

**Version No. 003**  
**Dangerous Goods (Explosives) Regulations**  
**2000**

**S.R. No. 61/2000**

Version incorporating amendments as at 28 August 2001

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**2000**

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**PART 1—PRELIMINARY**

**Division 1—General**

**101. Objectives**

The objectives of these Regulations are—

- (a) to provide for the safety of people and property in relation to the manufacture, storage, sale, transport, use, disposal and import of explosives; and
- (b) to provide for the safe location of vessels containing explosives while in port; and
- (c) to provide for the establishment and implementation of safety management systems in factories; and
- (d) to regulate the manufacture, storage, transport and use of explosives in mines and quarries; and
- (e) to prohibit the misuse of explosives; and
- (f) to prescribe matters for the purposes of the Act.

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**102. Regulations not intended to apply to certain motor vehicle devices**

Nothing in these Regulations is intended to apply to air bag inflators, air bag modules and seat belt pretensioners which are installed in vehicles or in completed vehicle components.

**103. Authorising provision**

These Regulations are made under section 52 of the **Dangerous Goods Act 1985**.

**104. Commencement**

- (1) These Regulations, other than regulations 306, 307, 308, 309, 808(3), 809, 817, 818 and 1212(1), come into operation on 30 June 2000.
- (2) Regulations 808(3), 809, 817, 818 and 1212(1) come into operation on 1 October 2000.
- (3) Regulations 306, 307, 308 and 309 come into operation on 1 January 2001.

**105. Revocation**

The Regulations set out in Schedule 3 are **revoked**.

**106. Definitions**

In these Regulations—

**"ANFO"** means an explosive mixture consisting of ammonium nitrate and fuel oil with or without a dye colouring agent;

**"annexe"** means a place for storing explosives which is separate from but comprises part of a magazine subject to a licence under Part 4;

**"approved"** means approved by the Authority, unless otherwise stated;

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**"AS"** followed by a group of numerals or a group of one or more letters, punctuated or unpunctuated, means the particular Australian Standard specified in these Regulations and which is published by Standards Australia, as amended from time to time;

**"Australian Explosives Code"** or **"AEC"** means the document known as the Australian Code for the Transport of Explosives by Road and Rail endorsed by the body known as the Standing Committee on Transport, as amended from time to time;

**"berth"** means any dock, pier, jetty, quay, wharf, marine terminal or similar structure (whether floating or not) at which a vessel may tie up;

**"blast hole"** means a hole made for the purpose of placing in position explosives which are to be fired;

**"blasting cap"** has the same meaning as detonator;

**"blasting explosive"** means an explosive which contributes the majority of the work in an explosion and is intended primarily for use in blasting in mining, quarrying, construction, demolition and excavations generally (including detonators, gunpowder for blasting and any blasting compound);

**"bulk"** means a container with a capacity exceeding 450 litres or with net contents exceeding 400 kg;

**"bulling"** means a procedure intended to enlarge a section of a blast hole, in order to accommodate extra explosive;

**"butt"** means any portion of a drill hole or blast hole left after blasting;

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**"capped case"** means a safety cartridge case which does not contain any propellant, with a primer that is fitted;

**"Category A protected work"** includes railways, tramways, aerodromes, radio or television transmitters, main electrical substations, navigable waterways, docks, wharves, river walls, sea walls, reservoir walls, piers, jetties, market places, public recreation or sports grounds or other open places where people assemble, open places of work in another site, public highways, and roads which are a principal means of access to a place of worship, college, school, hospital or factory;

**"Category B protected work"** includes dwellings, places of worship, public buildings, hospitals, schools or colleges, theatres or any buildings in which people assemble, any factories, workshops, offices, stores, warehouses or shops or any buildings where people are employed, any ship lying at permanent berthing facilities, buildings or works used for the storage of petroleum products, gas or other dangerous goods, and buildings or works used for the storage or manufacture of explosives or articles which contain explosives;

**"central mixing point"** means any structure or place at a mine, quarry, construction or other work site where an explosive mixture is prepared, but does not include a factory;

**"charge"** means explosives that are placed in a blast hole or other place of use, or the act of placing explosives in a blast hole or other place of use;

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**"Chief Inspector of Quarries"** means the chief inspector of quarries appointed under section 41(1)(a) of the **Extractive Industries Development Act 1995**;

\* \* \* \* \*

Reg. 106 def. of "chief mining inspector" revoked by S.R. No. 85/2001 reg. 3(a)(i).

**"Chinese firecrackers"** means a string of individual crackers (each cracker consisting of a single tube of rolled paper fitted with a wick and filled with an explosive), that is designed to explode with a series of sharp reports;

**"Class"** means in relation to dangerous goods, the number assigned to the goods indicating the hazard, or most predominant hazard, exhibited by the goods;

**"Class Label"** means a label as defined in the Transport Code and which is attached to packages, containers or loads of dangerous goods and is used to identify the Class of dangerous goods in the package, container or load;

**"Classification Code"** means the code assigned to an explosive, comprising a combination of the number of the Hazard Division to which the explosive belongs followed by the letter of the Compatibility Group to which the explosive belongs, as determined in accordance with the Australian Explosives Code;

**"Compatibility Group"** means the letter which follows the Hazard Division number in the Classification Code of an explosive and

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which is used to identify the kinds of explosive substances and articles that are deemed as a result of testing to be compatible for transport or storage purposes;

**"danger building"** means a factory building in which—

- (a) any explosive; or
- (b) any ingredient or component for the manufacture of explosives which by itself, or when mixed with any other substance also present in the building, has explosive properties or is capable of forming an explosive mixture or compound—

is manufactured or is present, or is likely to be present;

**"detonator"** means a capsule or case which contains an explosive of high sensitivity used for initiating other explosives;

**"Director of Mines"** means the Director of Mines employed under section 90(1)(a) of the **Mineral Resources Development Act 1990**;

**"display firework"** means a firework containing an amount of pyrotechnic substance greater than any amount specified for a prohibited firework and includes aerial shells and ground display fireworks, but does not include sky rockets or theatrical fireworks;

**"distress signal"** means a pyrotechnic device intended for signalling, warning, rescue or similar purposes, and includes marine flares and signals, landing flares, highway fuses, line-carrying rockets, anti-hail rockets, cloud

Reg. 106 def.  
of "Director of  
Mines"  
inserted by  
S.R. No.  
85/2001  
reg. 3(a)(ii).



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rockets, avalanche rockets and smoke generators;

**"exploder"** means a self-contained portable item of equipment designed to produce electric current for firing charges;

**"factory"** means any building or structure, or any part of a building or structure, used or intended to be used for the manufacture of any explosive or any purpose incidental to or associated with that manufacture, and includes any land occupied for or in connection with that manufacture, including any land used for the destruction of explosives or waste materials;

**"factory magazine"** means a building within a factory, used or intended to be used for the storage of finished packed explosive made in that factory;

**"firework"** means a pyrotechnic device containing an explosive composition which upon functioning will burn or explode, or both, to produce a visual effect or aural effect, or both, but does not include distress signals;

**"firing"** includes the act of initiation, or attempted initiation, of explosives;

**"general use fireworks"** means toy fireworks which contain minute quantities of pyrotechnic substance (such as toy pistol caps, party poppers and snaps for bon-bon crackers), sparklers, model rocket motors (containing no more than 62.5 grams of propellant), and any other fireworks authorised and approved as a general use firework;

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**"hazard"** means the potential to cause any injury to, or illness of, a person, or damage to property;

**"import"** means bringing into Victoria from a place outside Victoria;

**"industrial safety cartridge"** means a cartridge of Classification Code 1.4S which provides the power to an implement used to drive a projectile against, into or through any substance by means of an explosive;

**"inner packaging"** means a packaging that—

- (a) is capable of performing its containment function without being placed in another packaging; and
- (b) is placed in an outer packaging to form a combination packaging for transport;

**"mains firing"** means the firing of charges from power cables connected to a source of electricity other than an exploder;

**"making of an explosive mixture"** means the combining of ingredients or components to produce an explosive mixture and includes the assembling and blending of the inexplusive components of an explosive mixture;

**"mark"** includes a label;

**"member of the police force"** means an employee of the Chief Commissioner of Police of Victoria acting in the course of his or her duties;

**"mine"** means any land on which mining takes place under a licence granted under the **Mineral Resources Development Act 1990**;

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**"mining"** means extracting minerals from land for the purpose of producing them commercially, and includes processing and treating ore;

**"misfire"** means a charge or part of a charge which upon firing has failed to explode or function as intended;

**"mobile manufacturing unit" or "MMU"** means a vehicle or mobile unit used for the manufacture of explosives;

**"NEQ" or "net explosive quantity"** means the mass of explosive material contained in an explosive;

**"nitrate mixture"** means any preparation other than gunpowder, formed by the mechanical mixing of a nitrate with any form of carbon or with any carbonaceous substance not having explosive properties, whether sulphur is or is not added to the preparation, and whether the preparation is or is not mechanically mixed with any other non-explosive substance, and includes ammonium nitrate explosives mixtures;

**"outer packaging"** means a packaging that forms the outer protection of a composite or combination packaging, and includes any absorbent material, cushioning and other components used to contain or protect inner receptacles or inner packagings;

**"package"** means the complete product of the packing of goods for transport and consists of the goods and their packaging;

**"packaging"** means the container in which goods are received or held for transport, and includes anything that enables the container to receive or hold the goods or to be closed;

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"**percussion caps**" means primers for cartridges;

"**plant**" has the meaning that it has in the  
**Occupational Health and Safety Act 1985**;

"**port operator**" means any person or body of  
people empowered to exercise effective  
control in a port;

"**practicable**" has the meaning that it has in the  
**Occupational Health and Safety Act 1985**;

"**process building**" means a building for the  
manufacture or storage of explosives, other  
than for immediate use, in which any  
explosive is manufactured or any ingredient  
of explosive is used in a manufacturing  
process;

"**projectile**" in relation to the use of industrial  
safety cartridges, means a stud, pin, dowel,  
screw, rivet, spike, nail or similar object;

"**propellant**" means an explosive adapted and  
intended for use as a propelling charge in  
weapons, and includes gunpowder when in  
finely granulated form;

"**protected work**" means a Category A protected  
work or a Category B protected work;

"**public holiday**" means a day appointed as, or  
declared to be, a public holiday in  
accordance with the **Public Holidays Act**  
**1993**;

"**public place**" means any place, street or road  
which is open to the public and is not private  
property;

"**pyrotechnic substance**" means a substance or a  
mixture of substances designed to produce  
an effect by heat, light, sound, gas or smoke,  
or a combination of these, as a result of an  
exothermic chemical reaction which does not

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rely on oxygen from external sources to sustain the reaction;

**"quarry"** has the meaning that it has in the **Extractive Industries Development Act 1995**;

**"receptacle"** means a container or carry box used to store or carry explosives, but does not include a magazine;

**"risk"** means the likelihood of injury or illness arising from exposure to any hazard;

**"road"** means a road within the meaning of the **Road Safety Act 1986**;

**"safety ammunition"** means ammunition of Classification Code 1.4S and includes safety cartridges, percussion caps and primers of Classification Code 1.4S;

**"safety cartridges"** means cartridges, of Classification Code 1.4S, for weapons;

**"safety management system"** means a safety management system established under regulation 306;

**"signal tube"** means a small-bore flexible plastic tube coated internally with an explosive powder so that it is capable of transmitting a shock wave along the length of the tube;

**"shotfirer"** means a person who—

- (a) is licensed to use blasting explosives; or
- (b) uses blasting explosives; or
- (c) is responsible for preparing, charging and firing blasting explosives;

**"source of ignition"** means a source of energy sufficient to initiate an explosive or ignite a flammable atmosphere, and includes naked

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flames, lit smoking materials (such as lit cigarettes), exposed incandescent material, electrical welding arcs, mechanical or static sparks, and electrical or mechanical equipment;

**"stem"** means to place sand or other inert material in a blast hole, either above explosives or between layers or decks of explosives so that the effect of the explosives is maximised;

**"supervision"** in relation to the use of explosives, means the direct control of a person who is working in the same workplace as the supervisor, or is present in an area which is under the control of the supervisor;

**"underground magazine"** means a magazine that is used for the storage of explosives and detonators and is—

- (a) an enclosed cavity formed in underground rock; or
- (b) constructed in accordance with AS2187.1 for underground use;

**"United Nations number"** or **"UN number"** or **"UN"** has the same meaning as "United Nations number" in the Transport Code;

**"use"** in relation to explosives means the preparation, charging or firing of explosives and includes the firing or discharging of a firework;

**"vessel"** means a ship or a boat;

**"vulnerable facility"** includes—

- (a) multi-storey buildings;
- (b) large glass fronted buildings;

- (c) health care facilities, childcare facilities and schools;
- (d) public buildings or structures of major historical value;
- (e) major utilities, including water, gas and electricity works.

#### **107. References to quantities of explosives**

In these Regulations any reference to explosive quantity is a reference to net explosive quantity unless otherwise stated.

### **Division 2—Classification of Explosives**

#### **108. Hazard Divisions**

In these Regulations, Hazard Divisions are defined as—

**"Hazard Division 1.1"** means substances and articles which have a mass explosion hazard;

**"Hazard Division 1.2"** means substances and articles which have a projection hazard, but not a mass explosion hazard;

**"Hazard Division 1.3"** means substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard;

**"Hazard Division 1.4"** means substances and articles which present no significant hazard;

**"Hazard Division 1.5"** means very insensitive substances which have a mass explosion hazard;

**"Hazard Division 1.6"** means extremely insensitive articles which do not have a mass explosion hazard.

**109. Detonators of Classification Code 1.4**

All detonators of Classification Code 1.4B or 1.4S are of Classification Code 1.1B if they are not in their original unopened packaging.

**110. Storage or transport of more than one Hazard Division together**

(1) If a person—

- (a) stores or transports together explosives of more than one Hazard Division; and
- (b) a provision of these Regulations requires that a collective Hazard Division be determined for those explosives—

the person must determine the collective Hazard Division in accordance with sub-regulations (2) and (3).

(2) The collective Hazard Division of explosives of 2 different Hazard Divisions is determined by taking the Hazard Division of one explosive in the vertical Hazard Division column of Table 110, and the Hazard Division of the other explosive in the horizontal Hazard Division column of the Table, and reaching the place in the Table that the 2 columns intersect.

**Table 110—Determination of Collective Hazard Division**

<b>Hazard Division</b>	<b>1.1</b>	<b>1.2</b>	<b>1.3</b>	<b>1.4</b>	<b>1.5</b>	<b>1.6</b>
<b>1.1</b>	1.1	1.1	1.1	1.1	1.1	1.1
<b>1.2</b>	1.1	1.2	1.1	1.2	1.1	1.2
<b>1.3</b>	1.1	1.1	1.3	1.3	1.1	1.3
<b>1.4</b>	1.1	1.2	1.3	1.4	1.5	1.6
<b>1.5</b>	1.1	1.1	1.1	1.5	1.5	1.5
<b>1.6</b>	1.1	1.2	1.3	1.6	1.5	1.6



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- (3) If explosives of more than 2 Hazard Divisions are present together, the collective Hazard Division of those explosives is determined by taking any 2 of those Hazard Divisions and determining their collective Hazard Division in accordance with sub-regulation (2), then taking that collective Hazard Division and another of the Hazard Divisions and determining their collective Hazard Division in accordance with sub-regulation (2) and then continuing this process until all Hazard Divisions present have been considered.
- (4) Different types of articles of Hazard Division 1.6 may be—
- (a) stored or transported together as Hazard Division 1.6 only when it is proved by testing or analogy that there is no additional risk of sympathetic detonation between the articles; or
  - (b) treated as Hazard Division 1.1.

**Division 3—Miscellaneous**

**111. Publication date of amendments to AEC**

For the purposes of these Regulations, an amendment to the Australian Explosives Code is published either—

- (a) on the date it is published in the Government Gazette of the Commonwealth; or
- (b) on the date on which the notice of its making is published in the Government Gazette of the Commonwealth—

whichever occurs first.

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**112. Date of effect of amendment to incorporated documents**

If the effect of an amendment to any document incorporated, applied or referred to in these Regulations is to impose a new obligation, or alter an existing obligation, under these Regulations, a person may choose to comply with these Regulations as if the amendment had not been made until the expiry of 6 months after the date the amendment is published.

**113. Inconsistencies between provisions**

If a provision of any document incorporated, applied or referred to in these Regulations is inconsistent with any provision of these Regulations, the provision of these Regulations prevails.

**114. Regulations not applicable to unauthorised explosives in certain circumstances**

- (1) A person who manufactures an unauthorised explosive in a factory licensed under Part 3 (except the requirement to be licensed) is not required to comply with the requirements of Parts 3, 4, 6 and 7 and is exempted from the provisions of section 54 of the Act if—
  - (a) the explosive is manufactured for the purposes of a trial;
  - (b) the quantity of explosive is no greater than is necessary for the conduct of the trial;
  - (c) the person receives prior written approval from the Authority to manufacture the relevant explosive.

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- (2) A person who manufactures an unauthorised explosive, which is intended to be incorporated or included as an ingredient in an authorised explosive to be manufactured in a factory licensed under Part 3, is not required to comply with the requirements of Parts 3 (except the requirement to be licensed) and 4 and is exempted from the provisions of section 54 of the Act.
  - (3) A person who manufactures an unauthorised explosive at an approved industrial laboratory or research institution or at a place approved for the conduct of such research is exempted from Parts 3, 4 and 7 and the provisions of section 54 of the Act if—
    - (a) the person is qualified and experienced in the use of those explosives; and
    - (b) the quantity of explosive is no greater than is necessary for the conduct of the chemical experiment.
  - (4) A person who imports an unauthorised explosive is exempted from Parts 6, 7 and 10 in respect of a sample imported for the purposes of testing and trial if prior written approval from the Authority has been obtained.
  - (5) This regulation does not permit the sale of unauthorised explosives.

**115. Exemption from provisions of the Regulations**

- (1) A person may apply to the Authority for an exemption from compliance with any requirement in these Regulations, except a provision concerning a requirement to hold a licence.
  - (2) An application for an exemption must—
    - (a) state the provision or provisions for which exemption is sought; and
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- (b) explain the method by which the applicant intends to ensure that there is a level of health and safety of people, and a level of safety of property, that is at least equivalent to that which would be achieved by observance of the relevant provision or provisions.
- (3) The information provided under sub-regulation (2)(b) must include information relating to the risk associated with noise.
- (4) The Authority may—
- (a) grant an exemption in whole or in part; or
  - (b) refuse an exemption.
- (5) The Authority may not grant an exemption unless it is satisfied that the method proposed in sub-regulation (2)(b) is capable of achieving a level of health and safety of people, and a level of safety of property, that is at least equivalent to the level that would be achieved if the relevant provision or provisions had been complied with.
- (6) An exemption granted by the Authority must be in writing.
- (7) The Authority may impose conditions on an exemption in relation to—
- (a) the commencement and duration of the exemption; and
  - (b) the things and activities for which the exemption has been granted; and
  - (c) the person or class of people to whom the exemption has been granted; and
  - (d) the premises or class of premises for which the exemption has been granted; and
  - (e) the provisions of these Regulations for which the exemption has been granted; and
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- (f) requirements for the provision of information relevant to the exemption that may reasonably be requested by the Authority; and
  - (g) the monitoring or recording of systems of work or processes used at the facility exempted or by the person exempted; and
  - (h) a requirement that the person exempted give notice of the exemption and of the terms and conditions of the exemption to any specified person or body who may be affected; and
  - (i) any other conditions that the Authority considers to be appropriate in the circumstances.
- (8) A person to whom an exemption has been granted must comply with each condition that applies to the exemption.

