of, and does not overlap with, this regulation, regulation 139 or 140 or an approval only because the provision generally prohibits a person throwing or igniting relevant fireworks in a public place even if, on a particular day specified in the By-laws, a person is allowed to ignite relevant fireworks other than at a specified place.

- (3) In this regulation:

**approval** means either of the following:

- (a) an approval under regulation 139 in relation to a retail purchase approved period under that regulation;
- (b) an approval under regulation 140 in relation to an approved possession period under that regulation.

**at**, in relation to a specified place, includes in and on the specified place.

**By-laws** means By-laws of a local government council whether made before or after the commencement of this regulation.

**permit holder** means the holder of a permit granted under regulation 141 or 143.

**relevant fireworks** means:

- (a) shopgoods fireworks; or
- (b) things (however described) that include shopgoods fireworks.

**specified place** means a place specified in an approval as mentioned in subregulation (1).

#### **141        Permit for fireworks display**

- (1) A person may apply to the Competent Authority, in an approved form, for a permit to conduct a fireworks display.
- (1A) An application under subregulation (1) must be accompanied by the prescribed fee.
- (2) The Competent Authority on receipt of an application under subregulation (1) may grant the application subject to such conditions as he thinks fit or may refuse to grant the application.
- (3) The holder of a permit to conduct a fireworks display may throw, ignite or explode fireworks in accordance with these Regulations and the conditions, if any, specified in the permit.
- (4) The Competent Authority shall not grant a permit under this regulation unless he is satisfied that:
  - (a) the fireworks display will be organized and conducted with due regard to the safety of persons and property; and
  - (b) the approval of the Director of the Fire and Rescue Service, the Commissioner of Police and, where applicable, the council of the municipality in which it is proposed the fireworks display takes place, has been obtained.

#### **142        Requirements in respect of public fireworks display**

The holder of a permit to conduct a fireworks display in a public place shall ensure that:

- (a) barriers or other restraining mechanisms are constructed at a safe distance from the place where the fireworks are to be ignited and only persons engaged in igniting the fireworks are allowed inside the barriers or restraining mechanisms;
- (b) warnings, by means of notices and clearly audible public announcement, are given of the danger of approaching within the vicinity of the place where the fireworks are to be ignited;
- (c) the place where the fireworks are to be ignited and the direction of firing of aerial fireworks is separated from a protected place, protected work or combustible material so as to eliminate the danger of fire or damage to the protected place, protected work or the combustible material;

- (d) fire extinguishers and other fire protection equipment as required by the permit, an officer or by the Director of the Fire and Rescue Service, are provided;
- (e) equipment to be used in the ignition of the fireworks is of sufficient strength and used in a safe manner;
- (f) the fireworks display ceases where there is any danger to the public or property and that the display does not resume until all such danger is removed; and
- (g) all fireworks that fail to ignite are made safe and removed from the display area on completion of the display.

**143        Permit to handle explosives for special effects**

- (1) A person may apply to the Competent Authority for a permit to handle explosives for the purpose of special effects as specified in his application.
- (1A) An application under subregulation (1) must be accompanied by the prescribed fee.
- (2) The Competent Authority on receipt of an application under subregulation (1) may grant the application subject to such conditions as he thinks fit, or may refuse to grant the application.
- (3) The holder of a permit to handle explosives for special effects may, in accordance with these Regulations and conditions, if any, specified in his permit, handle explosives.

**Part 4            Fuel gas**

**Division 1       Preliminary matters**

**170        Interpretation**

- (1) In this Part, unless the contrary intention appears:

**autogas certificate** means an autogas certificate granted under regulation 201 and includes a renewal of an autogas certificate.

**autogas system** means a fuel gas system which is fitted to a vehicle, ship or machine and which is designed for use with fuel gas to be consumed by an internal combustion engine which is installed in, or forms part of, that vehicle, ship or machine.

**certificate** means a gasfitting certificate granted under regulation 173 and includes a renewal of a gasfitting certificate.

***fuel gas system*** means an assembly of equipment consisting of a gas container or connection to a gas main and devices, including relief valves, excess flow valves, pressure regulators, gas appliances and pipes, connecting such devices.

***gas appliance*** means a device that uses fuel gas to produce light, heat or power.

***gas container*** means a storage vessel used for fuel gas and includes a gas cylinder or gas tank.

***gas cylinder*** means a welded or brazed steel pressure vessel used for the storage of fuel gas having a capacity not more than 500 L.

***gasfitting*** means work of installing, repairing removing, altering or other work in connection with any fuel gas system, gas appliance, gas container, gas main, pipe, flue or other fitting used, designed or intended for use in or in connection with the supply, use or distribution of fuel gas, but does not include the connection or disconnection of a gas cylinder which is not filled on the premises or work of installing, repairing, removing, altering or other work in connection with an autogas system.

***gas main*** means a pipe conveying fuel gas for supply to 2 or more consumers.

***gas supplier*** means a person approved as a gas supplier in accordance with regulation 187.

***gas tank*** means a gas container that is not a gas cylinder.

***provisional certificate*** means a provisional certificate granted under regulation 174 and includes a renewal of a provisional certificate.

***Registrar of Motor Vehicles*** means the Registrar of Motor Vehicles appointed under the *Motor Vehicles Act 1949*.

- (2) In this Part, the methods of test identified by:
- (a) the prefix letters AG followed by a group of numerals or letters, or numerals and letters, is a reference to the Code published jointly by the Australian Gas Association and the Australian Liquefied Petroleum Gas Association, indicated by that group, together with all additions and amendments;
  - (b) the prefix letters BS followed by a group of numerals or letters, or numerals and letters, is a reference to the standard published by the British Standards Institution, indicated by that group, together with all additions and amendments;

- (c) the prefix letters ASTM followed by a group of numerals or letters, or numerals and letters, is a reference to the test procedures published by the American Society for Testing and Materials, indicated by that group, together with all additions and amendments; and
- (d) the prefix letters NGPA followed by a group of numerals or letters, or numerals and letters, is a reference to the test procedures published by the Natural Gas Processors Association, indicated by that group, together with all additions and amendments.

## **Division 2      Gasfitting**

### **172      Gasfitter to hold certificate**

- (1) A person shall not carry out gasfitting unless he is the holder of a certificate or a provisional certificate and:
  - (a) the gasfitting is of a type authorized by the certificate or provisional certificate; and
  - (b) where the gasfitting is being carried out by the holder of a provisional certificate, he is under the supervision of the holder of a certificate.
- (2) The Competent Authority may for a period of 2 years from the date of commencement of these Regulations, on the application of a holder of a provisional certificate, exempt the holder from the requirement of subregulation (1)(b) and where such exemption is given, the holder shall be deemed to be the holder of a certificate for such period as the exemption remains in force.

### **173      Application for gasfitting certificate**

- (1) A person may apply to the Competent Authority for a gasfitting certificate.
- (2) The holder of a certificate may, at any time before the expiration of his certificate, apply to the Competent Authority for a renewal of his certificate.
- (3) An application under subregulation (1) or (2) shall be in an approved form and shall be accompanied by the prescribed fee.
- (4) Subject to this regulation, the Competent Authority may grant or renew, or refuse to grant or renew, a certificate under this regulation.

