

NORTHERN TERRITORY OF AUSTRALIA

DANGEROUS GOODS AMENDMENT REGULATIONS 2008

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Subordinate Legislation No. 8 of 2008

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Schedule



# NORTHERN TERRITORY OF AUSTRALIA

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## ***Dangerous Goods Amendment Regulations 2008***

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Dangerous Goods Act*.

Dated 19 May 2008.

T. I. Pauling  
Administrator

By His Honour's Command

K. Vatskalis  
Minister for Business and Economic Development  
acting for the  
Minister for Employment, Education and Training

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\* Notified in the *Northern Territory Government Gazette* on 28 May 2008.

**1 Citation**

These Regulations may be cited as the *Dangerous Goods Amendment Regulations 2008*.

**2 Regulations amended**

These Regulations amend the *Dangerous Goods Regulations*.

**3 Amendment of regulation 2 (Interpretation)**

(1) Regulation 2(1)

*omit*

Regulations, unless the contrary intention appears –

*substitute*

Regulations:

(2) Regulation 2(1)

*insert (in alphabetical order)*

**explosives** means class 1 dangerous goods.

**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.

**4 Repeal of regulation 71**

Regulation 71

*repeal*

**5 Amendment of regulation 91 (Quantity of explosives stored without licence)**

(1) Regulation 91

*omit*

For

*substitute*

(1) For

(2) Regulation 91(1)(a), Table 3

*omit*

Shopgoods fireworks 10kg

(3) After regulation 91(1)

*insert*

(2) A person who stores shopgoods fireworks that are not stored for sale is exempt from regulation 4(1) during the approved period under regulation 139 or 140.

## **6 Repeal and substitution of regulation 127**

Regulation 127

*repeal, substitute*

## **127 Exemption from requirement to be licensed**

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

## **7 Repeal and substitution of regulation 129**

Regulation 129

*repeal, substitute*

## **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 the approved period under regulation 139; 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*.
  - (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.

**8 Amendment of regulation 131 (Possession of certain explosives)**

Regulation 131(2)

*omit, substitute*

- (2) A person who possesses shopgoods fireworks that are not intended for sale is exempt from regulation 5D(1) during the approved period under regulation 139 or 140.

**9 Repeal and substitution of regulations 139 and 140**

Regulations 139 and 140

*repeal, substitute*

**139 Purchase of shopgoods fireworks**

The Minister may, by *Gazette* notice, approve a period of time (the

**approved period**) during which a person may purchase shopgoods fireworks.

**140 Possession and ignition of fireworks**

- (1) The Minister may, by *Gazette* notice, approve a period of time (the **approved period**) during which a person may possess, throw, ignite or explode shopgoods fireworks.
- (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.
- (3) A person must not throw, ignite or explode a firework in a way likely to damage property or injure a person or animal.

**10 Repeal and substitution of regulation 222**

Regulation 222

*repeal, substitute*

**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 \$2 000.
- (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.

**11 Amendment of Schedule 2**

- (1) Schedule 2, column 1, item 3

*omit*

explosives where

*substitute*

explosives (other than shopgoods fireworks), where

(2) Schedule 2, item 3, after "L.P. gas"

*insert*

- shopgoods fireworks, where the amount stored for sale is:

not more than 200kg	100
more than 200kg	500

## **12 Further amendments**

The Schedule has effect.

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**Schedule**

regulation 12

Provision	Amendment	
	omit	substitute
regulation 5(1)	(1) A person	A person
regulation 5(2)	whole subregulation	
regulation 5B(3)	117,	
regulation 5C(5)	whole subregulation	
regulation 5D(2)	117 or	
regulation 136(2)	carrying box complying with regulation 124 or a	

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