**116. Authority may grant class exemptions on its own motion**

- (1) The Authority may grant on its own motion an exemption from compliance with a regulation in respect of a class of people, activities, premises or licence holders.
  - (2) The Authority must not grant an exemption under sub-regulation (1) unless it is satisfied that the exemption will achieve a level of health and safety of people, and a level of safety of property, that is at least equivalent to that which would be achieved by observance of the relevant provision or provisions.
  - (3) An exemption granted under this regulation must be issued in writing.
  - (4) The Authority may impose any of the conditions listed in regulation 115(6) on an exemption granted under this regulation.
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- (5) A person to whom an exemption has been granted must comply with each condition that applies to the exemption.

**117. Power of Authority to amend, suspend or revoke exemptions**

- (1) The Authority may, at any time, amend, suspend or revoke an exemption granted under regulation 115 or 116, either on the request of the holder of the exemption, or on its own motion.
- (2) The Authority must not amend, suspend or revoke an exemption on its own motion unless it has—
- (a) notified the holder of the exemption that the Authority is considering amending, suspending or revoking the amendment; and
  - (b) provided the holder of the exemption with written reasons for that proposed course of action; and
  - (c) invited the holder of the exemption to make a submission on the proposed course of action, including a submission on the appropriate amendment (if any) to be made; and
  - (d) considered any submissions that are made in response to the invitation.
- (3) If the Authority decides to suspend an exemption, it must give the person to whom the exemption was granted a written notice that sets out—
- (a) the date and time from which the suspension takes effect; and
  - (b) the date and time at which the suspension ceases to operate.

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- (4) If the Authority decides to revoke an exemption, it must give the person to whom the exemption was granted a written notice that sets out the date and time from which the revocation takes effect.

**118. Refusal of request for exemption**

The Authority must not refuse to grant a request for an exemption, or a request for an amendment to an exemption, unless it has—

- (a) provided notice in writing to the person making the request that—
  - (i) states that on the basis of the information it has available, it intends to refuse to grant, or amend, the exemption; and
  - (ii) sets out the reasons why it has formed that intention; and
- (b) invited the person making the request to provide a written submission to the Authority on the intended refusal; and
- (c) considered any submission that is made in response to the notice.

**119. Partial grant of application for exemption**

The Authority must not grant only part of a request for an exemption, or an amendment to an exemption, unless it has—

- (a) provided the person requesting the exemption with notice in writing that—
  - (i) states that the Authority intends to grant in part, or amend in part, the exemption on the basis of the information it has available; and
  - (ii) sets out the reasons why it has formed that intention; and

- (b) invited the person making the request to provide a written submission to the Authority on the proposed decision; and
- (c) consider any submission that is made in response to the notice.

**120. Holders of major hazard facilities licences**

- (1) The Authority may exempt a person who is operating a major hazard facility that is licensed under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 from any or all of the provisions of these Regulations if the Authority is satisfied that the person is, in the operation of the facility, capable of achieving a level of health and safety of people, and the safety of property, that is at least equivalent to the level that would be achieved if the relevant provision or provisions had been complied with.
- (2) An exemption granted by the Authority under this regulation—
  - (a) must be in writing; and
  - (b) is subject to any conditions specified by the Authority; and
  - (c) must specify—
    - (i) the thing or activity or the class of things or activities for which the exemption has been granted; and
    - (ii) the person or class of people to whom the exemption has been granted; and
    - (iii) the premises or class of premises for which the exemption has been granted; and
    - (iv) the provision or provisions of these Regulations from which the exemption has been granted; and



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- (v) the conditions (if any) to which the exemption is subject.
  - (3) A person to whom an exemption is granted under this regulation must comply with each condition to which the exemption is subject.
  - (4) A person who is operating a major hazard facility that is licensed under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is not required to hold a licence under Part 3 or 4.

**121. Quarterly returns of stock-lists not required**

All explosives are exempt from the provisions of section 27(1) of the Act.

**122. Applications for licences**

- (1) An application for a licence required to be held under these Regulations must—
  - (a) be made to—
    - (i) the Authority; or
    - (ii) the Director of Mines or the Chief Inspector of Quarries for any licence required for the storage or use of explosives in mines or quarries; and
  - (b) be made in the form and manner required by the Authority; and
  - (c) be accompanied by the appropriate fee specified in Part 12.
- (2) An applicant for a licence under these Regulations who is a natural person must be at least 18 years of age.

Reg. 122(1)  
(a)(ii)  
amended by  
S.R. No.  
85/2001  
reg. 3(b).

(3) According to the particular kind of licence sought, the Authority may require an applicant to submit any—

- (a) plans, drawings, specifications or calculations; or
- (b) details of management and operating procedures; or
- (c) results of hazard or risk studies; or
- (d) any other information—

that the Authority considers necessary to assess the application.

**123. Requirements applying to licences generally**

(1) The following requirements apply in respect of any licence required to be held under these Regulations—

- (a) the licence must be in a form approved by the Authority;
- (b) the Authority may issue a licence under Part 3, 4, 5, 6, 7, 8 or 10 for a period of up to 5 years;
- (c) a licence—
  - (i) is valid only for the person to whom it is issued; and
  - (ii) is valid only for the particular explosives specified in the licence; and
  - (iii) is valid only for the maximum quantities (if any) specified in the licence; and
  - (iv) if it relates to a factory, magazine or premises, is valid only for the particular factory, magazine or premises specified in the licence.

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- (2) If a licence holder contravenes a condition of the licence or any provision of these Regulations, the Authority may vary the term or the conditions of the licence in a manner that it considers appropriate.
  - (3) If a licence is varied in accordance with sub-regulation (2), the Authority may restore the original terms and conditions at any time.
  - (4) A licence holder must produce the licence for inspection when requested to do so by an inspector or member of the police force.

**124. Obligations to observe licence conditions and Regulations**

- (1) A licence holder must ensure that any person involved in work that is performed under the licence—
  - (a) observes the conditions of the licence; and
  - (b) observes the applicable requirements of these Regulations; and
  - (c) receives sufficient and appropriate information, training and supervision to be able to do so.
- (2) A person involved in work performed under a licence must co-operate with the licence holder in any direction made, or action taken, by the licence holder or any person authorised by the licence holder, to comply with any requirement imposed by sub-regulation (1).
- (3) For the purposes of this regulation "**person**" includes a person at a site at which work is performed under a licence who is—
  - (a) employed under a contract of employment;  
or

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- (b) employed under a contract of training; or
- (c) engaged as a private contractor for a specific task; or
- (d) authorised by the licence holder to enter a site that is managed or occupied by the licence holder.

**125. Obligations under Regulations also apply to unlicensed people**

If a person undertakes any activity for which the person is required to hold a licence under these Regulations, the person must comply with any requirements imposed by these Regulations in relation to that activity on a licence holder, even if the person is not a licence holder.

**126. Continuation of licences under the Dangerous Goods (Explosives) Regulations 1988**

The following provisions apply to licences which were in force under the Dangerous Goods (Explosives) Regulations 1988 immediately before this regulation came into operation—

- (a) a requirement to hold a licence under these Regulations in respect of a particular act, matter or thing does not apply to the holder of a licence under the Dangerous Goods (Explosives) Regulations 1988 until the expiry date specified on that licence, if—
  - (i) that licence authorises the same act, matter or thing; and
  - (ii) the licence holder complies with the conditions, limitations and restrictions specified in that licence;

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- (b) a licence referred to in paragraph (a), issued under the Dangerous Goods (Explosives) Regulations 1988, may be amended, suspended, or revoked as if it were a licence issued under these Regulations until the expiry date specified in the licence.

**127. Placement, visibility and maintenance of signs**

- (1) A licence holder who is required under these Regulations to display a sign or notice must ensure that—
- (a) the sign or notice is placed in a position so that it is clearly legible by people approaching the sign or notice; and
  - (b) the sign or notice is kept in good order and is clean; and
  - (c) no other sign, notice or writing which contradicts the sign or notice is placed nearby.
- (2) A licence holder must ensure that a sign or notice is removed when the explosives to which it applies are no longer present.

**128. Restrictions concerning young people**

- (1) A person holding a licence to manufacture explosives at a factory must ensure that a person under 18 years of age does not enter any danger building in which explosives are being manufactured unless accompanied by, and under the supervision of, an experienced employee who is at least 18 years of age.
- (2) A person who fills or caps safety cartridges must ensure that a person under 18 years of age does not enter any room where safety cartridges are being filled or capped unless accompanied by, and under the supervision of, a person who is at least 18 years of age.

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- (3) A licence holder must not employ a person under 18 years of age in connection with the use of blasting explosives.
  - (4) A person under 18 years of age must not—
    - (a) store any explosives except—
      - (i) general use fireworks allowed to be kept by a person under 18 years of age in accordance with Part 8; or
      - (ii) distress signals for the lawful need of that person; or
      - (iii) industrial safety cartridges;
    - (b) enter a surface magazine unless accompanied by, and under the supervision, of an experienced employee who is at least 18 years of age;
    - (c) enter an underground magazine.

**129. People under the influence of alcohol or drugs**

- (1) A person who is adversely affected by alcohol or a drug must not—
    - (a) be in any part of a factory or licensed premises where explosives are manufactured or stored; or
    - (b) make an explosive mixture or handle or use explosives; or
    - (c) be in or on a road or rail vehicle, or a vessel, while it has explosives aboard.
  - (2) For the purposes of sub-regulation (1), a person is adversely affected by alcohol or a drug if the alcohol or drug reduces the person's mental or physical ability to the extent that the person could cause an accident involving explosives.
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- (3) If a licence holder under any Part of these Regulations or any other person in control of explosives suspects that a person is adversely affected by alcohol or a drug—
- (a) the licence holder or person authorised by the licence holder to have immediate control of the explosives may order the affected person away from the area where the explosives are, or from the vehicle or vessel; and
  - (b) the affected person must comply with the order.

#### **Division 4—Duties Applicable to all People**

##### **130. Misuse of explosives prohibited**

- (1) A person must not use, modify, or attempt to use or modify, an explosive to produce an explosives effect other than that for which the particular explosive was designed.
- (2) A person must not incite or assist another person to use, modify, or attempt to use or modify, an explosive to produce an explosives effect other than that for which the particular explosive was designed.
- (3) This regulation does not apply to a person who is appropriately qualified or experienced in the use of those explosives, if the person is conducting research at an approved industrial laboratory or research institution or at a place approved for the conduct of such activities.

##### **131. Injury or property damage to be reported**

- (1) If any person is injured or any property is damaged as a direct or indirect result of an explosion, fire or other incident involving explosives (including injury or damage resulting

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from the ignition or discharge of fireworks) the person in control of the explosives must—

- (a) without delay notify the Authority and a member of the police force of the occurrence;
  - (b) if so requested by an inspector, within 48 hours of the request supply a written report to the inspector setting out the details of the occurrence and of the injuries or damage caused;
  - (c) if a fire results involving explosives, immediately notify the relevant fire authority.
- (2) In sub-regulation (1) "**person in control of the explosives**" means—
- (a) the occupier of a factory; or
  - (b) the owner of a road or rail vehicle transporting explosives and the person in charge of the vehicle; or
  - (c) a person keeping explosives; or
  - (d) a shotfirer; or
  - (e) the owner of a mine or quarry; or
  - (f) a person supervising the discharge of fireworks or discharging fireworks; or
  - (g) any other person having control and management of the explosives.
- (3) Sub-regulation (1) does not apply to an instance of injury or damage resulting from the use of ammunition in a weapon.



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- (4) For the purposes of section 32(2)(a) of the Act, explosives are prescribed as dangerous goods and accordingly are goods to which the requirements of section 32 of the Act as regards the reporting of accidents do not apply.
  - (5) If an incident required to be reported under this regulation is also required to be notified under the Occupational Health and Safety (Incident Notification) Regulations 1997, a person who notifies the incident according to those Regulations is deemed to have complied with the requirement to notify the Authority under sub-regulation (1)(a).

**132. Accident scene not to be disturbed**

- (1) If any injury or damage to property has occurred as a direct or indirect result of an explosion, fire or other incident involving explosives (including injury resulting from the ignition or discharge of fireworks), a person must not disturb, move or remove any article, material or debris except with the permission, and in accordance with any directions, of an inspector or a member of the police force.
  - (2) Nothing in sub-regulation (1) prohibits a person from taking any steps reasonably necessary to—
    - (a) rescue an injured person;
    - (b) recover the body of a person;
    - (c) extinguish a fire;
    - (d) prevent injury to a person or damage to property;
    - (e) secure any explosives remaining at the scene or make the scene safe.
  - (3) Sub-regulation (1) does not apply to an instance of injury resulting from the use of ammunition in a weapon.
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**133. Reporting of theft, loss or attempted theft**

- (1) A person in charge of any premises or place used to manufacture or store explosives, or a road or rail vehicle or vessel used to transport explosives, on becoming aware of any occurrence of theft or loss of explosives from, or a breaking into or attempt at breaking into, the premises, place, vehicle or vessel must—
- (a) without delay inform the Authority and a member of the police force of the occurrence; and
  - (b) if so requested by an inspector, within 48 hours of the request supply a written report to the inspector setting out the details of the occurrence.
- (2) In sub-regulation (1) "**person in charge**" includes—
- (a) an occupier of a factory; or
  - (b) a person holding a licence under these Regulations; or
  - (c) a person storing explosives; or
  - (d) the owner of a road or rail vehicle transporting explosives and the person having direct charge of the vehicle; or
  - (e) the owner or operator of a vessel; or
  - (f) a port operator in control of an approved berth; or
  - (g) a shotfirer.
- (3) Sub-regulation (1) does not apply in respect of ammunition.
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**PART 2—PACKAGING AND MARKING**

**201. Application**

This Part applies to the packaging of explosives and to the marking of packages, unit loads and intermediate bulk containers of explosives.

**202. Explosives to be packaged and marked in accordance with the Australian Explosives Code**

- (1) A person licensed to manufacture explosives must ensure that, on completion of manufacture, the explosives are packaged and marked in accordance with the applicable requirements of the Australian Explosives Code.
- (2) A person must not import, store or transport any explosive unless the explosive is packaged and marked in accordance with the applicable requirements of the Australian Explosives Code.
- (3) All markings referred to in sub-regulations (1) and (2) must be in the English language.
- (4) Sub-regulations (1) and (2) do not apply if the explosives are—
  - (a) in the process of being manufactured or are semi-finished goods at the premises or place where they are being manufactured; or
  - (b) for use at, and are not transported beyond the boundaries of, the premises or place where they were manufactured provided that the containers are clearly and conspicuously marked with the name of the contents; or
  - (c) blasting explosives at a place where they are about to be used and the requirements of regulation 324 or 711, whichever of those regulations is appropriate, are observed as to

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- the containers to be used for the explosives;  
or
- (d) blasting explosives which are manufactured at a place where they are about to be used; or
  - (e) blasting explosives being transported in receptacles by a person for that person's own use and which are within the relevant quantity limits specified in Table 202; or
  - (f) not more than 5 kg. of safety ammunition or distress signals or general use fireworks being stored or transported by a person for that person's own use.

**Table 202—Quantities of blasting explosives that do not require packaging or marking according to the AEC when transported by a person for his or her use**

<i>Type of explosives</i>	<i>Quantity</i>
Hazard Division 1.1 (except detonators)	5 kg
Detonators	125 in number
Hazard Division 1.5	25 kg

**203. Interpretation of the Australian Explosives Code**

If the Australian Explosives Code imposes a duty or responsibility in respect of the packaging and marking of explosives, but does not indicate clearly the person, or class of people, on whom that duty or responsibility falls or lies, the duty or responsibility must be observed or discharged (as the case requires) by the person undertaking the relevant activity.

**204. Packaging must be clean**

A person who packs explosives into packages must ensure that the packaging is clean and free from grit before the explosives are packed.

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**205. Misleading markings**

- (1) A person who supplies explosives in packages must ensure that the markings on the packages accurately identify the explosives contained in the package and are not misleading.
  - (2) A person who packs explosives must ensure that the contents to be packed into the package are accurately reflected by the label of the package.
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**PART 3—MANUFACTURE**

**Division 1—Preliminary**

**301. Application**

- (1) This Part applies to—
  - (a) the manufacture of explosives at a factory;  
and
  - (b) the manufacture of ammunition (including the filling or capping of safety cartridges) at a factory; and
  - (c) the manufacture of explosives mixtures at the point of application or use; and
  - (d) the filling or capping of safety cartridges for commercial purposes other than at a factory.
- (2) This Part, other than Division 4, does not apply to the filling or capping of safety cartridges for a person's own use.

**302. Definitions**

- (1) In this Part—

**"explosive mixture"** means a mixture of an oxidising agent and a fuel component, which may include a sensitising agent, and which is an authorised explosive under section 54 of the Act;

**"filling or capping of safety cartridges"** includes the following activities—

- (a) filling powder and projectiles into cartridge cases;
- (b) filling powder into cartridge cases;
- (c) capping cartridge cases;

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**"modification"** means a change that has the effect of creating a new hazard or increasing the risk associated with an existing hazard and includes—

- (a) a change to any plant, building, storage facility, and process, including the introduction of new plant processes;
- (b) a change to the quantity of explosives present or likely to be present, including the introduction of any new explosive material;
- (c) a change to the quantity of any dangerous goods present or likely to be present, including the introduction of any new dangerous goods;
- (d) a change to a relevant safety management system;

**"point of application or use"** includes—

- (a) a central mixing point;
- (b) a mobile manufacturing unit.

(2) For the purposes of the definition of **"explosive mixture"** in sub-regulation (1)—

**"fuel component"** means—

- (a) a combustible granular solid; or
- (b) a clean oil, fuel oil or other oil which has a closed-cup flash point of 60.5°C or higher—

and may include a compatible dye or sensitising agent;

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**"oxidising agent"** includes—

- (a) a granular solid of Class 5.1; or
- (b) an aqueous gel or emulsion of Class 5.1.

