

NORTHERN TERRITORY OF AUSTRALIA

DANGEROUS GOODS AMENDMENT REGULATIONS 2008

Subordinate Legislation No. 8 of 2008

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Schedule



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 8 of 2008*

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

* 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.

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	