

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 39 of 1979

## AN ACT

To amend the Explosives Act

[Assented to 27 April 1979]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

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|---|---------------|
| 1. This Act may be cited as the <u>Explosives Act</u> 1979.   | Short title   |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice published in the <u>Gazette</u> .  | Commencement  |
| 3. The <u>Explosives Act</u> is in this Act referred to as the Principal Act.   | Principal Act |
| 4. Section 8 of the Principal Act is amended -  | Definitions   |
| (a) by inserting in the definition of "explosives" after "pyrotechnic effect" the words "and includes fireworks and gunpowder";   |               |
| (b) by omitting from the definition of "explosives" the words "fireworks or";   |               |
| (c) by omitting the definition of "fireworks" and substituting the following definitions:   |               |
| "firearms" means a firearm as defined in the <u>Firearms Act</u> ;  |               |
| "fireworks" means any article designed to produce a sound or pyrotechnic effect by the means of the explosion or ignition of an explosive and designed only for the purpose of amusement, display or for use as a signal; and |               |
| (d) by omitting from the definition of "inspector" the word and figure "section 9" and substituting the word and figure "section 10".   |               |

## Explosives

- Powers of inspectors 5. Section 13(1)(f) of the Principal Act is amended by omitting the word and figure "section 15" and substituting the word and figure "section 16".
- Explosive to be manufactured under licence 6. Section 21 of the Principal Act is amended by adding at the end thereof the following sub-section:  
"(5) This section does not apply to the filling of cartridges for firearms."
- Carriage of explosives 7. Section 22 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:  
"(2) For the purposes of sub-section (1)(a) 'explosive' does not include fireworks or gunpowder."
- Where explosives may be kept 8. Section 24(1)(b) of the Principal Act is amended by inserting after "in pursuance of" the words "the Regulations or".
- Sale only by licensed dealer 9. Section 29(1) of the Principal Act is amended by inserting after "an explosive" the words "other than fireworks".
- Fireworks 10. Section 32 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:  
"(3) A person shall not throw, ignite or explode any fireworks -  
(a) other than in accordance with the provisions of this Act; or  
(b) at a time not being a time approved by the Minister by notice in the Gazette as a time permitted for the throwing, ignition or explosion of fireworks."
11. Section 33 of the Principal Act is repealed and the following section substituted:  
"33.(1) If it appears to a member of the Police Force that this Act is or has been contravened or not complied with in relation to the sale, purchase, possession, storage or use of an explosive, the member has and may exercise all or any of the powers of an inspector under this Act.  
"(2) If it appears to a person who is a member of a fire brigade, within the meaning of the Fire Brigades Act, that this Act is being or has been contravened or not complied with in relation to the sale, storage or use of any firework, gunpowder or smoke producing explosive, that member has and may exercise all or any of the powers of an inspector under this Act."
- Seizure on unlawful sale

## Explosives

12. Section 46(1) of the Principal Act is Regulations amended -

(a) by inserting after paragraph (ta) the following paragraph:

"(tb) regulating the storage of fireworks and gunpowder;"; and

(b) by inserting after paragraph (ac) the following paragraph:

"(ad) regulating the issue of fireworks display permits and prescribing terms and conditions for the display of fireworks;".

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