**303. Requirement to be licensed**

- (1) A person must not manufacture any explosive at a factory unless the person—
    - (a) holds a valid licence for the manufacture of explosives; and
    - (b) manufactures the explosive at the factory in respect of which the licence was issued; or
    - (c) is employed by that licence holder and is authorised by the licence holder to manufacture, or participate in the manufacture, of an explosive at the factory in respect of which the licence was issued.
  - (2) A person must not make an explosive mixture using a mobile manufacturing unit unless the person—
    - (a) holds a valid licence to make an explosive mixture issued in respect of that unit; or
    - (b) is employed by a person holding such a licence and is authorised by the licence holder to make an explosive mixture with that unit; or
    - (c) is engaged or authorised by the licence holder to make an explosive mixture with that unit.
  - (3) The requirements of sub-regulation (2) do not apply to a person who holds a valid licence to make an explosive mixture using a mobile manufacturing unit issued under equivalent legislation in respect of that mobile manufacturing unit.
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- (4) A person making an explosive mixture at or near the place of use, including at a central mixing point, must—
- (a) hold a valid licence to make an explosive mixture issued in respect of that place; or
  - (b) be employed by that licence holder and be authorised by the licence holder to make an explosive mixture at that place; or
  - (c) be engaged and authorised by the licence holder to make an explosive mixture at that place; or
  - (d) hold a licence to use blasting explosives that is endorsed for ANFO by the Authority and make not more than 50 kg. of ANFO at a time for his or her own use.
- (5) A person must not fill or cap safety cartridges for commercial purposes unless the person holds a valid licence under this Part.
- (6) For the purpose of this regulation a licence holder may only authorise a person to undertake work under a licence if the licence holder is satisfied that the person has the appropriate skills and training to undertake the relevant work.

**304. Information to be supplied by applicants for licences, and modifications to licences issued under this Part**

- (1) An applicant for a licence to manufacture explosives must provide the following information (if applicable)—
- (a) the name and address of the applicant; and
  - (b) the address of premises at which the dangerous goods are kept or are to be kept; and

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- (c) the maximum number of people likely to be present—
- (i) in the explosives manufacturing area; and
  - (ii) other areas of the premises; and
- (d) details of the fire protection proposed to be used.
- (2) An applicant for a licence to manufacture explosives at a factory must supply the following information (if applicable) in addition to that required under sub-regulation (1)—
- (a) a plan of the premises on a scale that adequately shows the following information—
    - (i) the boundaries of the premises and the nature of fences; and
    - (ii) the location of all buildings and structures on the premises and their uses, including details of quantities of explosives and other dangerous goods which may be present in those buildings and structures (and applicable safety distances); and
    - (iii) the areas of public access and car parking areas; and
    - (iv) details of all internal roads and points of entry into, and exit from, the premises; and
    - (v) the location of automatic fire sprinkler systems, fire hydrants, fire hose reels, portable fire extinguishers and other fire protection devices; and
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- (vi) the place where the manifest and other emergency information about the dangerous goods at the premises is kept; and
  - (vii) the location of gas, steam and electricity generation or distribution areas; and
  - (viii) details of all loading and unloading areas for road and rail vehicles and ships; and
  - (ix) details of all buildings, structures and storage areas on adjacent premises and areas open to the public;
- (b) the identification number or code for each building on the site; and
  - (c) the correct product name, UN number, and packing group for each type of the dangerous goods kept in the manufacturing area; and
  - (d) the maximum quantity of each type of dangerous goods likely to be kept on site; and
  - (e) an appropriately detailed description of the process of manufacture, including the nature of any chemical reaction involved and the various operations to which the dangerous goods used in the process will be subjected; and
  - (f) a preliminary process flow sheet which provides sufficient detail to make an assessment of the risks, and includes information about the temperatures and pressures of materials at each stage; and
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- (g) a list of the main plant items, specifying—
    - (i) the capacity, design pressure, temperature limits for safe operation (upper and lower);
    - (ii) any special features of construction;
    - (iii) details of utility services; and
  - (h) details of the principal standards and codes to be used in the design of the plant items; and
  - (i) a statement of the method by which the manufacturing process will be controlled; and
  - (j) a description of the location and construction of any control room; and
  - (k) any other information that the Authority considers necessary to assess the application.
- (3) An applicant for a licence to manufacture explosives at a central mixing point must supply the information required under sub-regulation (1) and the applicable information specified in sub-regulations (2)(a), (b), (c), (d), (e), (g), (i) and (k).
- (4) An applicant for a licence to manufacture explosives using a mobile manufacturing unit must supply the information required under sub-regulation (1) and any other information that the Authority considers necessary to assess the application.
- (5) An applicant for a licence to fill or cap safety cartridges for commercial purposes must supply the information required under sub-regulation (1) and the applicable information specified in sub-regulations (2)(a), (e), (g) and (k).
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**305. Modifications to licensed premises**

A holder of a licence to manufacture explosives at a factory must—

- (a) notify the Authority of any proposed modification to the factory at which explosives are manufactured; and
- (b) provide an assessment of the impact of the modification—

before making the modification.

**306. Safety Management System<sup>1</sup>**

- (1) A person holding a licence to manufacture explosives at a factory must establish and implement a safety management system to ensure that the manufacture of explosives at the factory is carried out as safely as is practicable.
- (2) The licence holder must ensure that the safety management system is described in a document that—
  - (a) is comprehensible to people who use it; and
  - (b) is readily accessible; and
  - (c) sets out—
    - (i) the safety objectives of the safety management system; and
    - (ii) the systems and procedures by which those objectives are to be achieved; and
    - (iii) the means by which the safety objectives are measured and maintained; and

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- (d) sets out all the matters listed in regulation 307, or if any of those matters are set out in a separate document, identifies those other documents and states where they can be found; and
  - (e) is communicated to all relevant people.
- (3) The licence holder must ensure that the safety management system—
- (a) is implemented and enforced; and
  - (b) is reviewed and, if necessary, revised—
    - (i) whenever a modification is made to the factory; or
    - (ii) whenever an accident occurs that must be reported under regulation 131; or
    - (iii) whenever a change in the operation of the factory occurs; and
  - (c) is reviewed and, if necessary, revised at least each 5 years.

**307. Safety management system components<sup>2</sup>**

- (1) A safety management system must include—
- (a) a defined safety policy; and
  - (b) details of the organisational structure of the workplace in the factory, which indicates the people responsible for all tasks covered by the safety management system; and
  - (c) procedures for ongoing hazard identification, risk assessment and control; and
  - (d) procedures to deal with the implementation of the safety management system; and
  - (e) procedures for the provision of information, education and training to the workforce, contractors and visitors; and
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- (f) procedures for incident reporting and investigation; and
  - (g) an emergency response plan and procedures to monitor the preparedness for emergencies; and
  - (h) procedures for collecting and maintaining records of the safety management system, activities and statistics; and
  - (i) schedules for the maintenance of plant and equipment and provision to ensure that the maintenance occurs; and
  - (j) procedures to identify and respond to changes to any matter relevant to the safety management system; and
  - (k) procedures that employees are required to follow in relation to—
    - (i) establishing and implementing the safety management system; and
    - (ii) reviewing any procedures for hazard identification, risk assessment control; and
  - (l) all of the matters specified in Schedule 1.
- (2) A safety management system must provide for safety consultation with—
- (a) employees within the factory; and
  - (b) any agents of contractors who enter the factory.
- (3) In developing or reviewing procedures under sub-regulations (1)(d), (k) and (2)(a) the licence holder must, if practicable, consult with the health and safety representative of each designated work group to which the employees affected by the system belong.
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- (4) The plans for emergency response and preparedness required under sub-regulation (1)(g) must be developed in conjunction with the relevant fire fighting authorities.

**308. Information concerning safety management systems<sup>3</sup>**

- (1) A licence holder must keep written records of all modifications made to, or affecting the operation of, a safety management system for at least 5 years.
- (2) A licence holder must provide to the Authority any information concerning a safety management system that may reasonably be requested by the Authority.
- (3) A licence holder must comply with a request made under sub-regulation (2) as soon as is practicable, but no later than 7 days after receipt of the request.

**309. Authority may require changes to Safety Management System<sup>4</sup>**

- (1) The Authority may direct a licence holder to rescind, make, remake or vary any part of a safety management system that it believes does not comply with this Part.
- (2) Any such direction must be made in writing.
- (3) A licence holder must comply with a direction within 30 days, or by any later date specified in the direction.
- (4) The Authority must not issue a direction unless—
- (a) it has given the licence holder a written notice that—
- (i) states that the Authority intends to issue the direction; and



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- (ii) sets out the reasons why it intends to issue the direction; and
  - (iii) invites the licence holder to make a written submission about the Authority's intention to issue the direction; and
- (b) it has considered any submission that is made in response to the notice.

**310. Licence holders to inform relevant fire authority of licences**

- (1) A person who holds a licence to manufacture explosives at a factory must provide the following information to the Chief Fire Officer of the Metropolitan Fire and Emergency Services Board or the Chief Officer of the Country Fire Authority (whichever is appropriate) when the licence is issued, renewed or amended—
- (a) the name and address of the licence holder;
  - (b) the address or location of the factory specified in the licence;
  - (c) the type of licence;
  - (d) the types of explosives specified in the licence;
  - (e) the maximum quantities of explosives permitted by the licence to be at the factory;
  - (f) a site plan which includes the location of any danger buildings, including magazines; and
  - (g) the location of manifests, emergency plans and critical controls and interfaces for fire systems.
- (2) If a licence under this Part is revoked or has otherwise ceased to operate, the person who held the licence must notify the Chief Fire Officer of the Metropolitan Fire and Emergency Services

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Board or the Chief Fire Officer of the Country Fire Authority (whichever is appropriate) of the revocation or cessation within 14 days after the licence is revoked or has otherwise ceased to operate.

**311. Separation distances for factories**

- (1) The holder of a licence to manufacture explosives in a factory under this Part must ensure that the relevant separation distances specified in AS2187.1 are maintained between any building containing explosives within a factory and—
  - (a) any magazine;
  - (b) any building on the same site;
  - (c) any protected works;
  - (d) any vulnerable facilities.
- (2) For the purposes of sub-regulation (1), if any of the explosives present at the potential explosion site are of more than one Hazard Division, the collective Hazard Division of the explosives must be determined in accordance with the requirements of regulation 110.

**312. Exemption for existing factories concerning safety distances**

- (1) It is not necessary for a factory that was operated under a licence issued under the Dangerous Goods (Explosives) Regulations 1988 to comply with regulation 311 if—
  - (a) immediately before the date this regulation come into operation the factory complied with all the relevant requirements concerning safety distances imposed by those Regulations; and

- (b) the factory continues to comply with those requirements as if those Regulations had not been revoked.
- (2) This regulation ceases to apply if a building or structure is subject to any change that has the effect of creating a new hazard or of increasing the risk associated with an existing hazard.

### **Division 2—ANFO and Central Mixing Points**

#### **313. Explosive mixtures**

- (1) A person may only make an explosive mixture—
  - (a) as defined in regulation 302(1); or
  - (b) as approved by the Authority.
- (2) In making an explosive mixture, a person must, as far as is practicable, make the mixture at or near the place where it is to be used.
- (3) A person must not make any explosive mixture that has a combustible component in a powder form that is capable of causing a dust explosion at the place where the mixture is made.

#### **314. Buildings, structures, appliances and associated equipment for mixing an explosive mixture**

- (1) Buildings or other structures in or on which an explosive mixture is to be manufactured must be constructed in accordance with AS2187.2.
- (2) Mixing appliances and associated equipment used for the manufacture of an explosive mixture must be constructed in accordance with AS2187.2.

#### **315. Manufacture of ANFO**

A person who manufactures ANFO at a central mixing point or other place must do so in accordance with AS2187.2.

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**316. Components to be kept in marked containers etc.**

The holder of a licence under this Part must ensure that all containers of components of an explosive mixture are clearly and conspicuously marked with the name of the contents.

**317. Notice to be displayed**

A person controlling or managing the process of making an explosive mixture must ensure that when the mixture is being made a notice showing the words—

DANGER

EXPLOSIVES

NO SMOKING OR FLAME—

in conspicuous red letters on a white background, is prominently displayed—

- (a) if the mixture is made in the open air—at the mixing point; or
- (b) if the mixture is made in a building or structure—outside every entrance to the building or structure.

**318. Other people to be kept clear**

- (1) A person controlling or managing the process of making an explosive mixture must ensure that people who are not engaged in the making, carrying, handling or use of the explosive mixture do not enter, or remain within, 10 metres of the point where the explosive mixture is being made.
- (2) It is an offence for a person who is not involved in the process of making an explosive mixture to fail to comply with any reasonable requirement of the person in control and management of the process.

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**319. Other explosives to be kept away**

A person making an explosive mixture must ensure that all detonators, priming cartridges, detonating cord and other explosives (except any explosives necessarily in the blast hole) are kept in securely closed receptacles at least 10 metres away from the point where the explosive mixture is made.

**320. Sources of ignition etc. to be kept away**

- (1) An authorised person must not introduce, or allow another person to introduce, within 10 metres of any point or building where an explosive mixture is present or is being made—
  - (a) any source of ignition; or
  - (b) any flammable liquid or gas or readily combustible substance or material.
- (2) For the purposes of sub-regulation (1) an **"authorised person"** means—
  - (a) the holder of a licence under this Part;
  - (b) a person controlling or managing the process of making an explosive mixture;
  - (c) a person making an explosive mixture;
  - (d) any person authorised to be on a site by a person listed in paragraph (a), (b) or (c).
- (3) Sub-regulation (1) does not apply to an ignition source needed to fire the charge, if all of the explosive mixture is in the blast hole.
- (4) Sub-regulation (1)(b) does not apply in respect of—
  - (a) any substance or material that is an approved component of the mixture being made; or
  - (b) fuel in the fuel tank of a diesel engine.

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**321. Fire precautions at a central mixing point**

- (1) The holder of a licence under this Part must comply with the requirements of AS2187.2 in regards to fire prevention measures except as provided in sub-regulation (2).
- (2) The minimum distance applicable to any distance required to be observed by the requirements of AS2187.2 must be 10 metres.

**322. Disposal of spills and packaging**

A person controlling or managing the process of making an explosive mixture must ensure—

- (a) that any spillage of an explosive mixture or of an intended component of the mixture is cleaned up promptly and disposed of safely; and
- (b) that any waste packaging is removed promptly and disposed of safely.

**323. Equipment to be cleaned at end of day and precautions before repairs**

The holder of a licence under this Part must ensure—

- (a) that all mixers, receptacles, other equipment and tools used in making the explosive mixture are left free of the explosive mixture as far as is practicable to the extent that any residual trace of the mixture cannot initiate or contribute to an explosion and there is no risk to any subsequent user of the equipment; and
  - (b) that if any repair or alteration, intended to be made to a building, structure, vehicle, receptacle or equipment that contains or has contained an explosive mixture or any component used in the making of the mixture, will require the use of welding,
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cutting or grinding equipment or other potential source of heat, flame or sparks, the mixture or component is removed to a safe place and all residual traces are thoroughly cleaned away before the repair or alteration begins.

**324. Storage of unused explosive mixtures**

The holder of a licence under this Part must ensure that any explosive mixture that cannot be used or loaded into blast holes on the day it is made is—

- (a) put in closed, clean, non-metallic, leakproof containers, or packagings, conspicuously labelled "EXPLOSIVE MIXTURE"; and
- (b) kept in a licensed explosives magazine until the mixture can be used; and
- (c) used as soon as is practicable.

**325. Transport of explosive mixture**

A person transporting an explosive mixture must do so in accordance with the applicable requirements of Part 6.

**326. Storage of ammonium nitrate for the manufacture of explosive mixtures**

- (1) The holder of a licence under this Part who stores ammonium nitrate must ensure that the ammonium nitrate is stored in accordance with AS4326.
- (2) The holder of a licence under this Part and a person controlling or managing the storage of ammonium nitrate must ensure—
  - (a) that the external area within 10 metres of the walls of an ammonium nitrate store is kept free from rubbish and dry grass; and

(b) that a notice showing the words—

AMMONIUM NITRATE

NO SMOKING OR FLAME—

in conspicuous letters at least 50 mm. high is prominently displayed outside each entrance of an ammonium nitrate store

**327. Location of ammonium nitrate stores**

(1) The holder of a licence under this Part must ensure that the relevant separation distances specified in AS2187.1 are maintained between any ammonium nitrate store and—

- (a) any magazine; and
- (b) any central mixing point; and
- (c) any process building—

where explosives are likely to be present.

(2) For the purposes of determining safety distances between an ammonium nitrate store and a central mixing point, the NEQ is the sum of—

- (a) the maximum quantity of explosives; and
- (b) half the ammonium nitrate—

likely to be present at the central mixing point.

**328. Sources of ignition to be kept away from ammonium nitrate**

(1) The holder of a licence under this Part must ensure that a source of ignition is not introduced within 10 metres of an ammonium nitrate store.

(2) A person must not introduce or permit a source of ignition within 10 metres of an ammonium nitrate store.



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**329. Location of central mixing point**

- (1) The holder of a licence under this Part must ensure that the relevant separation distances specified in AS2187.1 are maintained between the central mixing point and—
  - (a) any magazine; and
  - (b) any process building; and
  - (c) any protected work; and
  - (d) vulnerable facilities.
- (2) For the purposes of determining safety distances between the central mixing point and a magazine or other building containing explosives, the NEQ is—
  - (a) the maximum quantity of explosives that may be present in the magazine or other building containing explosives; or
  - (b) the sum of the maximum quantity of explosive mixture that may be present and half of the maximum quantity of ammonium nitrate that may be present at the central mixing point—whichever is greater.
- (3) For the purposes of determining safety distances between the central mixing point and protected works or vulnerable facilities, the NEQ is the sum of the maximum quantity of explosive mixture that may be present and half of the maximum quantity of ammonium nitrate that may be present at the central mixing point.

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- (4) If explosives of more than one Hazard Division are liable to be present, the licence holder must ensure—
- (a) that a collective Hazard Division for those explosives is determined in accordance with regulation 110; and
  - (b) that the collective Hazard Division is applied to determine the relevant separation distance for the total quantity of explosives liable to be present.

**330. Exemption for existing central mixing points concerning safety distances**

- (1) It is not necessary for a central mixing point that was operated under a licence issued under the Dangerous Goods (Explosives) Regulations 1988 to comply with regulation 329 if—
- (a) immediately before the date this regulation came into operation the central mixing point complied with all the relevant requirements concerning safety distances imposed by those Regulations; and
  - (b) the central mixing point continues to comply with those requirements as if those Regulations had not been revoked.
- (2) This regulation ceases to apply if a central mixing point is subject to any change that has the effect of creating a new hazard or of increasing the risk associated with an existing hazard.

**Division 3—Mobile Manufacturing Units**

**331. Application**

The requirements of this Division (where applicable) apply to a person who makes, or intends to make, an explosive mixture using a mobile manufacturing unit.

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**332. Requirements for mobile manufacturing units**

- (1) A mobile manufacturing unit must conform to the requirements of AS2187.2.
- (2) A mobile manufacturing unit transporting explosives must be marked as required by the Australian Explosives Code.

**333. Operator to stop system**

A person who operates the processing equipment of a mobile manufacturing unit must ensure that control of that operation is not left unattended while the processing equipment is operating.