- (5) The Competent Authority shall not grant a certificate under this regulation unless he is satisfied that the applicant:
- (a) has:
    - (i) completed an apprenticeship in plumbing and gasfitting; and
    - (ii) had not less than 2 years' practical experience in gasfitting since the completion of his apprenticeship;
  - (b) has:
    - (i) completed an apprenticeship in plumbing or other approved trade;
    - (ii) completed an approved course in gasfitting and passed the course; and
    - (iii) had at least 3 years' practical experience in gasfitting; or
  - (c) is the holder of a current certificate, licence or other qualification which satisfies the Competent Authority that the applicant has training and experience equivalent to that referred to in paragraph (a) or (b).
- (6) The Competent Authority shall not renew a certificate under this regulation unless he is satisfied that the applicant remains competent in gasfitting.

**174        Application for provisional gasfitting certificate**

- (1) A person who does not hold the qualifications or experience required by regulation 173(5), may apply to the Competent Authority for a provisional certificate.
- (2) The holder of a provisional certificate may, at any time before the expiration of his provisional certificate, apply to the Competent Authority for the renewal of his provisional certificate.
- (3) An application under subregulation (1) or (2) shall be in an approved form and shall be accompanied by the prescribed fee.
- (4) Subject to this regulation, the Competent Authority may grant or renew, or refuse to grant or renew, a provisional certificate.

- (5) The Competent Authority shall not grant a provisional certificate under this regulation unless the applicant has an undertaking signed by his employer stating:
  - (a) that the applicant will be engaged in gasfitting; and
  - (b) that the applicant when engaged in gasfitting will be under the supervision of the holder of a certificate and will be engaged in gasfitting only of a type authorized by the provisional certificate.
- (6) The Competent Authority shall not renew a provisional certificate under this regulation unless he is satisfied the applicant:
  - (a) remains competent in gasfitting; and
  - (b) when engaged in gasfitting, is under the supervision of the holder of a certificate and engages in gasfitting only of a type authorized by the provisional certificate.

#### **175 Gasfitting certificate**

- (1) A certificate or a provisional certificate:
  - (a) shall be in an approved form;
  - (b) is not transferable;
  - (c) is valid only in respect of the type of gasfitting for which it is endorsed; and
  - (d) is subject to such conditions as the Competent Authority determines and endorses on the certificate or provisional certificate.
- (2) A certificate shall continue in force for a period not exceeding 5 years from the date of grant or last renewal, as determined by the Competent Authority and endorsed on the certificate.
- (3) A provisional certificate shall continue in force for a period not exceeding 12 months from the date of grant or last renewal, as determined by the Competent Authority and endorsed on the certificate.

#### **176 Commencement of work**

- (1) Subject to subregulations (2) and (3), the holder of a certificate shall, not later than 24 hours before the commencement by him of:
  - (a) the installation of a fuel gas system;

- (b) the connection of a gas appliance; or
- (c) the repair (other than minor repair) or alteration to or removal of an existing fuel gas system,

submit a commencement of work notice:

- (d) to the Competent Authority; and
  - (e) where the work to be carried out is to a fuel gas system connected to a gas main – to the gas supplier or the owner of the gas container supplying fuel gas to the gas main.
- (2) A commencement of work notice is not required to be submitted in accordance with subregulation (1) to the Competent Authority where:
- (a) the quantity of fuel gas stored in a gas container or gas containers, connected to, or to be connected to, the fuel gas system or systems, if more than one, does not, or will not, be more than 200 kg; or
  - (b) the fuel gas system is connected to a gas main, the total energy consuming ability of the fuel gas system, or systems, if more than one, does not, or will not, be more than 200 MJ per hour.
- (3) Where, by reason of the urgent nature of the work to be done, it is not possible to submit a commencement of work notice within the period referred to in subregulation (1), the commencement of work notice shall be submitted as soon as practicable.
- (4) A commencement of work notice shall contain:
- (a) the name, address and certificate number of the person carrying out the work;
  - (b) the location of the premises or caravan where the work is to be carried out;
  - (c) the name and address of the owner of the premises or caravan; and
  - (d) details as to whether the work relates to:
    - (i) a new installation;
    - (ii) an addition to, repairs to, removal of, alteration to or other work in connection with, an existing installation;



- (iii) the installation of gas containers; or
  - (iv) the installation or repair of gas appliances;
- (e) details of the purposes for which the fuel gas system is to be used; and
- (f) details as to whether the fuel gas system is:
  - (i) low pressure vapour withdrawal;
  - (ii) high pressure vapour withdrawal and, if so, details of the working pressure; or
  - (iii) liquid withdrawal,

and shall be signed by the person submitting the notice.

- (5) In addition to the particulars required under subregulation (4), where the work to be carried out relates to the installation:
  - (a) of a fuel gas system that includes a gas container; or
  - (b) of a gas container,

the commencement of work notice shall include particulars of:

- (c) the name and address of the owner of the gas container;
- (d) the capacity of the gas container;
- (e) in relation to a gas container (other than a gas cylinder which is not filled on the premises):
  - (i) the manufacturer's name;
  - (ii) the identification number;
  - (iii) the date of manufacture; and
  - (iv) the test date or last date of re-testing; and
- (f) particulars of any public places, protected works and ignition sources, adjacent or near to, and their distance from, the gas container.

**177 Installation, &c., to conform to standards**

- (1) The installation, operation and maintenance of a fuel gas system (other than an autogas system) shall conform to the requirements specified in:
  - (a) AS 1596 "The storage and handling of liquefied petroleum gases"; and
  - (b) AS 5601 "Gas installations – General installations".
- (2) The installation, operation and maintenance of gas mains shall conform to the requirements specified AS 4645 "Gas distribution networks – Network management".

**178 Notification of work in respect of gas main**

- (1) Subject to subregulation (3), a person who constructs in whole or in part or who carries out any repairs to a gas main shall not less than 7 days before commencing the construction or repair of the gas main notify the Competent Authority.
- (2) A notification referred to in subregulation (1) shall be in writing and shall contain:
  - (a) the person's full name, address and telephone number;
  - (b) the location or proposed location of the gas main;
  - (c) the name and address of the person responsible for carrying out the construction or repair;
  - (d) full details of the construction work or repair work; and
  - (e) the proposed date of commencement of the construction work or repair work.
- (3) Subregulation (1) shall not apply to:
  - (a) emergency repairs;
  - (b) minor repairs; or
  - (c) routine maintenance.