**Division 4—Filling or capping of safety cartridges other than at a factory**

**334. Only authorised explosives to be used**

A person must not fill safety cartridges with any explosive other than an authorised explosive within the meaning of section 54 of the Act.

**335. Requirements for filling and capping safety cartridges at a place other than a factory**

- (1) This regulation applies to—
  - (a) the filling and capping of safety cartridges for commercial purposes other than at a factory; and
  - (b) the filling and capping of safety cartridges for personal use.
- (2) A person who fills and caps safety cartridges other than at a factory must ensure that—
  - (a) the filling and capping process is carried out safely; and

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- (b) no other activities that may adversely affect the safety of the filling and capping process are conducted in close proximity of the process; and
  - (c) any propellant stored in the room being used in the filling and capping process is isolated from the operation and any sources of ignition; and
  - (d) any propellant being directly used for the filling and capping process is not exposed unnecessarily and is not exposed to sources of ignition; and
  - (e) the quantity of propellant present is no greater than is reasonably necessary for the process; and
  - (f) every person who takes part in the filling or capping process or the handling of cartridges, wears clothing and footwear that will not contribute to accidental initiation of explosives used in the process; and
  - (g) flammable liquids and gases, combustible liquids and other materials which are capable of being ignited easily and of burning strongly must be isolated, as far as is practicable, from the filling and capping process; and
  - (h) when the filling operation is completed the equipment used in the operation is cleaned and any spills of propellant are removed and disposed of safely.
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**PART 4—STORAGE**

**Division 1—Preliminary**

**401. Application**

- (1) This Part applies to the storage of explosives—
  - (a) in a magazine (including a magazine in a mine or quarry); and
  - (b) in retail and other premises; and
  - (c) on a small scale in licensed and unlicensed premises.
- (2) This Part does not apply to the storage of cartridge ammunition by a licensed firearms dealer under the **Firearms Act 1996**.

**402. Storage of explosives**

- (1) A person must not store explosives, or allow explosives to be stored, at any place that is owned or controlled by that person unless that person holds a valid licence to store explosives.
- (2) Any person who stores explosives must do so in accordance with the requirements of this Part.
- (3) Any person who is required to hold a licence to store explosives under this Part must establish and maintain an appropriate plan to manage emergencies that may reasonably be expected to affect that storage facility.
- (4) Sub-regulation (1) does not apply to—
  - (a) the storage of explosives (other than in a mine or quarry), in a quantity not exceeding the amounts specified in Column 2 of Table 403; or

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- (b) a person who stores explosives with the written permission of the licence holder in a magazine in respect of which a licence has been issued under this Part; or
  - (c) the storage of explosives at a factory in respect of which a licence has been issued under Part 3; or
  - (d) the holder of a licence under Part 8 who conducts firework displays or discharges Chinese firecrackers if the fireworks specified in his or her licence are stored in a building and—
    - (i) the building is not used as a dwelling or workplace; and
    - (ii) the building is kept securely locked at all times except while it is attended by a person responsible for the supervision of the fireworks; and
    - (iii) the fireworks are stored for not more than 14 days.

**403. Licensing requirements**

- (1) A person who stores explosives of a type listed in Column 1 of Table 403 in a quantity greater than the corresponding amount specified in column 2 of the Table must hold a licence to store explosives in respect of—
  - (a) a premises for medium scale storage; or
  - (b) a magazine.
- (2) A person who stores explosives of a type listed in Column 1 of Table 403 in a quantity greater than the corresponding amount specified in column 3 of the Table must do so in a magazine in respect of which a licence under this Part was issued.

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- (3) Despite anything in sub-regulation (1) or (2), a person who stores any explosives in a mine or quarry must do so in—
- (a) a magazine; or
  - (b) any other facility or receptacle that is approved by the Authority.
- (4) For the purposes of this Part, "**medium scale storage**" means the storage of explosives of a type listed in Column 1 of Table 403 in a quantity that is—
- (a) greater than the corresponding amount in Column 2 of the explosive specified in Column 1 of Table 403; and
  - (b) not more than the corresponding amount specified in Column 3 of Table 403.
- (5) This regulation does not apply to a storage facility that is operated wholly by the Authority.

**Table 403—Aggregate Maximum Quantity by Type in any Storage**

<i>Column 1</i> <i>Type of explosive</i>	<i>Column 2</i> <i>Maximum quantity for small scale storage</i>	<i>Column 3</i> <i>Maximum quantity for medium scale storage</i>
Blasting explosives of Classification Codes 1.1D and 1.5D (including gelignite, water gels, emulsions, nitrate mixtures and boosters) and other explosives of Classification Code 1.1D	3.5 kg. NEQ	30 kg. NEQ

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<i>Column 1</i> <i>Type of explosive</i>	<i>Column 2</i> <i>Maximum quantity for small scale storage</i>	<i>Column 3</i> <i>Maximum quantity for medium scale storage</i>
Detonating cord of Classification Code 1.1D	350 metres	1000 metres
Gunpowder for blasting of Classification Code 1.1D	5 kg.	20 kg
Propellant Gunpowder of Classification Code 1.1D	5 kg.	50 kg.
Propellants of Classification Code 1.3C	20 kg.	100 kg.
Detonators of Classification Code 1.1B and 1.4B	125 in number	500 in number
Explosives of Classification Code 1.1B, N.O.S.*	50 grams	1 kg.
Display fireworks of Classification Code 1.2G, 1.3G and 1.4G	10 kg. Gross	50 kg. Gross
Distress Signals of Classification Code 1.3G	5 kg.	100 kg.
Distress Signals of Classification Code 1.4G	10 kg.	200 kg.
Distress Signals of Classification Code 1.3G and 1.4G	10 kg. in total, not more than 5 kg of which can be Classification Code 1.3G	200 kg. In total, not more than 50 kg of which can be Classification Code 1.3G



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<i>Column 1</i> <i>Type of explosive</i>	<i>Column 2</i> <i>Maximum quantity for small scale storage</i>	<i>Column 3</i> <i>Maximum quantity for medium scale storage</i>
Explosives of Hazard Division 1.2, N.O.S.*	2.5 kg.	10 kg.
Explosives of Hazard Division 1.3, N.O.S.*	5 kg.	50 kg.
Fuse lighters of Classification Code 1.4G	10 kg gross	100 kg gross
Plastic igniter cord of Classification Code 1.4G	500 metres	5000 metres
Safety cartridges of Classification Code 1.4S	40 000 in number	1 000 000 in number
Primers or percussion caps of Classification Code 1.4S	10 000 in number	50 000 in number
Safety fuse of Classification Code 1.4S	350 metres	5000 metres
General use fireworks of Classification Code 1.4G and 1.4S	30 kg gross	500 kg gross
Air bag inflators, air bag modules and seat belt pretensioners of Hazard Division 1.4, which are not installed in vehicles or in completed vehicle components.	10 kg. (in total)	50 kg. (in total)
Explosives of Classification Code 1.4S, N.O.S.*	50 kg.	100 kg.

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<i>Column 1</i> <i>Type of explosive</i>	<i>Column 2</i> <i>Maximum quantity for small scale storage</i>	<i>Column 3</i> <i>Maximum quantity for medium scale storage</i>
Explosives of Hazard Division 1.4, N.O.S.*	10 kg.	50 kg.
Explosives of Hazard Division 1.6	10 kg.	50 kg.

\* N.O.S. means not otherwise specified.

**404. Certain licence holders to inform relevant fire authority of licences**

- (1) The holder of a licence to store explosives in a magazine must provide the following information to the Chief Fire Officer of the Metropolitan Fire and Emergency Services Board or the Chief Officer of the Country Fire Authority (which ever is appropriate) when the licence is issued, renewed or amended—
- (a) the name and address of the licence holder;
  - (b) the address or location of the magazine specified in the licence;
  - (c) the types of explosives specified in the licence;
  - (d) the maximum quantities of explosives permitted by the licence to be at the magazine specified in the licence; and
  - (e) a site plan showing the location of the magazine.

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- (2) If the licence referred to under sub-regulation (1) is revoked or has otherwise ceased to operate the licence holder must notify the Chief Fire Officer of the Metropolitan Fire and Emergency Services Board or the Chief Fire Officer of the Country Fire Authority that the licence is revoked or has otherwise ceased to operate.

**405. Permits or licences to store blasting explosives issued under other legislation**

A person who, immediately before this regulation came into operation, held a permit or licence to store explosives under the **Mineral Resources Development Act 1990** or the **Extractive Industries Development Act 1995** is exempt from the requirement to hold a licence under regulation 403 while engaged in the activities authorised by the permit or licence—

- (a) until 1 July 2005; or  
(b) until the permit or licence expires—  
(whichever occurs first).

**Division 2—Location and Construction of Magazines**

**406. Location of magazines**

- (1) The holder of a licence under this Part must ensure that the relevant separation distances specified in AS2187.1 are maintained between a magazine that is specified in the licence and—
- (a) any other magazine; and  
(b) any building on the same site; and  
(c) protected works; and  
(d) vulnerable facilities.

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- (2) For the purposes of sub-regulation (1), if the explosives present at the potential explosion site are of more than one Hazard Division, the collective Hazard Division must be determined in accordance with the requirements of regulation 110.
  - (3) Sub-regulation (1) does not apply—
    - (a) to an annexe in which detonators are stored near a magazine if—
      - (i) no more than 50 000 detonators are stored at anyone time; and
      - (ii) the relevant distance between the annexe and any magazine is in accordance with the requirements for separation distances between a storage for detonators and other explosives as specified in AS2187.1; or
    - (b) to an annexe at a fireworks magazine if the magazine is used for the packing of fireworks and if the quantity of fireworks in the annexe is not more than 200 kg.

**407. Exemption for existing magazines concerning safety distances**

- (1) It is not necessary for a magazine that was operated under a licence issued under the Dangerous Goods (Explosives) Regulations 1988 to comply with regulation 406 if—
    - (a) immediately before the date this regulation came into operation the magazine complied with all the relevant requirements concerning safety distances imposed by those Regulations; and
    - (b) the magazine continues to comply with those requirements as if those Regulations had not been revoked.
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- (2) This regulation ceases to apply if a magazine is subject to any change that has the effect of creating a new hazard or of increasing the risk associated with an existing hazard.

**408. Construction of magazine**

A magazine for the storage of explosives must be constructed in accordance with AS2187.1

**409. Mounding for surface magazines**

- (1) Mounds for a surface magazine must be constructed in accordance with the requirements of AS2187.1.
- (2) If a mound or barrier around a magazine has a vertical wall, the material of the wall must—
- (a) be of close-joined wood or other approved material; and
  - (b) if the wall is on the side nearer the magazine—be of non-combustible material or be faced on the exposed surface with sheet metal not less than 1 mm. thick.
- (3) This regulation does not apply to a magazine used solely for explosives of Hazard Division 1.4 or fireworks or distress signals.

**410. Lightning protection**

- (1) The holder of a licence under this Part must ensure that a magazine specified in the licence is provided with lightning protection in accordance with the requirements of AS2187.1 and AS1768.
- (2) Sub-regulation (1) does not apply to a magazine used solely to store explosives of Classification Code 1.4S.

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**411. Security fencing for above ground magazines**

- (1) The Authority may require the holder of a licence under this Part to construct a security fence surrounding an above ground magazine or magazine area.
- (2) A fence required to be constructed under sub-regulation (1) must be constructed in accordance with the requirements of AS2187.1.
- (3) Sub-regulation (1) does not apply to a magazine used solely to store explosives of Classification Code 1.4S.

**412. Warning signs on magazines**

- (1) Every magazine and every annexe to a magazine must have a sign on the outside of the door, that is marked in conspicuous red letters on a white background, with the word or words—
  - (a) if it is used solely for detonators—"EXPLOSIVES DETONATORS"; or
  - (b) if it used solely for fireworks—"FIREWORKS"; or
  - (c) if it is used solely for safety ammunition—"AMMUNITION"; or
  - (d) if it is used solely for propellants—"PROPELLANTS"; or
  - (e) if it is used solely for distress signals—"DISTRESS SIGNALS" or
  - (f) if it is used for black powder—"BLACK POWDER".
- (2) A Class Label not less than 250 mm. square must be affixed—
  - (a) to the door of the magazine; and

(b) if a security fence is provided—on the gate, facing out—

and must show the Hazard Division of the explosives stored, or, if the explosives are of more than one Hazard Division, their collective Hazard Division determined under regulation 110.

(3) The name and address of the licence holder must be displayed at a conspicuous point on the outside of a magazine specified in the licence holder's licence or outside the magazine area.

### **Division 3—Operation of magazines**

#### **413. Magazine to be used exclusively for explosives**

The holder of a licence under this Part must ensure that the magazine specified in the licence does not contain anything except explosives and any articles required to be kept by this Division.

#### **414. Storage of more than one Compatibility Group**

A licence holder and any person involved in the storage of explosives in a magazine must ensure that the storage is in accordance with the following requirements—

(a) detonators and capped fuses must be stored in a magazine or annexe that does not contain anything else;

(b) the magazine or annexe must not contain more than one Compatibility Group of explosives except that—

(i) explosives of Compatibility Group S, other than detonators, may be stored with explosives of all Compatibility Groups other than A, K and L; and

(ii) explosives of Compatibility Groups C, D, E and N may be stored together; and

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- (iii) plastic igniter cord, fuse lighters and articles of Classification Codes 1.3G and 1.4G (other than fireworks) that are not liable to give rise to loose explosive powder may be stored with explosives of Compatibility Groups C, D, E and N; and
  - (iv) substances of Compatibility Group G (other than firework composition) which are so securely packed as not to give rise to loose explosive powder, and which are not readily sensitive to mechanical stimulus, may be stored with explosives of Compatibility Groups C and D;
- (c) explosives which are ammonium nitrate based must not be stored with chlorate-based explosives.

**415. Packaging of explosives**

A person who stores explosives in a magazine must store the explosives in—

- (a) a closed package or packages that comply with the requirements of Part 2; or
- (b) a receptacle that complies with the requirements of regulation 431.

**416. Damaged or deteriorated explosives or packages**

The holder of a licence under this Part must ensure that—

- (a) any damaged, leaking, exuding or defective explosives in a magazine specified in the licence are removed as soon as possible after discovery of the damage, leak, exuding or defect and are disposed of in accordance with the operational procedures for that



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magazine and the type and condition of explosives in that magazine; and

- (b) any damaged or defective package of explosives in the magazine is removed and the explosives are repacked as soon as possible after discovery of the damage or defect.

**417. Requirements for the management and operation of magazines**

The holder of a licence under this Part must ensure that a magazine that is specified in the licence, and the mounds and areas surrounding the magazine, are managed, operated, and maintained in accordance with the requirements of AS2187.1.

**418. Requirement for materials handling equipment**

The holder of a licence under this Part must ensure all materials handling equipment, including forklifts, lifting appliances, pumps and other equipment that are used in any magazine that is specified in a licence conforms to, and is operated in accordance with, the requirements of AS2187.1.

**419. Management and response to emergencies**

- (1) The holder of a licence under this Part must ensure that for any magazine that is specified in a licence, the procedures governing the management of, and response to, thunderstorms, dust storms, fire and theft of explosives conform to the requirements of AS2187.1.
- (2) The holder of a licence under this Part and any person controlling or managing a magazine specified in the licence, must ensure—
- (a) that appropriate fire-fighting equipment is provided; and

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- (b) the equipment is maintained in good condition and working order; and
- (c) the equipment is available for immediate use.

**420. Additional requirements for magazine areas**

- (1) A person must not bring matches, cigarette lighters or other sources of ignition into a magazine area.
- (2) A person must not smoke in a magazine area.
- (3) The holder of a licence under this Part, and any person controlling or managing a magazine specified in the licence, must ensure that motor vehicles do not enter the magazine area except for the purposes of—
  - (a) loading or unloading explosives at a place appointed by the licence holder; or
  - (b) parking at a place authorised by the licence holder; or
  - (c) security patrols authorised by the licence holder; or
  - (d) inspection by an inspector.
- (4) The holder of a licence under this Part, and any person controlling or managing a magazine area, must ensure that the magazine area is kept free from rubbish or other combustible or flammable materials and that dry grass or other vegetation is adequately controlled so that the spread of any fire within the magazine area is prevented.

**421. Security of magazines and magazine areas**

- (1) The holder of a licence under this Part—
  - (a) must ensure that a magazine specified in the licence is kept securely locked, except when it is required to be open for purposes relating to its use or management; and

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- (b) must ensure that the keys to a magazine specified in the licence and to the magazine area are at all times in the licence holder's custody (or in the custody of a person authorised by the licence holder); and
  - (c) must, on request, give the keys to an inspector or a member of the police force exercising a power conferred under the Act.
- (2) A person must not enter a magazine or magazine area unless authorised to do so by the holder of the relevant licence under this Part, or a person controlling or managing the magazine or magazine area.

**422. Notices to be posted at magazines**

The holder of a licence under this Part must ensure that a notice that states the kinds and quantities of explosives which are licensed to be stored in the magazine specified in the licence and annexe (if any) is posted on the inside of the entrance to the magazine.

**423. Number of persons present at a magazine**

The holder of a licence under this Part must ensure that the number of people who are present at a magazine specified in the licence and annexe (if any) at any one time is kept to a minimum.

**424. Working of magazines at night**

- (1) The holder of a licence under this Part must ensure that explosives are not placed in, or removed from, a magazine specified in the licence outside daylight hours unless the magazine is lit by—
- (a) electric lighting that conforms with AS2187.1; or
  - (b) a hand-held flame proof torch.

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- (2) The requirements of this regulation apply to an underground magazine at all times.

**425. Magazine closure**

- (1) This regulation applies to the holder of a licence under this Part if the magazine specified in the licence is located at, or in, a mine or a quarry.
- (2) If it is not intended to conduct blasting operations at the mine or quarry in which the magazine is located for a period of 3 months or less, the licence holder and the manager of the mine or quarry must ensure that the magazine is effectively secured and that the magazine remains effectively secured until blasting operations resume.
- (3) If it is not intended to conduct blasting operations at the mine or quarry in which the magazine is located for a period of more than 3 months but less than 12 months, the licence holder and the manager of the mine or quarry must ensure that all explosives are removed from the magazine immediately after blasting operations cease.
- (4) If it is not intended to conduct blasting operations at the mine or quarry in which the magazine is located for a period of 12 months or more—
- (a) the licence holder and the manager of the mine or quarry must ensure that all explosives stored in the magazine are removed immediately after blasting operations cease; and
  - (b) the licence holder must surrender the licence to the Authority within 30 days after blasting operations cease.

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**Division 4—Medium Scale Storage**

**426. Application of Division**

- (1) This Division applies to medium scale storage.
- (2) The holder of a licence under this Part must ensure that the requirements set out in this Division are observed.

**427. Signs for premises**

At premises where explosives are stored and to which this Division applies, a notice must be displayed at the main entrance with—

- (a) the words "LICENSED TO STORE EXPLOSIVES", in conspicuous red letters on a white background; and
- (b) a Class Label not less than 100 mm. square.