**179 Certificate of compliance**

- (1) The holder of a certificate who:
  - (a) installs;

- (b) modifies; or
  - (c) carries out repairs (other than minor repairs) to,
    - a fuel gas system in or on premises or a caravan shall, on completion, issue a certificate of compliance to the owner of the premises or caravan.
- (2) The holder of a certificate may issue a certificate of compliance in respect of a fuel gas system if, after an inspection of the fuel gas system, he is satisfied that it complies with these Regulations.
- (3) The holder of a certificate who issues a certificate of compliance shall, not later than 7 days after the completion or inspection referred to in subregulation (1) or (2), as the case may be, deliver to:
  - (a) the Competent Authority; and
  - (b) where the premises are connected to a gas main, to the gas supplier or the owner of the gas container supplying fuel gas to the gas main,
    - a copy of the certificate of compliance.
- (4) The holder of a certificate who issues a certificate of compliance shall retain a copy for not less than 2 years after the date it is issued and shall produce the copy to an officer on request.
- (5) A certificate of compliance shall specify:
  - (a) the name, address and certificate number of the person issuing it;
  - (b) the location of the premises or caravan in or on which the work or inspection was carried out;
  - (c) the name and address of the owner of the premises or caravan;
  - (d) in respect of a caravan, the registration number, chassis number, if any, and the make and model;
  - (e) the capacity of any gas cylinder;
  - (f) in respect of a gas container (other than a gas cylinder which is not filled on the premises):
    - (i) the manufacturer's name;
    - (ii) the identification number; and

- (iii) the test date or last date of re-testing;
- (g) particulars of whether the gas fuel system is liquid or vapour withdrawal;
- (h) details of each gas appliance installed or inspected, including the model and maker's name;
- (j) details of pipework;
- (k) a declaration in the following form:

"This is to certify that the installation described in this certificate has been installed / removed / modified / repaired / inspected and that the gas containers, gas appliances and other fittings comprising the installation comply with the *Dangerous Goods Regulations 1985*"; and

- (m) the date of completion or inspection of the work,
- and shall be signed by the person issuing the certificate.

#### **180 Fuel gas compliance plate to be attached to fuel gas system**

- (1) Where the holder of a certificate issues a certificate of compliance to the owner of a fuel gas system he shall attach a fuel gas compliance plate in a conspicuous place at or near the control valve or other point at which the fuel gas system is designed to be connected to a gas container or gas main.
- (2) Where a fuel gas system has a fuel gas compliance plate already affixed to it, the holder of a certificate who attaches a compliance plate in accordance with subregulation (1) shall remove the first-mentioned compliance plate.

#### **181 Fuel gas compliance plate**

A fuel gas compliance plate shall:

- (a) be constructed from approved material;
- (b) be not less than 70 mm by 50 mm by 0.5 mm in size; and
- (c) specify:
  - (i) that the fuel gas system complies with these Regulations;
  - (ii) the certificate number of the person who carried out the installation, modification, repair or inspection;

(iii) the date on which the installation, modification, repair or inspection was carried out; and

(iv) in respect of a caravan, the chassis number, if any.

**182 Offence in respect of compliance plate**

Except in accordance with these Regulations, a person shall not:

- (a) attach to or remove from a fuel gas system;
- (b) interfere with; or
- (c) alter,

a fuel gas compliance plate.

**183 Standards of work**

The holder of a certificate or provisional certificate shall:

- (a) carry out all gasfitting in a thorough and workmanlike manner and in accordance with these Regulations; and
- (b) ensure that all practicable precautions are taken on site to prevent an accident, damage or injury to any person or property.

**185 Liability of owner**

The owner and occupier of premises or a caravan in or on which an L.P. gas cylinder or tank is stored shall take all practicable measures to ensure that the area surrounding the L.P. gas cylinder or tank, to the distances specified in AS 1596 "The storage and handling of liquefied petroleum gases", is kept free of combustible materials, flammable liquids, other classes of dangerous goods, naked flames and any other source of ignition.

**186 Gas fitting at specified premises**

- (1) Notwithstanding anything elsewhere contained in this Division, the Competent Authority, may by notice in the *Gazette*, declare that gasfitting, or a class of gasfitting, may be carried out in specified premises in a manner and in accordance with any conditions, as are specified in the notice.
- (2) Where a notice under subregulation (1) is in force in respect of any premises, gas fitting or the class of gas fitting specified in the notice may be carried out in the manner and in accordance with the conditions specified in the notice, notwithstanding that the gas

fitting or class of gas fitting is not otherwise in accordance with this Division.

- (3) The conditions referred to in subregulation (1) may include:
- (a) a requirement that all gasfitting be carried out only by persons who have completed:
    - (i) an apprenticeship in an approved trade; and
    - (ii) an approved course for the installation and repair of fuel gas systems of the type installed in the specified premises;
  - (b) specifications of standards for the installation, repair and maintenance of fuel gas systems of the type installed in the specified premises;
  - (c) safe working practices for the installation, repair and maintenance of fuel gas systems of the type installed in the specified premises; and
  - (d) restrictions, if any, on the type and scope of gasfitting that may be carried out in the specified premises.

### **Division 3            Gas supply and equipment**

#### **187            Gas supplier**

- (1) The Competent Authority may approve, in writing, a person to be a gas supplier.
- (2) The approval of a gas supplier is valid only in respect of the gas supply or operation endorsed in the approval.
- (3) A person shall not supply fuel gas to a gas main or a gas container:
  - (a) unless he is an approved gas supplier or an employee of an approved gas supplier; and
  - (b) except in accordance with the endorsement referred to in subregulation (2).

#### **188            Supply of gas**

- (1) This regulation applies to the supply of fuel gas including the supply through a gas main or the filling of a gas container but does not apply to the supply of fuel gas in disposable containers.

- (2) The supply of L.P. gas shall be carried out in accordance with AS 1596 "The storage and handling of liquefied petroleum gases".
- (3) A gas supplier shall not supply fuel gas to a gas container or a fuel gas system where:
  - (a) the gas container or the fuel gas system does not comply with these Regulations;
  - (b) a notice has been attached to the gas container or fuel gas system by an officer stating that the gas container is not to be filled or the fuel gas system is not to be supplied with gas; or
  - (c) the gas container is fitted to a vehicle, ship or machine as part of an autogas system and the vehicle, ship or machine is not fitted with an autogas compliance plate.

**189        Gas appliances to be approved**

- (1) A person shall not sell or install a gas appliance or component which is not approved for use in a fuel gas system.
- (2) For the purpose of subregulation (1) approved means:
  - (a) approved by the Australian Gas Association, the Australian Liquefied Petroleum Gas Association or the Competent Authority; or
  - (b) complying with AS 2658 "LP Gas – Portable and mobile appliances".
- (3) Where a gas appliance has been approved by the Australian Gas Association or the Australian Liquefied Petroleum Gas Association or complies with AS 2658, a person shall not sell or install the gas appliance unless it has a notice affixed to it showing:
  - (a) the approval of the association or compliance with AS 2658; and
  - (b) the type of fuel gas for which approval is given.
- (4) An application for an approval under this regulation when made to the Competent Authority shall be:
  - (a) in an approved form and accompanied by the prescribed fee; and

- (b) accompanied by:
    - (i) unless otherwise exempted by the Competent Authority, a specimen of; and
    - (ii) full dimensional drawings and specifications, detailing the pattern, construction and nature of,
- the gas appliance or component for which approval is sought.