**428. General requirements for keeping explosives**

- (1) All explosives kept at premises licensed under this Division must be kept in accordance with the following requirements—
  - (a) the explosives must be kept in a storage building, room or receptacle which—
    - (i) is detached from any building in which people live; and
    - (ii) if required by the Authority, is barricaded or mounded in accordance with Division 2; and
    - (iii) is not accessible to the public; and
    - (iv) is not used for any other purpose than the storage of explosives; and
    - (v) is kept securely locked, except when it is required to be open for purposes relating to its use or management;

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- (b) the explosives must be stored as far as is practicable from the entry points of the building or room in which they are stored;
  - (c) the means of entry to buildings, rooms and receptacles in which the explosives are kept must be kept clear at all times;
  - (d) the floor and other parts of the building or room in which the explosives are stored must be kept clean and free of extraneous materials;
  - (e) all of the explosives must be in a closed container or packaging that will prevent any escape of the contents;
  - (f) detonators and other explosives of Compatibility Group B must be kept in a separate storage building, room or receptacle located at least 3 metres from any other explosives;
  - (g) if explosives of more than one Compatibility Group are kept in the same storage building, room or receptacle, the explosives must be separated by a partition or intervening space which will prevent fire or explosion in those of one Group from communicating with those of another.
- (2) Sub-regulation (1)(g) does not apply if the explosives comprise only Compatibility Groups C, D and E.

**429. Requirements for construction of buildings and rooms**

- (1) A building or room used for the storage of explosives must be constructed and maintained in accordance with the following requirements—
- (a) any steel, brick, stone or concrete on the inside of the building or room must be

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- covered with wood or another suitable non-sparking material;
- (b) the building or room must be fitted with an effective and secure locking system;
  - (c) all explosives must be removed before maintenance, renovation, repair or reconstruction work is performed on the building or room.
- (2) Sub-regulation (1)(c) does not apply if the Authority has approved the maintenance, renovation, repair or reconstruction work to be performed while the explosives remain in the building or room.
- (3) Sub-regulation (1)(a) does not apply to a building or room in which explosives are all of Classification Code 1.4S.

**430. General fire precautions**

- (1) Flammable liquids and gases, combustible liquids and other materials which are capable of being ignited easily and of burning strongly must be kept at least 3 metres away from explosives and from stores and receptacles.
- (2) All sources of ignition must be kept at least 3 metres away from explosives (except properly packaged safety ammunition).

**431. Requirements for construction of receptacles**

A receptacle used for the storage of explosives must be constructed and maintained in accordance with the following requirements—

- (a) the construction of the receptacle must be sturdy;

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- (b) the inner construction of the receptacle must—
    - (i) be made from, or be lined with, plywood or close joined timber or another suitable non-sparking material; and
    - (ii) not include exposed iron or steel; and
    - (iii) be spark proof;
  - (c) the receptacle must be fitted with an effective locking system and must be kept securely locked, except when it is required to be open for purposes relating to its use or management;
  - (d) the interior of the receptacle must be kept clean and free of extraneous materials.

**432. Markings on buildings, rooms and receptacles**

- (1) Sub-regulation (2) applies to a building, room or receptacle used to store explosives.
- (2) The outside door of the building or room, or the lid of the receptacle—
  - (a) must be marked in conspicuous red letters on a white background with the words "EXPLOSIVES DETONATORS" or "EXPLOSIVES" or "DISTRESS SIGNALS" or "FIREWORKS" or "AMMUNITION" or "PROPELLANT", as appropriate; and
  - (b) must be marked with a Class Label not less than 100mm. square, and must show the Hazard Division of the explosives stored, or, if the explosives are of more than one Hazard Division, their collective Hazard Division determined under regulation 110; and



- (c) may also be marked with another term to describe more accurately the explosives in the building, room or receptacle.
- (3) A receptacle used to store explosives must be marked on the inside with the name and address of the owner, unless the receptacle is permanently fixed in place.

#### **Division 5—Small-scale Storage**

#### **433. Application of Division**

- (1) This Division applies to a person who—
  - (a) does not hold a licence to store explosives under this Part; and
  - (b) stores, at any premises or place, explosives of any kind not exceeding an amount specified in column 2 of Table 403.
- (2) A person to whom this Division applies must observe the requirements of regulations 434, 435, 436, 437, 438 and 439 (where applicable).

#### **434. General fire precautions**

- (1) Flammable liquids and gases, combustible liquids and other materials which are capable of being ignited easily and of burning strongly must be kept at least 2 metres away from explosives and from stores and receptacles.
- (2) All sources of ignition must be kept at least 2 metres away from explosives (except properly packaged safety ammunition).

#### **435. Explosives not to be stored in safes or refrigerators**

A person who stores any explosive, except explosives of Classification Code 1.4S, must not store the explosives in a document safe, money safe or refrigerator.

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**436. Storage of Hazard Division 1.1, 1.2 and 1.3**

A person who stores explosives of Hazard Division 1.1, 1.2, 1.3 (except fireworks, distress signals or propellants), or 1.5 must observe the following requirements—

- (a) the explosives must be stored in a receptacle that complies with the requirements of regulation 431;
- (b) the receptacle must be kept out of the reach of people under 18 years of age and in a secure building that is locked, and is separate from buildings in which people live or normally work;
- (c) explosives of more than one Compatibility Group must not be in the one receptacle, except as follows—
  - (i) explosives of Compatibility Group S may be kept with explosives of any other Compatibility Group except Compatibility Group B;
  - (ii) blasting explosives of Classification Code 1.1D or 1.5D may be kept with propellants, plastic igniter cord and fuse lighters;
- (d) detonators, capped fuses and other explosives of Classification Code 1.1B must not be in the same receptacle as any other type of explosive;
- (e) a receptacle containing detonators, capped fuses or other explosives of Classification Code 1.1B must be kept at least 1 metre away from receptacles containing any other type of explosive;

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- (f) a receptacle containing any blasting explosives of Hazard Division 1.2 must be kept at least 1 metre away from any ammonium nitrate.

**437. Storage of propellant**

A person who stores any propellant must ensure that it is kept in—

- (a) its original container; and
- (b) is stored in a receptacle that complies with regulation 431 or a locked room or cupboard; and
- (c) is located out of reach of people under 18 years of age.

**438. Storage of safety fuse**

A person who stores safety fuse must ensure that it is kept in—

- (a) a cool dry place; or
- (b) an appropriate container—

away from petroleum liquids, solvents and other substances liable to penetrate the fuse and affect its burning rate.

**439. Storage of fireworks**

A person who stores fireworks on a small scale must ensure—

- (a) that matches are not kept in a container that contains fireworks;
  - (b) that display fireworks are kept in a spark-proof container in a secure building that is locked, and is separate from buildings in which people live or normally work.
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**PART 5—SALE**

**Division 1—General provisions**

**501. Application**

This Part applies to the selling, supplying and purchasing of explosives.

**502. Requirement to be licensed**

- (1) A person must not sell explosives unless the person holds a valid licence to sell explosives.
- (2) Sub-regulation (1) does not apply in respect of—
  - (a) the sale of general use fireworks; or
  - (b) the sale of cartridge ammunition by a licensed firearms dealer under the **Firearms Act 1996**.

**503. Packaging of explosives when sold**

- (1) A person who sells explosives in a packaged form must ensure that the explosives are in a package that—
  - (a) is appropriate to the type of explosive; and
  - (b) prevents the explosive from escaping from the package; and
  - (c) conforms to the applicable requirements of Part 2.
- (2) A person who sells explosives—
  - (a) must, so far as is practicable, sell explosives of Classification Codes 1.1D and 1.5D in their original packages, and
  - (b) must not cut, or break for sale, cartridges of those explosives.

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- (3) A person who sells—
- (a) any blasting explosives; or
  - (b) any other explosives in a quantity exceeding 500 grams—
- must ensure that when sold the explosives are—
- (c) in appropriate closed packaging that will prevent any explosive from escaping; and
  - (d) the outer part of the packaging is marked to clearly identify the type of explosives contained in the package.

**504. Place of selling**

- (1) A person must not sell or display any explosive for sale—
  - (a) on a road or a road related area; or
  - (b) at a market, fair or agricultural or other show; or
  - (c) in any other public place.
- (2) Sub-regulation (1) does not apply in respect of—
  - (a) safety cartridges; or
  - (b) general use fireworks.
- (3) In this regulation "**road related area**" means a road related area within the meaning of the **Road Safety Act 1986**.

**505. No display of explosives for sale**

- (1) A person must not display explosives for sale on shelves, counters or in windows or other places at premises.
- (2) Sub-regulation (1) does not apply in respect of—
  - (a) safety cartridges; or
  - (b) general use fireworks.

**506. Damaged or defective explosives not to be sold**

A person must not sell explosives that are expired, damaged, defective, exuding liquid or that have otherwise deteriorated unless otherwise approved.

**Division 2—Sale of blasting explosives**

**507. Blasting explosives to be sold to authorised people only**

- (1) The holder of a licence under this Part may only sell blasting explosives to a person authorised to purchase blasting explosives.
- (2) For the purposes of sub-regulation (1), **"a person authorised to purchase blasting explosives"** means a person who—
  - (a) holds a licence to—
    - (i) store blasting explosives; or
    - (ii) use blasting explosives; or
    - (iii) sell blasting explosives; or
  - (b) holds a licence to store explosives or a permit to use explosives under the **Mineral Resources Development Act 1990** or the **Extractive Industries Development Act 1995**; or
  - (c) is an employee of the Australian Government who has supplied the seller with an official order to purchase blasting explosives; or
  - (d) is authorised to purchase blasting explosives under regulation 511; or
  - (e) holds a police permit to purchase blasting explosives under regulation 513; or

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- (f) a person licensed to use blasting explosives who receives written permission from the licence holder under Part 4 who operates a magazine to store blasting explosives, of types and in amounts that conform to the licence issued under Part 4.

**508. Sales record book**

- (1) This regulation applies to blasting explosives.
- (2) The holder of a licence under this Part must maintain a sales record book that contains—
- (a) the following information concerning explosives received—
- (i) the types and quantities of all explosives received by the licence holder; and
  - (ii) the date of receipt of those explosives; and
- (b) the following information concerning the sale of explosives by the licence holder—
- (i) the date of each sale; and
  - (ii) the name, signature, address and telephone number of each purchaser; and
  - (iii) details of the licence, permit or order referred to in regulation 507(2) which authorises the purchaser to purchase the explosives; and
  - (iv) if blasting explosives are purchased under regulation 512, the name, address and telephone number of the licence holder operating the magazine in which the explosives are to be stored; and
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- (v) the type and quantity of each explosive sold; and
  - (vi) the signature of the person taking delivery of the explosives and, if that person is not the purchaser, the name, address and telephone number of the person taking delivery.
- (3) The pages of a sales record book must be serially numbered and be bound in such a way that the pages cannot be removed easily.
- (4) The holder of a licence under this Part must retain for at least 5 years—
- (a) the sales record book referred to in sub-regulation (2); and
  - (b) all documentary proof of the authorisations referred to in regulation 507(2)(c),(d) and (e).
- (5) The holder of a licence under this Part must make the sales record book and all the documents referred to under sub-regulation (4)(b) available for examination by an inspector or a member of the police force.

**509. Duties of people purchasing blasting explosives**

- (1) A person who purchases blasting explosives must sign the sales record book.
- (2) A person must not give the holder of a licence under this Part any false or misleading information or documentation in connection with the sale of blasting explosives.



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**510. Further duties applicable to people who sell blasting explosives**

The holder of a licence under this Part must observe the following requirements in the sale of blasting explosives—

- (a) explosives may only be delivered to—
  - (i) a person referred to in regulation 507(2); or
  - (ii) a person who provides appropriate identification or proof that he or she is employed by, or acting for, a person referred to in regulation 507(2);
- (b) the amount of explosives to be supplied in a single day must not exceed the amount allowed to be purchased as specified in the licence, permit or order produced;
- (c) the details required by regulation 508 must be recorded in the sales record book before the explosives are delivered; and
- (d) explosives must not be supplied to a person referred to in regulation 508 unless the person has a receptacle or vehicle that conforms with the applicable requirements of Part 6.

**511. Purchase under authority issued by inspector**

- (1) A person who is licensed to use blasting explosives may request an inspector to authorise the purchase by that person of a greater amount of explosives than is specified in the licence.
- (2) An inspector may only authorise a purchase referred to in sub-regulation (1) if the inspector is satisfied that—

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- (a) the amount and type of explosives is necessary for completion of the blasting operations; and
  - (b) any explosive purchased for the blasting operation will be stored in accordance with Part 4.

**512. Purchase under authority of letter from licensee of magazine**

A person licensed to use blasting explosives is authorised to purchase blasting explosives within the meaning of regulation 507 if he or she receives written permission from a licence holder under Part 4 who operates a magazine to store blasting explosives of types, and in amounts, that conform to the relevant magazine licence.

**513. Police permits to purchase blasting explosives**

- (1) A person may apply to an authorised member of the police force for a permit to purchase blasting explosives.
  - (2) For the purposes of this regulation, an authorised member of the police force is a member authorised in writing by an officer of the police force of, or above, the rank of inspector to issue permits to purchase blasting explosives.
  - (3) An authorised member may refuse to issue a permit if the member—
    - (a) is not satisfied that the explosives for which the permit is sought will be used for a lawful and valid purpose; or
    - (b) considers that the explosives are more than, or other than, those required for the applicant's immediate needs.
  - (4) A permit under this regulation must be in a form approved by the Authority.
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**Division 3—Sale of fireworks**

**514. Restrictions on the sale of fireworks**

- (1) The holder of a licence under this Part must not sell any display fireworks, Chinese firecrackers or theatrical fireworks to a person unless the person has produced to the licence holder—
  - (a) a notice of authority to purchase fireworks issued under regulation 811(3); or
  - (b) a current pyrotechnician's licence; or
  - (c) a current licence to sell the type of fireworks to be purchased.
- (2) If a notice of authority to purchase is produced under sub-regulation (1)—
  - (a) the licence holder must not sell any type of fireworks except the type specified in the notice; and
  - (b) the licence holder must not sell fireworks in a quantity greater than that specified in the notice; and
  - (c) the licence holder must retain the notice for at least 2 years from the day the notice was received.
- (3) In this regulation "**theatrical fireworks**" has the same meaning as in regulation 802.

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**PART 6—TRANSPORT**

**Division 1—General**

**601. Application**

- (1) This Part applies to the transport of explosives by road, rail or vessel.
- (2) Nothing in this Part is intended to apply to distress signals kept on a vessel as stores for safety purposes.

**602. General requirement to be licensed**

- (1) A person must not transport explosives on a road unless the person holds a valid licence under these Regulations for the transport of explosives using an approved vehicle or vehicles.
- (2) For the purposes of sub-regulation (1), a vehicle is approved if—
  - (a) it is specified in a licence to transport explosives by road and meets the requirements of the Australian Explosives Code; or
  - (b) it is registered outside Victoria—
    - (i) under equivalent legislation; and
    - (ii) the vehicle meets the requirements of that law.
- (3) A person must not transport explosives by rail unless the person holds a valid licence under this Part for the transport of explosives by rail.

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- (4) A person must not engage the services of another person to transport explosives by road or rail unless that other person holds a licence of a type described in sub-regulation (1) or (3).
- (5) The requirement to hold a licence under this Part does not apply to a person who transports explosives of a kind specified in Column 1 of Table 602A in a quantity not more than the corresponding quantity specified in Column 2 of the Table and who—
- (a) holds a licence to sell explosives; or
  - (b) holds a licence to use blasting explosives; or
  - (c) holds a licence issued under Part 8 or transports general use fireworks for his or her own use; or
  - (d) transports explosives other than blasting explosives or fireworks for his or her own use;

and the explosives transported are of the same type or types as specified in that licence (if applicable).

- (6) The requirement to hold a licence under this Part does not apply to a primary producer who—
- (a) transports explosives that he or she intends to use in connection with the business conducted on that person's property and which are not intended for resale; and
  - (b) transports explosives of a kind specified in Column 1 of Table 602A in a quantity not more than the corresponding quantity specified in Column 2 of the Table.

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**Table 602A—Maximum quantities for transport in an unlicensed vehicle by a person who holds a licence issued under another Part of these Regulations**

<i>Column 1</i> <i>Kind of Explosive Transported</i>	<i>Column 2</i> <i>Maximum Quantity</i>
Explosives of Hazard Division 1.1 (except detonators and propellants)	100 kg
Detonators of Classification Code 1.1B and/or 1.4B if transported with other explosives	500 in total in number
Detonators of Classification Code 1.1B and/or 1.4B if no other explosives are on the vehicle	5000 in total number
Propellant Gunpowder of Classification Code 1.1D	50 kg.
Hazard Division 1.2	50 kg.
Hazard Division 1.3 other than Distress Signals	100 kg.
Hazard Division 1.4 other than 1.4S or 1.4B or Distress Signals	250 kg.
Distress Signals of Classification Code 1.3G	100 kg
Distress Signals of Classification Code 1.4G	250 kg
Distress Signals of Classification Code 1.3G and 1.4G	250 kg in total, not more than 50 kg of which can be Classification Code 1.3G
Explosives of Classification Code 1.4S	Unlimited
Explosives of Hazard Division 1.5	100 kg
Hazard Division 1.6	25 kg.

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- (7) The requirement to hold a licence under this Part does not apply to a person who transports explosives of a kind specified in Column 1 of Table 602B in a quantity not more than the corresponding quantity specified in Column 2 of the Table.

**Table 602B—Maximum Quantities for Unlicensed Transport**

<i>Column 1</i> <i>Kind of Explosive Transported</i>	<i>Column 2</i> <i>Maximum Quantity (when transported by any person)</i>
Propellant Gunpowder of Classification Code 1.1D	5 kg.
Hazard Division 1.2	5 kg.
Hazard Division 1.3 other than Distress Signals	50 kg.
Hazard Division 1.4 other than 1.4S or 1.4B or Distress Signals	250 kg.
Distress Signals of Classification Code 1.3G	100 kg
Distress Signals of Classification Code 1.4G	250 kg
Distress Signals of Classification Code 1.3G and 1.4G	250 kg in total, not more than 50 kg of which can be Classification Code 1.3G
Explosives of Classification Code 1.4S	Unlimited
Hazard Division 1.6	25 kg.

**603. Vehicle drivers must be licensed**

- (1) A person must not drive a road vehicle transporting explosives of a kind specified in Column 1 of Table 602A in a quantity not more than the corresponding quantity specified in Column 2 of the Table, unless the person is licensed under Division 2 of this Part.

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- (2) Sub-regulation (1) does not apply when transporting explosives of Hazard Division 1.4.
  - (3) A person must not employ, allow, or engage the services of, a person to drive a road vehicle to transport explosives unless the driver is licensed under Division 2 of this Part.
  - (4) This regulation does not apply in respect of a driver who—
    - (a) resides outside Victoria, if—
      - (i) in the State or Territory of the Commonwealth of Australia where the driver resides a law is in force which requires the driver to hold a licence or permit (in addition to a driver's licence) or to be registered to drive a vehicle used to transport explosives; and
      - (ii) the driver is the holder of such a licence or permit or is so registered to drive a vehicle used to transport explosives; or
    - (b) is an inspector or a member of the police force transporting explosives in the course of his or her duties under the Act.