## **190       Meters**

- (1) All fuel gas systems supplied by gas mains shall be equipped with a meter, installed between the gas main and the consuming devices, for determining the quantity of fuel gas supplied.
- (2) A meter shall be approved.
- (3) A person shall not install or use a meter which is not approved.
- (4) A meter referred to in subregulation (1) shall be tested by such means and methods and at such times as the Competent Authority directs.

## **Division 5       Autogas system**

### **199       Standard of installation**

The installation or repair of an autogas system shall conform with:

- (a) AS 1425 "LP gas fuel systems for vehicle engines"; and
- (b) such requirements as are determined by the Registrar of Motor Vehicles.

### **200       Autogas system – installation or repair**

A person shall not install, remove, alter or carry out repairs (other than minor repairs) or perform any other work on an autogas system he is:

- (a) the holder of an autogas certificate; or
- (b) under the immediate supervision of a person who is the holder of an autogas certificate.

### **201       Application for autogas certificate**

- (1) A person may apply to the Competent Authority for an autogas certificate.



- (2) The holder of an autogas certificate may, at any time before the expiration of his autogas certificate, apply to the Competent Authority for a renewal of his autogas certificate.
- (3) An application under subregulation (1) or (2) shall be in an approved form and shall be accompanied by the prescribed fee.
- (4) Subject to this regulation, the Competent Authority may grant or renew, or refuse to grant or renew, an autogas certificate.
- (5) The Competent Authority shall not grant an autogas certificate under this regulation unless he is satisfied that the applicant:
  - (a) has:
    - (i) completed an apprenticeship as a motor mechanic or in another approved trade;
    - (ii) completed an approved course for the installation of autogas systems; and
    - (iii) had not less than 3 months' practical experience in the installation of autogas systems; or
  - (b) is the holder of a current certificate, licence or other qualification which satisfies the Competent Authority that the applicant has training and experience equivalent to that referred to in paragraph (a).

## **202        Autogas certificate**

- (1) An autogas certificate:
  - (a) shall be in an approved form;
  - (b) is not transferable; and
  - (c) is subject to such conditions as the Competent Authority determines and endorses on the certificate.
- (2) An autogas certificate shall remain in force for not more than 5 years from the date of grant as determined by the Competent Authority and endorsed on the certificate.

## **203            Autogas certificate of compliance**

- (1) Where the holder of an autogas certificate installs, modifies or carries out repairs (other than minor repairs) to an autogas system, he shall:
  - (a) upon completion of the installation, modification or repair, issue a certificate of compliance to the owner of the autogas system; and
  - (b) not later than 7 days after the completion referred to in paragraph (a), deliver a copy of the certificate of compliance to:
    - (i) the Competent Authority; and
    - (ii) where the certificate of compliance relates to the installation of an autogas system, the Registrar of Motor Vehicles.
- (2) The holder of an autogas certificate who issues a certificate of compliance shall retain a copy of the certificate for not less than 2 years after the date it is issued and shall produce the copy to an officer on request.
- (3) A certificate of compliance shall specify:
  - (a) the name, address and autogas certificate number of the person issuing it;
  - (b) the name and address of the owner of the vehicle, ship or machine in which the autogas system is installed;
  - (c) in respect of a vehicle or machine in which an autogas system is installed the chassis number, registration and engine number, if any, of the vehicle or machine;
  - (d) in respect of a ship in which an autogas system is installed the name, registration number, if any, and type of the ship;
  - (e) where a gas container is attached to the autogas system:
    - (i) the identification number;
    - (ii) the capacity; and
    - (iii) the dates of testing and re-testing, of the gas container;
  - (f) the date on which the autogas system was tested; and

(g) a declaration in the following form:

"This is to certify that the autogas system described in this certificate has been installed/modified/repared and tested in compliance with the *Dangerous Goods Regulations 1985*",

and shall be signed by the person issuing the certificate.

## **204        Autogas compliance plates to be affixed**

(1) The holder of an autogas certificate who:

- (a) installs;
- (b) modifies; or
- (c) carries out repairs (other than minor repairs) to,

an autogas system shall, on completion of the installation, modification or repair, attach to the autogas system an autogas compliance plate.

(2) An autogas compliance plate referred to in subregulation (1) shall be attached to the autogas system in a conspicuous place at or near the control valve or other point at which the autogas system is designed to be connected to a gas container.

(3) Where, before the installation, modification or repair referred in subregulation (1) there was attached to the autogas system an autogas compliance plate, the holder of the autogas certificate who carries out the installation, modification or repair shall remove that autogas compliance plate.

## **205        Autogas compliance plate**

An autogas compliance plate shall:

- (a) be constructed from approved material;
- (b) be not less than 70 mm by 50 mm by 0.5 mm in size; and
- (c) specify:
  - (i) that the autogas system complies with AS 1425 "LP gas fuel systems for vehicle engines";
  - (ii) the autogas certificate number of the person who carried out the installation, modification or repair;
  - (iii) the date on which the installation, modification or repair was carried out; and

- (iv) the chassis number, if any, of the vehicle or machine.

**206            Offence in respect of autogas compliance plate**

Except in accordance with these Regulations, a person shall not:

- (a) attach to or remove from an autogas system;
- (b) interfere with; or
- (c) alter,

an autogas compliance plate.

**207            Autogas system installed by vehicle manufacturer**

- (1) Where a vehicle or machine is fitted with an autogas system, installed as original equipment by the manufacturer of the vehicle or machine, the vehicle or machine must not be:

- (a) sold; or
- (b) offered for sale; or
- (c) used;

unless the design of the autogas system has been approved:

- (d) by the Competent Authority; or
- (e) by the body known as the Australian Motor Vehicle Certification Board; or
- (f) under the *Motor Vehicle Standards Act 1989* (Cth) (before its repeal); or
- (g) under the *Road Vehicle Standards Act 2018* (Cth);

and an identification plate attached to the autogas system.

- (2) An identification plate referred to in subregulation (1) shall be in an approved form and shall be attached to the autogas system in a conspicuous place at or near the control valve or other point at which the autogas system is designed to be connected to a gas container.

**Division 6        Miscellaneous matters****209        Maximum quantity of LP gas for caravans**

- (1) Unless otherwise approved, a fuel gas system installed in a caravan shall not be connected to a gas cylinder having a capacity exceeding 10 kg.
- (2) Unless otherwise approved, the maximum quantity of L.P. gas in gas containers that may be installed or carried in or on a caravan is 20 kg.

**Part 5                Infringement notice offences****210        Infringement notice offence and prescribed amount payable**

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 3.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 3.