**604. Transport of explosives by boat**

Any person intending to transport explosives by boat in a quantity greater than that specified in Column 2 of Table 602A in respect of the particular kind of explosives specified in Column 1 of Table 602A—

- (a) must notify the Authority in writing at least 21 days before the intended transport; and
- (b) must provide any information that the Authority may require; and



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- (c) may only transport the explosives after receiving written approval from the Authority and must do so in accordance with any conditions imposed by the Authority.

**Division 2—Licensing of drivers**

**605. Application for licence to drive a vehicle transporting explosives**

A person may apply in writing to the Authority—

- (a) to be licensed; or
- (b) to renew his or her licence—

to drive a road vehicle transporting explosives.

**606. Licensing of drivers**

- (1) On receipt of an application made by a person under regulation 605, the Authority may issue the person with a licence as a driver of a road vehicle to transport explosives, if the Authority is satisfied that the person—
  - (a) is at least 21 years of age; and
  - (b) has held a driver's licence for at least 12 months; and
  - (c) has at least 12 months of experience driving road vehicles of the class in which the explosives will be transported; and
  - (d) has demonstrated an adequate knowledge of—
    - (i) the requirements of these Regulations and the Australian Explosives Code that relate to the transport of explosives by road; and

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- (ii) the characteristics of explosives of the various Hazard Divisions; and
  - (iii) the precautions to be taken for the prevention of accidents in the transport and associated handling of explosives; and
  - (iv) the actions to be taken in the event of an emergency involving explosives; and
  - (e) the person has been examined by a registered medical practitioner and has been found to have met the approved standard for medical and physical fitness.
- (2) A person satisfies the requirements of sub-regulation (1)(d) if the person has completed and passed an approved course of training in relation to the matters specified in that sub-regulation.
- (3) The requirements of sub-regulation (1) also apply with respect to an application for the renewal of a licence issued under this Division.

**607. Licence to be produced upon request**

A person who holds a licence to drive a vehicle transporting explosives or who holds a licence or permit issued in another jurisdiction within the meaning of regulation 603(4)(a)(i) must—

- (a) carry the licence or permit at all times while driving a vehicle transporting explosives; and
- (b) produce the licence or permit on request by an inspector or a member of the police force.

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**608. Revocation of licence**

The Authority may revoke a licence issued to a person under this Division if—

- (a) the person's driver's licence is suspended or cancelled for any reason; or
- (b) the person is convicted of an offence in relation to driving a vehicle transporting dangerous goods, which caused, or may have caused, danger to people or property from the dangerous goods; or
- (c) the person surrenders his or her licence.

**609. Transitional arrangements for drivers registered under previous Regulations**

- (1) If, immediately before the commencement of these Regulations, a person was registered to drive a vehicle to transport explosives by road under Division 7 of Part 5 of the Dangerous Goods (Explosives) Regulations 1988, the person is deemed to be licensed to drive a vehicle to transport explosives by road vehicle under this Part until 1 July 2001.
- (2) Sub-regulation (1) ceases to apply to a person who makes an application under regulation 605 when the application has been determined.
- (3) Regulation 608 applies to a person referred to in sub-regulation (1) as if that person were licensed under this Part.

**Division 3—Australian Explosives Code**

**610. Explosives to be transported in accordance with Australian Explosives Code**

- (1) A person transporting explosives by road or rail must do so in accordance with the applicable requirements of the Australian Explosives Code.

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- (2) Sub-regulation (1) does not apply to the transport of explosives that have been confiscated or received by, and are under the direct supervision of, an inspector or a member of the police force if the circumstances do not allow the inspector or member of the police force to comply with all applicable requirements of the Australian Explosives Code.

**611. Observation of duties in Australian Explosives Code**

- (1) If the Australian Explosives Code imposes a duty or responsibility but does not indicate clearly the person, or class of people, on whom that duty or responsibility falls or lies, the duty or responsibility must be observed or discharged (as the case requires) by the person undertaking the relevant activity.
- (2) If, under the Australian Explosives Code, a duty or some other form of responsibility, is placed on more than one person or class of people, the duty or obligation must be observed or discharged (as the case requires) by each person or each person in that class only in relation to those matters in respect of which the person has management or control and whether or not any other person is also responsible for undertaking the duty.
- (3) The holder of a licence under this Part, and any person who manages or supervises the transport of explosives, must ensure that any person employed, engaged or otherwise involved in the transport of explosives—
- (a) is appropriately trained in the relevant requirements of the Australian Explosives Code; and
  - (b) as far as is practicable, complies with the applicable requirements of the Australian Explosives Code.

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**612. Stationary vehicles deemed to be transporting explosives**

For the purposes of this Part, a stationary road or rail vehicle that holds, contains or is otherwise loaded with explosives is deemed to be transporting explosives and is subject to the applicable requirements of the Australian Explosives Code unless otherwise provided by that Code.

**Division 4—Restrictions on various routes of transport by road**

**613. Explosives not to be transported in or through Central Business District**

- (1) A person must not transport explosives by road in or through the Central Business District of Melbourne unless otherwise approved.
- (2) For the purposes of sub-regulation (1) "**Central Business District**" means the section of the City of Melbourne inside the area bounded by—
  - (a) Victoria Street and Victoria Parade on the north; and
  - (b) Punt Road and Hoddle Street on the east; and
  - (c) Alexandra Avenue, Linlithgow Avenue, St Kilda Road, Grant Street, and Westgate Freeway on the south; and
  - (d) Peel Street, Dudley Street, Stadium Circuit and Montague Street on the west.
- (3) This regulation does not apply to the following explosives—
  - (a) general use fireworks; and
  - (b) safety ammunition; and
  - (c) distress signals up to 25 kg.

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**614. Restrictions on the transport of certain explosives through City Link tunnels and approach roads**

- (1) The owner, driver and person in charge of a road vehicle must ensure that the road vehicle is not used to transport or carry explosives of a type or in a quantity which, under this Part, requires the display of a Class Label on that vehicle—
  - (a) in or through any tunnel which forms a part of the Link road; or
  - (b) on any carriageway that forms an entrance ramp to such a tunnel; or
  - (c) on that part of the eastbound carriageway of the West Gate Freeway east of the Power Street exit in South Melbourne; or
  - (d) on that part of the westbound carriageway of the Monash Freeway west of the Batman Avenue exit, Melbourne.
- (2) In this regulation, "**Link road**" means any land declared from time to time under section 61 of the **Melbourne City Link Act 1995** to be a road and includes any part of that land.

**615. Transport of explosives in or through Melbourne metropolitan area**

- (1) A person must not transport by road or allow another person to transport on his, her or its behalf by road in or through the Melbourne metropolitan area—
  - (a) explosives in a quantity greater than the relevant amount specified in Column 2 of Table 615; or
  - (b) explosives of more than one of the groups of explosives specified in Column 1 of Table 615 at any one time.

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- (2) In this regulation "**Melbourne metropolitan area**" means the area described in the map in Schedule 2 but does not include—
- (a) the Central Business District within the meaning of regulation 613; or
  - (b) approved routes (if any) within this area.

**Table 615—Maximum quantities of explosives that may be transported by road within the Melbourne metropolitan area**

<i>Type of explosives</i>	<i>Maximum total quantity in any one load</i>
<i>Column 1</i>	<i>Column 2</i>
<b>Group 1:</b> Explosives of Classification Code 1.1D or 1.5D; Propellants of Classification Code 1.1C or 1.3C; (in any combination)	1250 kg. (NEQ)
Detonators of Classification Code 1.1B, 1.4B or 1.4S, if transported with other explosives in Group 1 on a vehicle that is fitted with an effective segregation device	5000 in total number
<b>Group 2:</b> Propellants of Classification Code 1.3C	2000 kg. (NEQ)

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<i>Type of explosives</i>	<i>Maximum total quantity in any one load</i>
<i>Column 1</i>	<i>Column 2</i>
<p><b>Group 3:</b></p> <p>Display fireworks of Classification Code 1.2G, 1.3G or 1.4G;</p> <p>Distress signals of Classification Code 1.2G, 1.3G or 1.4G;</p> <p>General use fireworks of Classification Code 1.4G or 1.4S;</p> <p>Theatrical fireworks of Classification Code 1.3G, 1.4G or 1.4S;</p> <p>Other explosives of Classification Code 1.2G, 1.3G or 1.4G (in any combination)</p>	5000 kg. gross mass
<p><b>Group 4:</b></p> <p>Detonators of Classification Code 1.1B, 1.4B or 1.4S if no other explosives are on the vehicle</p>	250 000 in total number

**616. Transport of explosives in or through non-metropolitan areas**

- (1) This regulation applies to the transport of explosives of types listed in Column 1 of Table 615, in quantities greater than the corresponding quantities specified in Column 2 of the Table, on a road vehicle through non-metropolitan areas.
- (2) The owner, driver and person in charge of the road vehicle used to transport explosives must as far as is practicable plan a route that—



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- (a) avoids densely populated areas; and
  - (b) avoids any Category B protected work; and
  - (c) avoids peak traffic periods; and
  - (d) utilises roadways which are safe; and
  - (e) avoids town centres.
- (3) In this regulation "**non-metropolitan area**" means any area in Victoria that is outside the Central Business district as defined in regulation 613(2) or the Melbourne metropolitan area as defined in regulation 615(2).

**617. Maximum vehicle load**

Any person licensed under this Part must ensure that the maximum quantity of explosives transported on a vehicle being driven by him or her does not exceed—

- (a) the quantities specified in Column 2 of Table 617 for the particular type of explosive specified in Column 1; or
- (b) the maximum loading capacity of the vehicle permitted under the Road Safety (Vehicles) Regulations 1999—

whichever is the smaller.

**Table 617—Maximum Vehicle Loads**

<i>Type of explosive</i> <i>Column 1</i>	<i>Quantity</i> <i>Column 2</i>
Explosives of Hazard Division 1.1	25 000 kg
Explosives of Hazard Division 1.2	25 000 kg
Explosives of Hazard Division 1.3	25 000 kg
Explosives of Hazard Division 1.4	unlimited
Explosives of Hazard Division 1.5	40 000 kg
Explosives of Hazard Division 1.6	40 000 kg

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**Division 5—Additional requirements for rail transport**

**618. Requirements for explosives held in rail yards or sidings**

If rail vehicles containing explosives are held at a rail yard or siding, the person controlling the rail yard or siding must comply with the following requirements—

- (a) the maximum amount of explosive of any Hazard Division (except Hazard Division 1.4) per vehicle must not exceed 40 000 kg.; and
- (b) explosives must not be kept in the rail yard—
  - (i) for longer than 48 hours; or
  - (ii) for longer than 4 days if a weekend or public holiday occurs between 2 consecutive working days.

**619. Separation distances in Australian Explosives Code applicable to explosives held in rail yards or sidings**

If a rail vehicle containing explosives is held at a rail yard or siding, the person controlling the railyard or siding must ensure that the vehicle is separated from any other vehicles containing explosives and placarded loads of other dangerous goods by the relevant distances specified for the separation of rail vehicles in the Australian Explosives Code.

**620. Sources of ignition**

A person must not introduce a source of ignition on to a rail vehicle containing explosives.

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**PART 7—USE OF BLASTING EXPLOSIVES**

**Division 1—Preliminary**

**701. Application**

This Part applies to the use of blasting explosives at any place including a mine or quarry.

**702. Regulations not to apply to inspectors**

This Part does not apply to the use of blasting explosives by an inspector in the course of the inspector's duties under the Act.

**703. Licence required for use of blasting explosives**

- (1) A person must not use blasting explosives unless the person holds a valid licence under this Part to use blasting explosives.
- (2) Sub-regulation (1) does not apply—
  - (a) to a person employed in connection with the preparation of charges or the loading of charges into blast holes, if he or she—
    - (i) is under the direct supervision of a person licensed under this Part; and
    - (ii) does not fire any charge;
  - (b) to a primary producer in respect of the use of blasting explosives on a rural property owned or occupied by the primary producer;
  - (c) to a person referred to in regulation 704.

**704. Permits to use blasting explosives issued under other legislation**

- (1) A person who, immediately before this regulation came into operation, held a permit to use blasting explosives under the **Mines Act 1958**, the **Mineral Resources Development Act 1990** or

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the **Extractive Industries Development Act 1995** is exempt from the requirement to hold a licence under regulation 703 while engaged in the activities authorised by the permit—

- (a) until 1 July 2005; or
  - (b) until the permit expires—  
(whichever occurs first).
- (2) Sub-regulation (1) only applies to a person if he or she—
- (a) uses only those types of explosives and methods of shotfiring specified in the permit; and
  - (b) complies with the conditions, limitations and restrictions contained in that permit.

**705. Licences**

- (1) The Authority may only issue a licence to use blasting explosives to a person on the application of the person if the Authority is satisfied that the person has demonstrated an adequate knowledge of—
- (a) safety in the use of blasting explosives by the method of shotfiring specified in the application; and
  - (b) the provisions of these Regulations applicable to those explosives and that method of shotfiring.
- (2) A person satisfies the requirements of sub-regulation (1) if—
- (a) the person—
    - (i) attends an approved training course on the use of explosives and demonstrates suitable practical experience to the satisfaction of the Authority; and

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- (ii) passes approved examinations to test the person's knowledge of the matters specified in sub-regulation (1); or
- (b) the person holds a qualification to use explosives issued outside Victoria which is acceptable to the Authority and passes an examination on the matters specified in sub-regulation (1).

**706. Validity of a licence**

- (1) A licence to use blasting explosives is valid only for—
  - (a) the methods of shotfiring; and
  - (b) the types of blasting operations—  
specified in the licence.
- (2) A licence to use blasting explosives may be endorsed by the Authority to allow the licence holder to manufacture a maximum of 50 kg. of ANFO at any one time for his or her own use.

**707. Restrictions applicable to making ANFO**

A person making ANFO for his or her own use must not use any components except—

- (a) ammonium nitrate as the oxidising agent; and
- (b) clean oil, fuel oil or other oil having a flash point of 60.5C or higher as the fuel component.

**708. Licence to be carried**

A person who holds a licence to use blasting explosives must carry the licence at all times when using or transporting blasting explosives.

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**709. Field trials of blasting explosives**

A person licensed to use blasting explosives may use an explosive that is not authorised within the meaning of section 54 of the Act if the explosive has been manufactured exclusively for use in a test or trial approved by the Authority.

**Division 2—General**

**710. Method of keeping explosives at a blasting site**

- (1) Every person who has blasting explosives at a blasting site must ensure that—
  - (a) the explosives are stored—
    - (i) in accordance with Part 4; or
    - (ii) securely aboard a road or rail vehicle which complies and is operated in accordance with Part 6; or
    - (iii) in a receptacle in accordance with regulation 711 which is under the immediate control or supervision of the shotfirer; and
  - (b) the explosives are transferred at or before the end of the day's work to a place of storage that complies with Part 4.
- (2) Sub-regulation (1) does not apply to—
  - (a) explosives in blast holes or to explosives which are in immediate use in the making up of a charge; or
  - (b) the transport of explosives in their original packages within a mine or a quarry; or

- (c) pumpable emulsions, watergel slurries or free flowing explosives that are safely stored and handled in accordance with information supplied by the manufacturer of the product and the operating procedures for that site.

**711. Keeping explosives in receptacles**

- (1) A receptacle referred to in regulation 710(1)(a)(iii) must be constructed, marked, maintained and used in accordance with the following requirements—
  - (a) the construction must be sturdy, and the inner construction must be made from, or be lined with, plywood or close joined timber with no exposed iron or steel inside and be spark proof and painted bright red;
  - (b) the receptacle must be fitted with an effective locking system;
  - (c) the interior of the receptacle must be kept clean and free of extraneous materials;
  - (d) the receptacle must be marked in a conspicuous position on the outside with the word "EXPLOSIVES", or, if it is for detonators, with the words "EXPLOSIVES DETONATORS";
  - (e) the wording specified in paragraph (d) must be conspicuous lettering;
  - (f) the receptacle must be legibly marked on the inside with the name and current address of the owner.
- (2) The following requirements must be observed if explosives are kept in a receptacle—
  - (a) except as provided in sub-regulations (4) and (5)—
    - (i) detonators; and

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- (ii) plastic igniter cord, fuse lighters, fuse igniters and other explosives of Classification Code 1.4G—  
must not be kept in the same receptacle as blasting explosives of Compatibility Group D;
- (b) except during the preparation of a charge—
- (i) the receptacle must be locked; and
  - (ii) the receptacle containing detonators must be separated by at least 1 metre from a receptacle containing other blasting explosives.
- (3) A person must not store or transport detonators and other explosives together in the same receptacle.
- (4) Despite sub-regulation (2), no more than 500 metres of igniter cord and 500 grams of fuse lighters together with not more than 3.5 kg. of blasting explosives of Compatibility Group D may be stored together in the same receptacle.
- (5) Despite sub-regulation (3), no more than 25 detonators in total, together with no more than 3.5 kg. of other blasting explosives may be stored or transported together unless—
- (a) the detonators and other explosives are in separate compartments of the receptacle; and
  - (b) the receptacle has an air space or space filled with an inert material capable of preventing communication of an explosion in the detonator compartment to explosives stored in other compartments; and
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- (c) in addition to the labelling required by sub-regulation (1), the compartment containing the detonators is labelled "MAX 25" and the compartment for the other explosives is labelled "MAX 3.5KG".

**712. No sources of ignition near explosives**

A person must not bring a source of ignition or permit a source of ignition to be brought within 10 metres of any blasting explosive at a place at which the explosive is awaiting use, or being used, except for a source of ignition necessary to fire a charge.

**713. Damaged or defective explosives**

Explosives which are damaged, defective or show signs of deterioration—

- (a) must be disposed of in accordance with Part 9; and
- (b) must not be disposed of by being used in, or in connection with, normal blasting operations in a mine or a quarry unless an inspector has authorised the disposal of the particular explosives by that method.

**Division 3—Equipment for blasting operations**

**714. Blasting equipment to be in good condition**

The shotfirer and every other person using or in charge of explosives must ensure that all blasting equipment used is in good repair and complies with the requirements of these Regulations.

**715. Equipment used to initiate explosives**

- (1) Equipment used to initiate explosives must be designed and constructed in a manner that makes it safe to use.

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- (2) An exploder, circuit tester, rheostat or other equipment used to initiate explosives charges must comply with—
    - (a) the relevant requirements of AS2187.2 (if applicable); or
    - (b) an approved specification.
  - (3) An exploder, circuit tester, rheostat or other equipment used to initiate explosives charges that meets the requirements of sub-regulation (2) is prescribed equipment and is approved for the purposes of section 15 of the Act.
  - (4) Storage batteries and dry cells must not be used to fire any charge, unless they form part of an exploder that complies with sub-regulation (2).
  - (5) Every firing cable must comply with the requirements of AS2187.2.