**211        When infringement notice may be given**

- (1) If an officer or a police officer reasonably believes a person has committed an infringement notice offence, the officer or police officer may give a notice (an ***infringement notice***) to the person.
- (2) Subregulation (3) applies if the infringement notice offence is an offence of possessing shopgoods fireworks other than during an approved period.
- (3) The officer or police officer may advise the person that, as an alternative to the officer or police officer giving the person an infringement notice for the offence, the person may elect to surrender the shopgoods fireworks for destruction.
- (4) If the person elects in accordance with subregulation (3) to surrender the shopgoods fireworks for destruction, the officer or police officer must not give the person an infringement notice in relation to the offence of possessing the fireworks.

**212        Contents of infringement notice**

- (1) The infringement notice must specify the following:
  - (a) the name and address of the person, if known;

- (b) the date the infringement notice is given to the person;
  - (c) the date, time and place of the infringement notice offence;
  - (d) a description of the offence;
  - (e) the prescribed amount payable for the offence;
  - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
  - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
  - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001*, including (but not limited to) action for the following:
    - (i) suspending the person's licence to drive;
    - (ii) seizing personal property of the person;
    - (iii) deducting an amount from the person's wages or salary;
    - (iv) registering a statutory charge on land owned by the person;
    - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

**213 Payment by cheque**

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

**214 Withdrawal of infringement notice**

- (1) The Competent Authority may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
  - (a) within 28 days after the infringement notice is given to the person; and
  - (b) before payment of the prescribed amount.

**215 Application of Part**

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
  - (a) require an infringement notice to be given; or
  - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
  - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

**Part 6 Miscellaneous matters****221 Variation of regulation requirements**

- (1) The Competent Authority may, by notice in writing to the occupier of the land on which explosives are stored or to the owner of explosives:
  - (a) exempt the person from complying with these Regulations; or

- (b) modify or vary these Regulations in the manner and in accordance with any conditions specified in the notice.
- (2) The Competent Authority must not issue a notice under subregulation (1) unless satisfied:
  - (a) it is not practicable for the person to comply with these Regulations; and
  - (b) the exemption from, modification or variation of these Regulations will not adversely affect the safety, health or welfare of persons handling the explosives.
- (3) The Competent Authority may issue a notice under subregulation (1) on its own initiative or on application made by the person.
- (4) A person who handles explosives in accordance with a notice under subregulation (1) is taken to have complied with these Regulations.
- (5) If an occupier of land on which explosives are or an owner of explosives considers that compliance with a provision of these Regulations is not reasonably practicable and a modification, variation or exemption of the provision would not adversely affect the safety, health or welfare of persons handling the goods, the person may apply to the Competent Authority for a modification, variation or exemption of the provision in accordance with this regulation.

## **222 Offences**

- (1) A person who contravenes these Regulations commits an offence.
- (2) If no penalty is prescribed elsewhere in these Regulations, the maximum penalty for an offence against these Regulations is 17 penalty units.
- (3) Subject to subregulation (4), an offence against these Regulations is a regulatory offence.
- (4) An offence against regulation 5L(2) or 129 is not a regulatory offence.

## **223 Transitional**

- (1) Subject to subregulation (2), where, before the commencement of the Act, premises, a container, pipeline, installation, vehicle or equipment used for the handling of dangerous goods had been constructed, installed or put into use, the owner shall ensure, within the period of 2 years after that commencement, that the premises,



container, pipeline, installation, vehicle or equipment, as the case may be, complies with these Regulations and, in respect of a fuel gas system or autogas system, he obtains a certificate of compliance.

- (2) Where, during the period of 2 years after the commencement of the Act, premises, a container, pipeline, installation, vehicle or equipment used for the handling of dangerous goods constructed, installed or put into use before that commencement is considered by an officer to be a danger to public safety or the safety of a person, the officer may serve on the owner notice in writing that includes details of the danger and the means necessary to remove such danger in accordance with these Regulations, requiring the owner of the premises, container, pipeline, installation, vehicle or equipment to comply with the notice within the time specified in the notice.
- (3) Where an owner, who is served with a notice under subregulation (2), fails to remove the danger as required in the notice, the officer may take such action as is necessary to remove the danger and any costs incurred as a result of such action by the officer shall be a debt due and payable by the owner to the Territory.
- (4) Where, before the commencement of these Regulations, the construction or installation of premises, a container, pipeline, installation, vehicle or equipment to be used for the handling of dangerous goods has commenced, the construction or installation shall be carried out to the requirements of these Regulations.

## **224 Continuation for mining operations**

- (1) While this regulation is in force, these Regulations continue to have effect in relation to mining operations (as defined in section 33 of the Implementation Act) as if Part 2 of the Consequential Amendments Regulations had not commenced.
- (2) This regulation expires on the expiry of section 33 of the Implementation Act.
- (3) In this regulation:

***Consequential Amendments Regulations*** means the *Work Health and Safety (National Uniform Legislation) Consequential Amendments Regulations 2011*.

***Implementation Act*** means the *Work Health and Safety (National Uniform Legislation) Implementation Act 2011*.

## Schedule 1 Standards

regulation 2(4)

Standard number	Description of standard
AS 1076	Code of practice for selection, installation and maintenance of electrical apparatus and associated equipment for use in explosive atmospheres (other than mining applications)
AS 1425-2007	LP gas fuel systems for vehicle engines
AS 1596-2008	The storage and handling of liquefied petroleum gases
AS 1744-1975	Forms of letters and numerals for road signs (known as SAA Standard Alphabets for Road Signs)
AS 1940-2004	The storage and handling of flammable and combustible liquids
AS 2187	Explosives – Storage, transport and use
AS 2187.0-1998	Explosives – Storage, transport and use – Terminology
AS 2187.1-1998	Explosives – Storage, transport and use – Storage
AS 2187.1-1998/Amdt 1-2000	Explosives – Storage, transport and use – Storage
AS 2187.2-2006	Explosives – Storage and use – Use of explosives
AS 2187.3-1999	Explosives – Storage, transport and use – Pyrotechnics – Shopgoods fireworks – Design, performance and testing
AS 2187.4-1998	Explosives – Storage, transport and use – Pyrotechnics – Outdoor displays
AS 2658-2008	LP Gas – Portable and mobile appliances.
AS 4645-2008	Gas distribution networks – Network management
AS 5601-2010	Gas installations – General installations

## Schedule 2 Fees

regulation 2(14)

Column 1 Regulation	Column 2 Fee (Revenue units)
1 <u>Regulation 5F(2)</u> – Application for a licence:	
(a) to store explosives:	
(i) for each Class stored in quantities of not more than:	
– 1 t of solid, 1 kL of liquid or 150 m <sup>3</sup> gas	11
– 25 t of solid, 25 kL of liquid or 500 m <sup>3</sup> gas	23
– 100 t of solid, 100 kL of liquid or 150 000 m <sup>3</sup> gas	57
– 500 t of solid, 500 kL of liquid or 700 000 m <sup>3</sup> gas	115
– 2 500 t of solid, 2 500 kL of liquid or 3 500 000 m <sup>3</sup> gas	172
(ii) for each Class stored in quantities of more than 2 500 t of solid, 2 500 kL of liquid or 3 500 000 m <sup>3</sup> gas	345
(c) to manufacture:	
(i) ammonium nitrate explosive mixture for immediate use	11
(ii) other explosives	115
(d) to sell:	
(i) explosives (other than shopgoods fireworks), where the quantity stored for sale is:	
– not more than 1 000 kg	11
– more than 1 000 kg	17
(iii) shopgoods fireworks:	
– by retail if the quantity of fireworks stored for sale is not more than 200 kg	600
– by retail if the quantity of fireworks stored for sale is more than 200 kg	1 200
– by wholesale	2 500