**716. Labelling, identification and testing of exploders**

Every exploder used or intended to be used for firing any explosive must—

- (a) be labelled with—
    - (i) a distinguishing serial number; and
    - (ii) the number of detonators it is capable of satisfactorily firing in a normal series circuit; and
  - (b) be tested to assess its proper functioning—
    - (i) at least every 7 days when in use; and
    - (ii) when used for the first time or after a period of non-use exceeding 30 days; and
    - (iii) when the person using the exploder suspects a loss of efficiency; and
    - (iv) when required by an inspector.
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**717. Firing switches, short-circuit switches and switch boxes**

All firing switches, short-circuit switches and switch boxes used for mains firing in mines must be of a type approved by the Authority.

**718. Provision and maintenance of equipment**

The employer of a shotfirer must comply with any reasonable request by the shotfirer in regard to the provision and maintenance of such equipment as is necessary to enable these Regulations to be complied with.

**Division 4—Blasting Operations**

**719. Electric firing**

In this Division the requirements applicable to electrical firing apply to firing by exploder or mains firing.

**720. Shotfirer to take due precautions**

A shotfirer and every person in charge of a blasting operation or the use of blasting explosives must take all due precautions to prevent any danger to people or damage to property.

**721. Warning of blasting operations**

- (1) Every person intending to fire any blasting explosive must—
  - (a) give a warning that is sufficient and appropriate to people in, or approaching, the vicinity of the firing operation; and
  - (b) take all necessary precautions to—
    - (i) ensure that people within the vicinity of the blasting area are at a safe distance from the blasting area; or

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- (ii) provide appropriate blasting shelters, and ensure that people who may be endangered by the blasting operations use these shelters;
  - (c) ensure that all means of approach to the area are guarded against entry by the public or any vehicular traffic by the displaying of appropriate warning signs, or the posting of guards, or by other means that are effective to prevent entry; and
  - (d) immediately before firing, and after the firing is fully completed, give effective warning signals as specified in sub-regulation (3) or (4), as appropriate.
- (2) Sub-regulation 1(d) does not apply to underground blasting operations.
- (3) For general blasting operations the following audible warning system must be used—
- (a) one minute before firing, an audible signal of 15 seconds duration must be sounded; and
  - (b) the signal "FIRE ON" must be given immediately before the charge or charges are fired; and
  - (c) 3 short audible signals of one second duration each, separated by one second must be sounded for the "all clear".
- (4) For blasting in quarries and surface mines the following audible warning system must be used—
- (a) a series of 3 short audible signals must be sounded, followed by a pause of not less than 3 minutes, during which time the blasting area must be checked to ensure everyone in the area is in a position of safety; and
  - (b) 2 short audible signals must be sounded; and
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- (c) after a one minute pause, a continuous audible signal must be sounded; and
  - (d) the blast must be fired as soon as possible after the continuous audible signal has sounded for 10 seconds, following which the signal must cease; and
  - (e) the area must be checked and if all dust and toxic gases have dispersed, and in all other respects the area is safe for return, a continuous audible signal must be sounded for 10 seconds.
- (5) A signal that is required to be sounded under this regulation must be distinguishable from motor car horns or other audible signalling devices normally used in the area.

**722. Control of blasting operations**

All people who are on a site at which blasting operations are being conducted must obey the instructions of a shotfirer during the period in which charges are being prepared and fired, and must do so until the final signals required to be given under this Division are sounded, and the "all clear" signal is given.

**723. Total fire ban days**

A person must not use any explosive that may produce a flame above ground in the open—

- (a) on a day that has been declared to be a day of total fire ban under the **Country Fire Authority Act 1958**; and
- (b) within a part of Victoria that is subject to a declaration of a day of total fire ban under the **Country Fire Authority Act 1958**.

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**724. Firing explosives at night**

A person who uses blasting explosives at night must ensure that an adequate level of light is provided so that—

- (a) charging operations can be carried out safely; and
- (b) inspections can be done properly after charges are fired; and
- (c) any misfire can be dealt with in accordance with Division 5.

**725. Capping of fuses and preparation of primers**

- (1) A person who is capping fuses or preparing primers must ensure that all people who are not involved in that work remain at least 10 metres away from that work.
  - (2) A person who caps fuses or prepares primers must do so in a safe place which is at least 10 metres away from any place where explosives are stored.
  - (3) A person who caps fuses must ensure that any capped fuses not required for immediate use are placed in a receptacle or stored in a magazine.
  - (4) A person who prepares primers must—
    - (a) prepare the primers immediately prior to charging; and
    - (b) ensure that the initiating medium used to form a primer has sufficient strength and sufficient contact with the primer cartridge or cast primer to ensure initiation; and
    - (c) ensure that the initiating medium is attached so that it will not become detached from the primer cartridge during loading.
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- (5) A person who lowers a primer into a blast hole by means of the lead wires of a detonator, safety fuse, detonating cord or signal tube must do so in accordance with the requirements of AS2187.2.

**726. Vibration and noise levels**

- (1) A person conducting blasting operations in proximity to buildings or structures must ensure that ground vibration and air blast overpressure is in accordance with the recommendations in AS2187.2.
- (2) If, in the opinion of an inspector, noise or vibration from a blasting operation is likely to cause damage to property or danger or significant nuisance to the public, the inspector may issue a written direction to the shotfirer to take whatever actions the inspector considers necessary to reduce the noise or vibration to an appropriate level.
- (3) The shotfirer must comply with a written direction issued under sub-regulation (2).

**727. Approach of a storm**

- (1) On the approach of an electrical storm, thunderstorm or dust storm—
- (a) if time permits before the storm reaches a dangerously close position, the shotfirer must—
- (i) fire the shot; or
- (ii) make the circuits safe, and collect and return to the magazine all explosives that have not been charged; and
- (b) all people must withdraw to a safe distance from any explosive, including those explosives contained in a magazine, blast hole or in the course of transport on the

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blasting site and must not return until the storm has passed.

- (2) If it is necessary for personnel to withdraw from the blasting area because of the approach of a storm, the area must be kept under observation from a safe distance by the shotfirer or, in the shotfirer's absence, a person authorised by the shotfirer.
- (3) This regulation does not apply to underground workings, except work in a sinking shaft.

**728. Precautions after blast**

After blasting has been carried out at a blasting site, the shotfirer or, in his or her absence, a person authorised by the shotfirer, must ensure that—

- (a) no-one enters the blasting site until the shotfirer, or the person authorised by the shotfirer, is satisfied that any fumes and toxic gases created by the explosion are at safe levels; and
- (b) the site is carefully inspected for the presence of unfired explosive or misfires, and be satisfied that no misfires have occurred, before any further work is commenced at the site; and
- (c) drilling is not undertaken at the site until—
  - (i) the whole of the site has been thoroughly washed down (if necessary); and
  - (ii) all butts have been carefully inspected and, if necessary, thoroughly washed and cleaned; and
  - (iii) any misfire has been treated by the shotfirer as required in Division 5.



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**729. Inspection of site at end of shift**

- (1) After blasting has occurred at any site, at the end of a working shift the person in control of the blast site must ensure that work is not commenced by an incoming shift until the site has been inspected and declared safe by a competent person.
- (2) The shotfirer must inform the person responsible in the incoming shift of—
  - (a) the number and position of all blast holes that have been fired in the previous shift, and
  - (b) of any suspected misfires.

**730. Precautions during charging of blast holes**

- (1) Before charging operations commence, the shotfirer must ensure that all tools, plant and equipment not required for the operation are removed from the area being charged.
  - (2) The shotfirer must ensure that when preparing a charge—
    - (a) only tools made from non-ferrous materials are used; and
    - (b) if a metal spike is used to form a hole in a cartridged explosive, that the spike is not permitted to come into contact with any metal or hard surface as it emerges; and
    - (c) where practicable, only whole cartridges are charged into blast holes and that any metal implement used to cut blasting explosives does not operate with metal to metal contact or come into contact with any hard surface.
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- (3) When charges are being prepared and while blast holes are being charged, the shotfirer must ensure that no other work is conducted within 10 metres of those operations.
  - (4) A person charging blast holes with explosives must—
    - (a) where practicable, be positioned so that no part of his or her body is in line with the direction of the hole; and
    - (b) position the primer in the blast hole to minimise the likelihood of a cut off in the blasting sequence; and
    - (c) tamp the explosives gently into blast holes of an appropriate size (if tamping is required); and
    - (d) stem the blast holes by tamping the stemming material lightly, gradually increasing the force until the blast hole is stemmed (if stemming is required); and
    - (e) ensure that any lead wires, safety fuse, detonating cord or signal tube are not damaged during stemming and tamping.
  - (5) A person charging explosives into a blast hole must use a tamping rod—
    - (a) that is made of wood or other non-metallic material without any metal ferrule or tip;
    - (b) which is kept free of grit at the ends.
  - (6) Before charging blast holes a person must ensure that—
    - (a) the blast holes are thoroughly cleared of all debris, loose materials or any other obstruction; and
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- (b) except in the case of deck loading, care is taken to avoid the presence of any extraneous matter between cartridges.
  - (7) A shotfirer must ensure that for top primed blast holes, tamping only begins after at least 150 mm. of stemming material has been placed in the blast hole.
  - (8) If an obstruction is met in the blast hole after charging has commenced, the person charging the hole must—
    - (a) not remove the obstruction by any means other than—
      - (i) a flow of water or of water and compressed air; or
      - (ii) if a pressure water supply is not available, a flow of air applied through a length of rubber or plastic hose or tubing that complies with regulation 743(b) and that—
        - (A) has no ferrous metal fittings; and
        - (B) is advanced gently, without force, into the blast hole; and
    - (b) if the obstruction cannot be removed—
      - (i) add a primer cartridge to the charge; and
      - (ii) continue charging above the obstruction until the stemming height is reached; and
      - (iii) after the charge is fired, search for any unexploded explosive.
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**731. Precautions during charging of blast holes using pumpable or free flowing explosives**

A person who charges blast holes using pumpable or free flowing explosives must ensure—

- (a) that the rate of delivery of explosives is such that overfilling of the blast hole does not occur; and
- (b) that the explosives are mixed according to the correct formulation; and
- (c) that the operator of the delivery and mixing device remains at the control panel or control device and shuts off the flow when necessary to avoid spillage.

**732. Electrical firing—precautions regarding use of exploders**

A shotfirer using exploders must ensure—

- (a) that any exploder used for electrical firing is of a type which is suitable for use with the particular type of detonator and size of firing circuit; and
  - (b) that the size of the firing circuit does not exceed the capacity of the exploder; and
  - (c) that the exploder is fitted with a device which, by its removal, renders the exploder inoperable; and
  - (d) that the device referred to in paragraph (c) is out of the exploder if the exploder is not being used to fire explosives, and is in his or her possession while he or she is on duty; and
  - (e) that exploders, when not in use, are stored in a clean area that is free from moisture, oil and other contaminants.
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**733. Electrical firing—precautions regarding use of mains firing**

- (1) A shotfirer using mains firing must ensure—
- (a) that the mains circuit has adequate electrical capacity to fire the firing circuit; and
  - (b) that the firing switch is installed between the source of electric power and the firing cable, and that the switch is protected by a short-circuit device on the cable side to prevent an electrical current entering the firing cable when the switch is open; and
  - (c) that the firing switch and the short-circuit device are placed in switch boxes which are—
    - (i) in a fixed and safe position; and
    - (ii) provided with an effective lock from which the key cannot be removed unless the box is closed and locked; and
    - (iii) so constructed that the box can neither be closed nor locked unless the switch or device is in the open position and the short-circuit device is in place.
- (2) A shotfirer using mains firing must ensure—
- (a) that a switch box has only one key; and
  - (b) that the key is in his or her possession while he or she is on duty; and
  - (c) that the switch box is locked after a blasting operation.

**734. Electrical firing—testing of components**

- (1) A shotfirer must test any firing cable to be used for electric firing operations—
- (a) for breaks and internal short-circuits; and

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- (b) to determine its electrical resistance—  
before operations on each day or before each shift  
and whenever damage is suspected to have  
occurred.
- (2) A shotfirer must test each electric detonator to be  
used in a blasting operation for continuity and  
resistance using an approved circuit tester and  
must take the following precautions during  
testing—
- (a) the detonator must be covered in a manner  
which will prevent injury to any person or  
damage to any property in the event that the  
detonator accidentally fires;
- (b) delay detonators must be kept covered in that  
manner for at least twice the delay period of  
the detonator indicated by the delay number  
or code marked on the detonator or its wires.
- (3) A shotfirer must not use a firing cable or detonator  
in a blasting operation which is found to be faulty  
when tested in accordance with this regulation.

**735. Electrical firing—safe location of firing position**

A shotfirer must ensure that the firing position (at  
which the exploder or circuit switch will be  
operated to fire the charge) is located at a point  
outside the range of, or is adequately shielded  
from, any missile or other blast effect that may be  
produced by the blast.

**736. Electrical firing—precautions during charging**

A shotfirer must observe the following  
requirements when charges are to be fired  
electrically—

- (a) the lead wires of a detonator must be kept  
short-circuited until the charge is in position  
and ready for firing;

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- (b) the joints and other parts in a firing circuit must be covered or placed in a manner which will prevent electrical contact to earth or with any other thing that could cause a short-circuit;
  - (c) the firing cable leading to an explosive charge—
    - (i) must be short-circuited, at the end nearer the firing position, while the detonators are being connected, and the short-circuit must only be opened when the explosive charge is ready for testing or firing; and
    - (ii) must not be connected to an exploder or circuit tester until the blasting area has been cleared of people and the warning signals required by regulation 721 have been sounded;
  - (d) before firing the charge, the firing circuit must be tested for continuity and electrical resistance at—
    - (i) the firing position; or
    - (ii) some other point so distant from the charge that in the event of accidental firing there will be no danger to any person;
  - (e) a circuit that is found to be faulty by a test under paragraph (d) must not be used until all faults in the circuit are rectified;
  - (f) immediately after firing, the shotfirer must render the exploder inoperable, disconnect the firing cable and replace the short-circuit on the cable.
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**737. Electric firing near source of electric power**

A shotfirer must ensure that—

- (a) if electric firing is undertaken near a source of electric power or a power or lighting cable, all due precautions are taken to prevent the firing cables, connecting wires and detonator lead wires from coming into contact with, or being affected by, any electrical leakage or induction from the cable or source of electric power;
- (b) all storage batteries and dry cells are kept at least 10 metres from any firing cable and any part of a firing circuit and any place where electric detonators, electric fuseheads or electric igniters are exposed, unless the batteries or dry cells are adequately covered to prevent any likelihood of them causing the accidental firing of a detonator, fusehead or igniter;
- (c) electric firing in a mine or quarry is not undertaken near any electrified trolley wire, underground power cable or high voltage overhead power line unless approved.

**738. Electric detonators near radio etc**

A person must not use an electric detonator near any type of radio or television transmitter or repeater transmission station or other source of electromagnetic radiation unless the person complies with the recommendations of AS2187.2 as to the safe distance to be maintained between the station (or other source of radiation) and the detonator and firing circuit.



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**739. Safety fuse firing**

- (1) A shotfirer, when intending to use safety fuse, must ensure that—
  - (a) no coil is used unless—
    - (i) the burning rate of the fuse has been determined by burning at least 1 metre of a sample of the coil; and
    - (ii) the burning rate of the sample is between 90 and 120 seconds per metre; and
  - (b) sufficient fuse (of not less than 1 metre in any situation) is used to enable the shotfirer to withdraw to a safe place without undue haste after the fuse has been ignited; and
  - (c) the end of the fuse to be inserted into the detonator is clean and cut square, and inserted into the detonator by pushing gently without twisting; and
  - (d) detonators are crimped on the fuse with an approved crimper; and
  - (e) the fuse is not ignited until—
    - (i) the charge has been fully inserted into the blast hole; and
    - (ii) all necessary stemming and tamping has been completed; and
    - (iii) an effective means of screening the blast (where applicable) has been placed into position; and
  - (f) if more than one fuse is to be ignited at any one firing—
    - (i) only a safety fuse igniter approved for igniting more than one fuse is used; and

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- (ii) not more than 8 fuses are ignited at any one firing location except where igniter cord or an approved electrical igniter is used; and
  - (iii) the firing of charges is arranged to enable the number of explosions to be accurately counted from safe locations.
- (2) If a shotfirer has any doubt as to the number of charges that have exploded, the shotfirer must assume that a misfire has occurred, and must comply with the requirements of Division 5.
- (3) If 2 or more shotfirers are firing explosives near to each other, the shotfirers must arrange the order of firing in a manner which will avoid confusion in counting the number of explosions.

**740. Use of detonating cord**

If a shotfirer uses detonating cord in a blasting operation the shotfirer must ensure that—

- (a) where detonating cord is used as a downline, the cord downline is—
  - (i) secured in a taut manner and extend by at least 600 mm. from the edge of the blast hole; and
  - (ii) cut from the reel; and
- (b) excessive slack is not left in the branch line connections and the connections are made in accordance with AS2187.2;
- (c) where both trunk and branch lines are used, the blast is initiated in a trunk line.

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**741. Signal tube firing**

- (1) If a shotfirer uses a signal tube initiation in a blasting operation, the shotfirer must ensure that—
  - (a) all connections are carried out in accordance with the manufacturer's instructions; and
  - (b) all connections are checked before initiating a blast; and
  - (c) if possible, all fired signal tube is cleared from the blast site after the blast has been completed.
- (2) Where both trunk and branch lines are used, the blast must be initiated in a trunk line.
- (3) A shotfirer must ensure that the firing position at which the shotfirer initiates the signal tube is located at a point outside the range of, or is adequately shielded from, any missile or other blast effect that may be produced by the blast.

**742. Electronic detonator firing**

If a shotfirer uses electronic detonators in a blasting operation, the shotfirer must ensure that the operation is carried out safely and in accordance with the manufacturer's instructions and the operating procedures for that site.

**743. Ammonium nitrate explosive mixtures**

If ammonium nitrate explosive mixture is pneumatically loaded in a blasting operation, the shotfirer must ensure that—

- (a) the equipment used for the loading is approved; and
- (b) the mixture is loaded through a semi-conductive hose that has an electrical resistance of not less than 15 000 ohms per

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- metre and not more than 2 megohms measured over the length of the hose; and
- (c) when loading the mixture, the pneumatic loader is earthed through a resistance of not more than 1 megohm; and
  - (d) water lines, compressed air lines, wire-covered hoses, rails and permanent electrical earthing systems are not used as a means of earthing the loader; and
  - (e) if electric detonators are used with pneumatic loading, the electric detonators are of the protected type; and
  - (f) any part of any equipment that may come into contact with ammonium nitrate or the ammonium nitrate explosive mixture is not composed of galvanised iron, galvanised steel, or any zinc, lead, copper or any alloy of those metals.