Column 1 Regulation	Column 2 Fee (Revenue units)
(e) to possess explosives	nil
2 <u>Regulation 5K(5)</u> – Variation of a licence	5
3 <u>Regulation 5N</u> – Replacement licence	5
6 <u>Regulation 28(1)</u> – Report on a dangerous occurrence	17
7 <u>Regulation 82(3)</u> – Authorisation of handling of explosives:	
(a) where an authorisation has been made by an approved authority and a copy of the authorisation is submitted with an application for authorisation of the handling of explosives	23
(b) otherwise	46
8 <u>Regulation 133(2)(f)</u> – Application for shotfirer's certificate	11
9 <u>Regulation 141(1A)</u> – Permit for fireworks display:	
(a) at a public place	11
(b) other than at a public place	Nil
10 <u>Regulation 143(1A)</u> – Permit to handle explosives for special effects	10
11 <u>Regulation 173(3)</u> – Application for gasfitting certificate	11
12 <u>Regulation 174(3)</u> – Application for provisional gasfitting certificate	5
13 <u>Regulation 189(4)(a)</u> – Application for approval of:	
(a) gas meter	34
(b) gas appliance or component, other than a gas meter	50
14 <u>Regulation 201</u> – Application for autogas certificate	11

**Schedule 3      Infringement notice offences and prescribed amounts**

regulation 210

<b>Provision</b>	<b>Penalty units</b>
regulation 5D(1)	10
regulation 140(2)	10
regulation 140(3)	10

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Dangerous Goods Regulations (SL No. 4, 1985)***

Notified	8 March 1985
Commenced	8 March 1985

***Amendments of Dangerous Goods Regulations (SL No. 3, 1994)***

Notified	9 March 1994
Commenced	9 March 1994

***Statute Law Revision Act (No. 2) 2003 (Act No. 44, 2003)***

Assent	7 July 2003
Commenced	7 July 2003

***Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)***

Assent date	7 January 2004
Commenced	17 March 2004 ( <i>Gaz</i> G11, 17 March 2004, p 8)

***Amendments of Dangerous Goods Regulations (SL No. 26, 2004)***

Notified	18 August 2004
Commenced	18 August 2004

***Dangerous Goods Amendment Regulations 2005 (SL No. 44, 2005)***

Notified	9 November 2005
Commenced	9 November 2005

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date	14 December 2005
Commenced	14 December 2005

***Statute Law Revision Act 2007 (Act No. 4, 2007)***

Assent date	8 March 2007
Commenced	8 March 2007

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***Dangerous Goods Amendment Regulations 2008 (SL No. 8, 2008)***

Notified 28 May 2008  
Commenced 28 May 2008

***Dangerous Goods (Fireworks) Amendment Regulations 2009 (SL No. 19, 2009)***

Notified 26 June 2009  
Commenced 26 June 2009

***Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)***

Notified 14 December 2009  
Commenced 1 January 2010 (r 2)

***Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Act 2010 (Act No. 32, 2010)***

Assent date 9 September 2010  
Commenced 31 March 2011 (Gaz G13, 30 March 2011, p 14)

***Penalties Amendment (Justice and Treasury Legislation) Act 2010 (Act No. 38, 2010)***

Assent date 18 November 2010  
Commenced 1 February 2011 (Gaz S6, 1 February 2011)

***Dangerous Goods Amendment Regulations 2011 (SL No. 7, 2011)***

Notified 13 April 2011  
Commenced 13 April 2011

***Work Health and Safety (National Uniform Legislation) Consequential Amendments Regulations (SL No. 60, 2011)***

Notified 30 December 2011  
Commenced 1 January 2012 (r 2)

***Dangerous Goods Amendment (Fireworks) Regulations 2012 (SL No. 24, 2012)***

Notified 2 July 2012  
Commenced 2 July 2012

***Places of Public Entertainment Act Repeal Act 2013 (Act No. 8, 2013)***

Assent date 3 May 2013  
Commenced 19 June 2013 (Gaz G25, 19 June 2013, p 2)

***Dangerous Goods Amendment (Shopgoods Fireworks) Regulations 2014 (SL No. 2, 2014)***

Notified 26 February 2014  
Commenced 26 February 2014

***Local Government Amendment Act 2014 (Act No. 19, 2014)***

Assent date 2 June 2014  
Commenced s 16: 1 July 2014; s 18: 1 December 2014; rem: 2 June 2014, (s 2)

***Dangerous Goods Amendment Regulations 2015 (SL No. 11, 2015)***

Notified 20 May 2015  
Commenced 20 May 2015

***Statute Law Revision Act 2017 (Act No. 4, 2017)***

Assent date 10 March 2017  
Commenced 12 April 2017 (Gaz G15, 12 April 2017, p 3)

***Dangerous Goods Amendment Regulations 2018 (SL No. 7, 2018)***

Notified	11 April 2018
Commenced	11 April 2018

***Local Government Act 2019 (Act No. 39, 2019)***

Assent date	13 December 2019
Commenced	pt 8.6: 1 July 2022; rem: 1 July 2021 (Gaz S27, 30 June 2021)

**Amending Legislation*****Statute Law Revision Act 2020 (Act No. 26, 2020)***

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

***Local Government Amendment Act 2021 (Act No. 15, 2021)***

Assent date	25 May 2021
Commenced	26 May 2021 (s 2)

***Transport Legislation Amendment Act 2020 (Act No. 23, 2020)***

Assent date	10 July 2020
Commenced	1 July 2021 (Gaz G23, 9 June 2021, p 1)

**Amending Legislation*****Statute Law Revision Act 2020 (Act No. 26, 2020)***

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

***Justice Legislation Amendment Regulations 2021 (SL No. 18, 2021)***

Notified	3 November 2021
Commenced	3 November 2021

**3 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2, 2A, 5b, 70, 94A, 129, 138, 140A, 170, 179, 203, 212 and 224.

**4 LIST OF AMENDMENTS**

pt 1 hdg	sub No. 24, 2012, r 18
pt 1	
div 1 hdg	amd No. 24, 2012, r 18
r 2	amd No. 3, 1994, r 1; No. 26, 2004, r 2; No. 8, 2008, r 3; No. 60, 2011, r 5; No. 24, 2012, r 3; Act No. 8, 2013, s 4
r 2A	ins No. 24, 2012, r 4
pt I	
sdiv 1 hdg	ins No. 26, 2004, r 3
r 3	sub No. 26, 2004, r 3 amd Act No. 38, 2010, s 3; No. 60, 2011, r 20
r 4	sub No. 26, 2004, r 3 amd Act No. 38, 2010, s 3; No. 60, 2011, r 20; No. 2, 2014, r 3



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r 5	sub No. 26, 2004, r 3 amd No. 8, 2008, r 12; Act No. 38, 2010, s 3 rep No. 60, 2011, r 6 ins No. 2, 2014, r 4
r 5A	ins No. 26, 2004, r 3 amd Act No. 38, 2010, s 3 rep No. 60, 2011, r 6
r 5B	ins No. 26, 2004, r 3 amd No. 8, 2008, r 12; Act No. 38, 2010, s 3; No. 60, 2011, r 20; No. 24, 2012, r 5
r 5C	ins No. 26, 2004, r 3 amd No. 8, 2008, r 12; Act No. 38, 2010, s 3; No. 60, 2011, r 7
r 5D	ins No. 26, 2004, r 3 amd No. 8, 2008, r 12; Act No. 38, 2010, s 3; No. 60, 2011, r 20; No. 24, 2012, r 6
r 5E	ins No. 26, 2004, r 3 amd Act No. 38, 2010, s 3
pt I	
sdiv 2 hdg	ins No. 26, 2004, r 3
r 5F	ins No. 26, 2004, r 3 amd No. 60, 2011, r 8
r 5G	ins No. 26, 2004, r 3 amd Act No. 38, 2010, s 3
r 5H	ins No. 26, 2004, r 3 amd No. 24, 2012, r 7; No. 2, 2014, r 5
rr 5I – 5J	ins No. 26, 2004, r 3
r 5K	ins No. 26, 2004, r 3 amd No. 34, 2009, r 6
r 5L	ins No. 26, 2004, r 3 amd Act No. 38, 2010, s 3; No. 2, 2014, r 6
r 5M	ins No. 26, 2004, r 3 amd No. 24, 2012, rr 8 and 18
r 5N	ins No. 34, 2009, r 6
r 6	amd No. 26, 2004, r 10 rep No. 60, 2011, r 9
r 7	amd No. 26, 2004, r 10; No. 60, 2011, r 20
r 8	amd No. 26, 2004, r 4 rep No. 60, 2011, r 9
r 9	amd No. 26, 2004, r 5 rep No. 60, 2011, r 9
rr 10 – 11	amd No. 26, 2004, r 10 rep No. 60, 2011, r 9
r 12	rep No. 44, 2005, r 3
r 13	amd No. 60, 2011, r 20
r 14	amd No. 26, 2004, r 10; No. 60, 2011, r 20
rr 15 – 16	amd No. 60, 2011, r 20
r 17	amd No. 60, 2011, r 10
rr 18 – 20	rep No. 60, 2011, r 11
rr 21 – 22	rep No. 44, 2005, r 3
r 24	amd No. 26, 2004, r 10 amd No. 60, 2011, r 20
r 25	rep No. 44, 2005, r 3
r 26	amd No. 26, 2004, r 10 rep No. 44, 2005, r 3
r 27	amd No. 26, 2004, r 10
r 28	amd Act No. 1, 2004, s 63; No. 26, 2004, r 10 rep No. 60, 2011, r 11

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r 29	amd No. 26, 2004, r 10 rep No. 60, 2011, r 11
pt I	
div 5 hdg	sub No. 44, 2005, r 4 rep No. 60, 2011, r 11
rr 30 – 31	sub No. 44, 2005, r 4 rep No. 60, 2011, r 11
rr 32 – 33	rep No. 44, 2005, r 4
r 34	amd No. 26, 2004, r 10 rep No. 44, 2005, r 4
rr 35 – 40	rep No. 44, 2005, r 4
rr 41 – 42	amd No. 26, 2004, r 10 rep No. 44, 2005, r 4
r 43	rep No. 44, 2005, r 4
r 44	amd No. 26, 2004, r 10 rep No. 44, 2005, r 4
rr 45 – 50	rep No. 44, 2005, r 4
pt I	
div 6 hdg	rep No. 60, 2011, r 11
rr 51 – 53	rep No. 60, 2011, r 11
r 54	rep No. 26, 2004, r 6
r 55	amd Act No. 44, 2003, s 6 rep No. 26, 2004, r 6
rr 56 – 61	rep No. 26, 2004, r 6
r 62	amd Act No. 44, 2003, s 6; No. 26, 2004, r 10 rep No. 60, 2011, r 11
r 63	rep No. 60, 2011, r 11
pt I	
div 7 hdg	rep No. 60, 2011, r 11
rr 64 – 67	rep No. 60, 2011, r 11
pt I	
div 8 hdg	rep No. 60, 2011, r 11
rr 68 – 69	rep No. 60, 2011, r 11
pt II hdg	amd No. 24, 2012, r 18
pt 2	
div 1 hdg	amd No. 24, 2012, r 18
r 70	amd No. 26, 2004, r 10; No. 60, 2011, r 20; No. 24, 2012, r 18
r 71	rep No. 8, 2008, r 4
r 77	amd No. 60, 2011, r 20
r 80	amd No. 26, 2004, r 10
r 81	amd No. 26, 2004, r 10; No. 60, 2011, r 20
r 82	amd No. 26, 2004, r 10
r 84	amd No. 26, 2004, r 10; No. 60, 2011, r 20
r 87	amd No. 60, 2011, r 12
r 88	amd No. 60, 2011, r 20
r 89	amd No. 60, 2011, r 13
r 90	amd No. 24, 2012, r 18
r 91	amd No. 26, 2004, r 10; No. 8, 2008, r 5; No. 60, 2011, r 20; No. 24, 2012, r 9; No. 2, 2014, r 7
r 92	amd No. 26, 2004, r 10; No. 60, 2011, r 20; No. 2, 2014, r 8
r 92A	ins No. 2, 2014, r 9
r 93	amd No. 2, 2014, r 10
pt II	
div 8A hdg	ins No. 26, 2004, r 7
rr 94A – 94B	ins No. 26, 2004, r 7
r 94C	ins No. 26, 2004, r 7 amd Act No. 38, 2010, s 3

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pt II	
div 8B hdg	ins No. 26, 2004, r 7
	rep No. 60, 2011, r 14
rr 94D – 94F	ins No. 26, 2004, r 7
	rep No. 60, 2011, r 14
r 94G	ins No. 26, 2004, r 7
	amd Act No. 38, 2010, s 3
	rep No. 60, 2011, r 14
pt II	
div 8C hdg	ins No. 26, 2004, r 7
r 94H	ins No. 26, 2004, r 7
	amd Act No. 38, 2010, s 3
rr 94J – 94K	ins No. 26, 2004, r 7
pt II	
div 9 hdg	rep No. 60, 2011, r 14
rr 94 – 95	amd No. 26, 2004, r 10
	rep No. 60, 2011, r 14
rr 96 – 98	rep No. 60, 2011, r 14
r 99	amd No. 26, 2004, r 10
	rep No. 60, 2011, r 14
r 100	rep No. 60, 2011, r 14
r 101	amd No. 26, 2004, r 10
	rep No. 60, 2011, r 14
r 102	rep No. 60, 2011, r 14
r 103	amd No. 26, 2004, r 10
	rep No. 60, 2011, r 14
pt II	
div 10 hdg	rep No. 60, 2011, r 14
rr 104 – 107	amd No. 26, 2004, r 10
	rep No. 60, 2011, r 14
r 108	rep No. 60, 2011, r 14
r 109	amd No. 26, 2004, r 10
	rep No. 60, 2011, r 14
rr 110 – 111	rep No. 60, 2011, r 14
pt II	
div 11 hdg	rep No. 60, 2011, r 14
r 112	amd No. 26, 2004, r 10
	rep No. 60, 2011, r 14
r 113	rep No. 60, 2011, r 14
r 114	amd No. 26, 2004, r 10; No. 34, 2009, r 6
	rep No. 60, 2011, r 14
rr 115 – 116	rep No. 60, 2011, r 14
pt II	
div 12 hdg	rep No. 26, 2004, r 8
rr 117 – 126	rep No. 26, 2004, r 8
r 127	amd No. 26, 2004, r 10
	sub No. 8, 2008, r 6
r 129	sub No. 8, 2008, r 7
	amd No. 24, 2012, r 10
r 130	amd No. 26, 2004, r 10; No. 60, 2011, r 20
r 131	amd No. 26, 2004, r 10; Act No. 4, 2007, s 7; No. 8, 2008, r 8; No. 60, 2011, r 20; No. 24, 2012, r 11
r 133	amd No. 26, 2004, r 10; No. 34, 2009, r 6
r 134	amd No. 26, 2004, r 10
r 136	amd No. 26, 2004, r 10; No. 8, 2008, r 12
r 137	amd No. 26, 2004, r 10; No. 60, 2011, r 20
r 138	amd No. 26, 2004, r 10; Act No. 19, 2014, s 26; Act No. 39, 2019, s 370

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r 139	sub No. 8, 2008, r 9 amd No. 24, 2012, r 12
r 140	sub No. 8, 2008, r 9 amd No. 24, 2012, r 13
r 140A	ins No. 19, 2009, r 3 amd No. 24, 2012, r 14; Act No. 19, 2014, s 26
r 141	amd No. 26, 2004, r 10; No. 34, 2009, r 6; No. 60, 2011, r 20
r 142	amd No. 26, 2004, r 10; No. 60, 2011, r 20
r 143	amd No. 26, 2004, r 10; No. 34, 2009, r 6
pt III hdg	rep No. 60, 2011, r 14
pt III	
div 1 hdg	rep No. 60, 2011, r 14
r 144	amd No. 26, 2004, r 10 rep No. 60, 2011, r 14
pt III	
div 2 hdg	rep No. 60, 2011, r 14
rr 145 – 146	amd No. 26, 2004, r 10 rep No. 60, 2011, r 14
r 147	rep No. 60, 2011, r 14
r 148	amd No. 26, 2004, r 10 rep No. 60, 2011, r 14
rr 149 – 150	rep No. 60, 2011, r 14
r 151	amd No. 26, 2004, r 10 rep No. 60, 2011, r 14
rr 152 – 156	rep No. 60, 2011, r 14
r 157	amd No. 26, 2004, r 10 rep No. 60, 2011, r 14
r 158	rep No. 60, 2011, r 14
r 159	amd No. 26, 2004, r 10 rep No. 60, 2011, r 14
pt III	
div 3 hdg	rep No. 60, 2011, r 14
rr 160 – 166	rep No. 60, 2011, r 14
r 167	amd No. 26, 2004, r 10 rep No. 60, 2011, r 14
rr 168 – 169	rep No. 60, 2011, r 14
pt IV hdg	amd No. 24, 2012, r 18
pt 4	
div 1 hdg	amd No. 24, 2012, r 18
r 170	amd No. 60, 2011, r 20
r 171	rep No. 24, 2012, r 15
rr 172 – 176	amd No. 26, 2004, r 10
r 177	amd No. 60, 2011, r 15
rr 178 – 179	amd No. 26, 2004, r 10
r 184	amd No. 26, 2004, r 10 rep No. 60, 2011, r 16
rr 186 – 188	amd No. 26, 2004, r 10
r 189	amd No. 26, 2004, r 10; No. 60, 2011, r 20
r 190	amd No. 26, 2004, r 10
pt IV	
div 4 hdg	rep No. 60, 2011, r 16
r 191	amd No. 26, 2004, r 10 rep No. 60, 2011, r 16
rr 192 – 197	rep No. 60, 2011, r 16
r 198	amd No. 26, 2004, r 10 rep No. 60, 2011, r 16
rr 201 – 203	amd No. 26, 2004, r 10
r 205	amd No. 60, 2011, r 20

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r 207	amd No. 26, 2004, r 10; Act No. 23, 2020, s 74
r 208	amd No. 26, 2004, r 10 rep No. 60, 2011, r 16
pt 4	
div 6 hdg	amd No. 24, 2012, r 18
pt V hdg	rep No. 60, 2011, r 16
pt 5 hdg	ins No. 24, 2012, r 16
r 210	amd No. 26, 2004, r 10 rep No. 60, 2011, r 16 ins No. 24, 2012, r 16
rr 211 – 213	rep No. 60, 2011, r 16 ins No. 24, 2012, r 16
r 214	amd Act No. 44, 2005, s 34(2) rep No. 60, 2011, r 16 ins No. 24, 2012, r 16
r 215	rep No. 60, 2011, r 16 ins No. 24, 2012, r 16
r 216	amd No. 26, 2004, r 10 rep No. 60, 2011, r 16
rr 217 – 218	rep No. 60, 2011, r 16
r 219	amd No. 26, 2004, r 10 rep No. 60, 2011, r 16
r 220	rep No. 60, 2011, r 16
r 220A	ins No. 26, 2004, r 9 rep Act No. 44, 2005, s 34(3)
pt VI hdg	sub No. 24, 2012, r 18
r 221	amd No. 26, 2004, r 10 sub Act No. 44, 2005, s 34(3) amd No. 60, 2011, r 20
r 222	sub No. 8, 2008, r 10 amd Act No. 38, 2010, s 3
r 223	amd No. 26, 2004, r 10
pt VII hdg	ins No. 60, 2011, r 17 amd No. 24, 2012, r 18 om Act No. 4, 2017, s 34
r 224	ins No. 60, 2011, r 17
sch 1	amd No. 3, 1994, r 2; Act No. 32, 2010, s 154 sub No. 60, 2011, r 18
sch 2	amd No. 44, 2005, r 5; No. 8, 2008, r 11 sub No. 34, 2009, r 6
sch 3	amd No. 7, 2011, r 3; No. 60, 2011, r 19; No. 2, 2014, r 10; No. 18, 2021, r 5 ins No. 24, 2012, r 17 amd No. 2, 2014, r 10; No. 11, 2015, r 3; No. 7, 2018, r 4