**744. Butts**

- (1) If a butt is found after a charge has been fired, the shotfirer must ensure that no further work is carried out in the vicinity of the butt until the butt is made safe.
- (2) A person drilling a hole near a butt must drill in a manner and at a distance sufficient to prevent the drill from entering any part of the butt.

**745. Bulling, chambering or springing charges**

The shotfirer must ensure that a blast hole in which a bulling, chambering or springing charge has been fired is not re-loaded until—

- (a) the resulting chamber has been filled with water; or

- (b) the hole has been left to cool to a safe temperature over a sufficient period (which must be a period of at least one hour).

**746. Charging and firing charges**

The shotfirer must ensure that—

- (a) all blast holes which are charged in a firing location are—
  - (i) fired as one round; and
  - (ii) fired without undue delay; and
- (b) if a charge is not fired and exploded, it is treated as a misfire in accordance with Division 5; and
- (c) a blast hole which has been charged is kept under constant and effective supervision until the charge is fired.

**Division 5—Safety Precautions for Misfires**

**747. Misfire**

A misfire is deemed to have occurred if there is any reason to suspect that all or any part of a charge has failed to explode.

**748. Immediate action after a misfire**

- (1) If a misfire has occurred, the shotfirer must ensure that no person enters the blasting area until the following periods have elapsed—
  - (a) if the method of firing or attempting to fire the charge was by safety fuse—30 minutes; or
  - (b) if the method of firing or attempting the charge was by signal tube firing—5 minutes; or

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- (c) if the method of firing, or attempting the charge was by electric detonators—  
5 minutes from the time the firing cables are disconnected and short-circuited;
- (2) Sub-regulation (1) does not apply to a cutoff or butt.
- (3) The shotfirer must, as soon as possible, notify the person controlling or managing the work site of any misfire.

**749. Misfire not to be left unattended**

- (1) A misfire occurring in surface blasting must not be left unattended.
- (2) If a misfire has occurred, the shotfirer must ensure that barriers with—
  - (a) conspicuous red flags; or
  - (b) conspicuous red signs showing the word or words "STOP" or "STOP—MISFIRED EXPLOSIVES" or "DANGER—CHARGED BLAST HOLES" in white letters—are immediately stationed so as to face all access ways to the blasting area.
- (3) While barriers are in place under sub-regulation (2), a person must not enter the blasting area unless he or she is authorised by the shotfirer to do so.

**750. Location of misfire**

After the period specified in regulation 748 has elapsed, the shotfirer must—

- (a) thoroughly examine the blasting site and implement any work that is necessary to ascertain the location of any misfire and the cause of it; and

- (b) carefully search for, collect, and safely dispose of, any unexploded explosive or debris likely to contain explosive that is on the surface; and
- (c) warn all incoming work crews of the possible presence of explosives in any broken ground or rock.

**751. Electrical tests for a misfire**

The shotfirer must not conduct electrical tests on a firing circuit or any part of a firing circuit of a misfired charge unless all people in the blasting area are at a safe distance from the charge or are in an approved blasting shelter.

**752. Treatment of a misfire**

- (1) If a misfire has occurred, the shotfirer must treat the misfire according to the requirements of this regulation that are appropriate to the misfire.
- (2) A person must not remove any cartridge explosive from a blast hole which contains a misfired charge.
- (3) The shotfirer may only refire the charge in a misfired or relieving hole if there is no likelihood of injury to any person or damage to any property.
- (4) If it is not practicable to refire the charge, the shotfirer must—
  - (a) remove stemming and any water destructible explosives—
    - (i) with pressurised water, or a combination of pressurised water and compressed air, using a rubber or plastic hose or tube; or
    - (ii) if pressurised water or air is not available, with water and a wooden implement; and

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- (b) reprime the hole with a fresh primer and fire it, after taking the precautions and giving the warnings required by this Part.
  - (5) If the methods in sub-regulation (4) are not practicable, the shotfirer may cause a relieving hole to be drilled.
  - (6) A relieving hole must—
    - (a) be drilled—
      - (i) parallel to the misfired hole so far as is possible; and
      - (ii) at a distance which is sufficient to prevent the drill from entering any part of the misfired hole; and
    - (b) be charged and fired.
  - (7) A relieving hole in a mine or quarry must—
    - (a) not be drilled unless approved by an inspector or the Authority; and
    - (b) only be drilled from a remote and safe location.
  - (8) Subject to sub-regulations (5), (6) and (7), the shotfirer may drill multiple relieving holes to be fired together to treat a misfire.

**753. Restrictions on relieving holes**

A shotfirer must not use relieving holes to treat a misfire if—

- (a) the blast hole has been bulled, chambered or sprung ; or
- (b) it is otherwise unsafe to do so.



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**754. Misfire when electric detonator used**

If a misfire has occurred and an electric detonator has been used, the shotfirer must—

- (a) short-circuit the firing cable and the lead wires of the detonator before attempting to treat the misfire; and
- (b) if the misfire is to be treated as described in regulation 752, ensure, if practicable, that the lead wires from the detonator in the misfired blast hole are firmly secured to a fixed object so as to allow the recovery of the detonator.

**755. Misfire when signal tube detonator used**

If a misfire has occurred and a signal tube detonator has been used, the shotfirer must, if treating the misfire as described in regulation 752, ensure, if practicable, that the signal tube from the detonator in the misfired blast hole is firmly secured to a fixed object so as to allow the recovery of the detonator.

**756. Work not to recommence until safe**

If the treatment of a misfire has involved the firing of a charge, the person controlling or managing the work site must ensure that work on the blasting site is not commenced until—

- (a) a thorough search has been made by the shotfirer for any unexploded explosive; and
- (b) any explosive discovered has been safely disposed of; and
- (c) the shotfirer is satisfied that it is safe to recommence.

**757. Misfires that cannot be treated according to requirements**

If the person controlling or managing the work site considers that the misfire cannot be treated in accordance with the requirements of this Division, he or she must—

- (a) immediately take steps to ensure that instructions to deal safely with the misfire are issued; and
- (b) ensure that the instructions are implemented; and
- (c) retain an accurate written record of the instructions for at least 5 years; and
- (d) if the misfire occurs in a mine or quarry, notify an inspector of the misfire.

**Division 6—Special Blasting Operations**

**758. Blasting underwater**

- (1) A person who undertakes blasting underwater must do so in accordance with AS2187.2.
- (2) A shotfirer who intends to fire a charge underwater must ensure, before firing, that—
  - (a) every person in the water, including any diver, is at a safe distance from the charge; and
  - (b) any charges that are not in blast holes are secured against movement; and
  - (c) if explosives which may be affected by water are used, the explosives are waterproofed or are otherwise protected from the effects of water; and

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- (d) if detonating cord is used underwater, suitable precautions are taken to ensure that any lines of cord which are intended to remain apart cannot be brought together by water current or wave action.

**759. Hot material and high temperature blasting**

- (1) A shotfirer must ensure that when blasting in hot material or carrying out high temperature blasting, all operations are performed in accordance with the relevant provisions of AS2187.2.
- (2) In this regulation, "**hot material**" and "**high temperature blasting**" have the same meanings as they have in AS2187.2.
- (3) If any conflict between the requirements of this regulation and any other regulation in this Part arises, the requirements of this regulation prevail.

**760. Demolition of buildings and other structures**

- (1) A person intending to demolish with explosives a building or structure, or part of a building or structure, must notify the Authority in writing of the intention 21 days before the intended date of the demolition.
- (2) A shotfirer must ensure that when blasting is used for the demolition of buildings or other structures, all operations are performed in accordance with the relevant provisions of AS2187.2.
- (3) If any conflict between the requirements of this regulation and any other regulation in this Part arises, the requirements of this regulation prevail.
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**PART 8—FIREWORKS**

**Division 1—General provisions concerning fireworks**

**801. Application**

This Part applies to the sale, possession and use of fireworks.

**802. Definitions**

In this Part—

**"aerial shell"** means a firework which is designed to burst high in the air and is projected from a mortar by a lifting charge;

**"display site"** means the immediate area of a fireworks display and the area under the direct control of the operator of the fireworks display, including the point of launch, fall-out area and any applicable minimum safety distances from viewing areas and protected works;

**"effective barrier"** means fences, cordons or similar devices or a body of water or other natural barrier;

**"flash powder"** means a pyrotechnic substance which is intended to produce a flash of light with or without an audible report, smoke or sparks;

**"ground display fireworks"** means fireworks which primarily function on the ground and which may project stars, novelty and other effects above the ground;

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**"prohibited firework"** means any skyrocket or any other firework having a pyrotechnic substance of—

- (i) not more than 40 grams for a single tube or casing firework except fountains; or
- (ii) not more than 50 grams for a single tube fountain or cone fountain; or
- (iii) not more than 20 grams per tube for a multi-tube firework (total content not more than 100 grams); or
- (iv) greater than 0·3 gram per cracker for crackers containing black powder or 50 mg. per cracker for crackers containing flash or salute powder—

but does not include general use fireworks, display fireworks or theatrical fireworks;

**"single occasion licence"** means a licence to discharge display fireworks, Chinese firecrackers or theatrical fireworks on one occasion only;

**"sky rocket"** means a firework with a casing (with a stick attached to stabilise flight) which contains pyrotechnic substance which upon initiation produces a jet of flame to propel the rocket into the air;

**"theatrical firework"** means—

- (a) loose poured flash powder; or
- (b) a firework that is designed to be safe for indoor use for theatrical purposes and is fitted with, or adapted to, the use of an electrical ignition device.

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**803. Prohibited fireworks**

- (1) A person must not manufacture, import, sell, store, transport or use prohibited fireworks.
- (2) A person must not possess prohibited fireworks.
- (3) A member of the police or an inspector may seize any prohibited fireworks.

**804. General use fireworks**

A person using general use fireworks must follow the manufacturer's safety instructions, including any advice or instructions provided about the minimum age of the user.

**805. Licence to be produced**

The holder of a licence under this Part must—

- (a) carry the licence at all times when using, or preparing to use, the fireworks permitted to be used by the licence; and
- (b) produce the licence when requested to do so by an inspector, member of the police force, a member of the Metropolitan Fire and Emergency Services Board, the Country Fire Authority or an officer of the municipality within which the fireworks are to be discharged.

**806. Conduct after discharge of fireworks**

The holder of a licence under this Part who discharges Chinese firecrackers, display fireworks or theatrical fireworks at a site must—

- (a) inspect the site as soon as possible after the discharge, for any unfired firework; and
- (b) collect and dispose of any unfired firework that is found in accordance with the requirements of Part 9; and

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- (c) ensure that all debris resulting from the discharge or use of the fireworks is cleared away and disposed of in an appropriate manner, as far as is practicable; and
  - (d) ensure that people not involved in the firework display do not enter the display site until the requirements of paragraphs (a), (b) and (c) are complied with.

**807. Malfunctions**

If a firework malfunctions and there is risk to the public, the holder of a licence under this Part must immediately cease all fireworks operations and must not resume those operations until it is safe to do so.

**Division 2—Display fireworks, Chinese firecrackers, and theatrical fireworks**

**808. Requirement to be licensed**

- (1) A person must not discharge display fireworks unless—
  - (a) the person is a licensed pyrotechnician or is under the direct supervision of a licensed pyrotechnician; or
  - (b) the person holds a valid single occasion licence.
- (2) A person must not discharge Chinese firecrackers unless—
  - (a) the person is a licensed pyrotechnician or is under the direct supervision of a licensed pyrotechnician; or
  - (b) the person holds a valid single occasion licence.

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- (3) A person must not discharge theatrical fireworks unless—
- (a) the person is a licensed pyrotechnician or is under the direct supervision of a licensed pyrotechnician; or
  - (b) the person holds a valid single occasion licence.<sup>5</sup>

**809. Licensing for pyrotechnicians<sup>6</sup>**

- (1) The Authority may only issue a pyrotechnician's licence to a person on the application of the person if it is satisfied that the person has demonstrated an adequate knowledge of—
- (a) safety in the use of fireworks of the type and size specified in the application; and
  - (b) the provisions of these Regulations applicable to the use of fireworks.
- (2) A person satisfies the requirements of sub-regulation (1) if—
- (a) the person—
    - (i) attends an approved training course on the use of fireworks; and
    - (ii) passes approved examinations to test the applicant's knowledge of the matters specified in sub-regulation (1); or
  - (b) the person demonstrates suitable practical experience to the satisfaction of the Authority; or
  - (c) the person holds an approved qualification to use fireworks issued outside Victoria which is acceptable to the Authority.
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**810. Application for issue of single occasion licence**

- (1) An application for a single occasion licence must include the following information—
  - (a) the name, address and telephone number of the applicant; and
  - (b) the name, address and telephone number of the natural person who will discharge, or supervise the discharge of, the fireworks or Chinese firecrackers; and
  - (c) the date, place and time on or at which the fireworks or Chinese firecrackers are proposed to be used; and
  - (d) the purpose for which the licence is sought.
- (2) A person applying for a single occasion licence must provide a copy of the application to the appropriate fire authority and the appropriate municipal authority at the time of lodging the application.

**811. Issue of single occasion licence**

- (1) The Authority may refuse to issue a single occasion licence if an application is made less than 21 days before the date of intended use of the fireworks or Chinese firecrackers.
- (2) The Authority may not issue a single occasion licence—
  - (a) for the discharge of ground display fireworks for a period exceeding 2 days; or
  - (b) for the discharge of Chinese firecrackers or theatrical fireworks for a period exceeding one day.

Reg. 811(2)(b)  
amended by  
S.R. No.  
82/2000  
reg. 3(a).

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Reg. 811(2)(c)  
revoked by  
S.R. No.  
82/2000  
reg. 3(b).

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- (3) The Authority must provide the holder of a single occasion licence with an authorisation (in a form approved by the Authority) to purchase fireworks of the type and quantity specified in the licence.
- (4) The Authority must not issue a single occasion licence for the use of display fireworks after 30 September 2000.

**812. Criteria for use of Chinese firecrackers**

- (1) The Authority may only grant an application for a single occasion licence in relation to Chinese firecrackers—
  - (a) to an association incorporated under the **Associations Incorporation Act 1981** or to a community group; and
  - (b) in connection with a cultural, religious or traditional occasion or purpose requiring the discharge of Chinese firecrackers.
- (2) A pyrotechnician may only use Chinese firecrackers—
  - (a) on behalf of an association incorporated under the **Associations Incorporation Act 1981** or a community group; and
  - (b) in connection with a cultural, religious or traditional occasion or purpose requiring their discharge.

**813. Reissue of licence owing to bad weather**

- (1) If—
  - (a) the declaration of a day or partial day of total fire ban under the **Country Fire Authority Act 1958** which applies to the time and place

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of the event at which a single occasion licence was to be held; or

(b) bad weather conditions—

leads to the postponement of the event for which a single occasion licence was issued, the holder of the licence may surrender the licence or apply to the Authority to have the licence reissued specifying a new date for the discharge of the fireworks or Chinese firecrackers.

- (2) No fee is payable if the Authority reissues a licence under sub-regulation (1).
- (3) In reissuing a licence under this regulation, the Authority may not specify a discharge date that is later than one month after the discharge date specified in the original licence.

**814. Requirements for pyrotechnicians to notify authorities of intended discharge of fireworks**

- (1) A pyrotechnician who intends to discharge display fireworks or Chinese firecrackers must provide the Authority and the appropriate municipal and fire authority with written notification (in a form approved by the Authority) at least 7 days before the date of the proposed display.
- (2) A pyrotechnician must—
  - (a) complete a record (in a form approved by the Authority) of each display conducted; and
  - (b) retain that record for at least 2 years.
- (3) A pyrotechnician who intends to discharge fireworks that could be confused with distress signals in or near port waters must provide written notification to the body that administers the relevant area of water at least 7 days before the date of the proposed display.

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- (4) Compliance with this regulation is a condition of a pyrotechnician's licence.
  - (5) The requirements of sub-regulation (1) do not apply to the development and testing of products designed to ensure the safety and performance of the product.

**815. Chinese firecrackers not to be discharged indoors**

A person must not discharge Chinese firecrackers indoors.

**816. Use of long string Chinese firecrackers**

- (1) A person discharging long string Chinese firecrackers must ensure that—
  - (a) all people not involved in the discharge of the firecrackers are kept at least 5 metres in every direction from the firing point by the use of effective barriers; and
  - (b) sufficient security personnel are present to prevent the public and any other unauthorised people from entering the display site during the discharge of the firecrackers; and
  - (c) the firecrackers are securely attached to a support that suspends the entire string above the ground, and that will not fall over when the firecrackers are discharged.
- (2) In sub-regulation (1) "**long string Chinese firecrackers**" means strings of Chinese firecrackers longer than 50cm.

**817. Use of theatrical fireworks<sup>7</sup>**

- (1) A person must not use fireworks for theatrical purposes unless they are theatrical fireworks or have been adapted and approved for theatrical use

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- (2) A person must not manufacture theatrical fireworks unless the manufacture occurs in a factory licensed under Part 3.
  - (3) A person may only use theatrical fireworks for theatrical, entertainment or similar purposes.
  - (4) A person who uses theatrical fireworks must do so in accordance with the manufacturer's instructions.
  - (5) A person who discharges theatrical fireworks must ensure—
    - (a) that adequate fire protection and a suitable means of firefighting is available at the place of discharge; and
    - (b) that spectators remain at a safe distance.

**818. Use of flash powder<sup>8</sup>**

- (1) A person using flash powder must—
  - (a) not mix the flash powder with any other substance;
  - (b) not use flash powder in a flash pot which—
    - (i) is made of steel or other ferrous material; or
    - (ii) has an opening that is less than 5 times the depth of the pot;
  - (c) not subject the flash powder to vibration;
  - (d) put the flash pot into place before the powder is initiated;
  - (e) only initiate the flash powder by an electrical firing system.

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- (2) A person using a flash pot for the discharge of flash powder must ensure—
- (a) that the flash pot is not positioned near any entrances to exits, or escape routes from the stage of a theatre; and
  - (b) that the flash pot is positioned at least 3 metres from—
    - (i) any flammable materials; and
    - (ii) all people.
- (3) A person using flash powder must—
- (a) have a clear view of the area in which the flash powder is to be used; and
  - (b) not fire the flash powder unless, having regard to all the circumstances, it is safe to do so.

### **Division 3—Management of firework displays**

#### **819. Application**

This Division applies only to the use of display fireworks.

#### **820. Fire protection**

The holder of a licence under this Part must ensure—

- (a) that adequate fire prevention and a suitable means of firefighting is available at the display site; and
- (b) that all easily ignitable material is removed, or reduced as far as is practicable, from the display area or is suitably protected or treated to reduce the risk of fire before the display is commenced.

**821. Safety distances**

- (1) The holder of a licence under this Part must determine the minimum safety distance required by this regulation based on the type and size of firework to be discharged.
- (2) The holder of a licence under this Part must ensure that all people, except people authorised by the licence holder to handle or use the display fireworks, are kept at the relevant minimum safety distance from the firing point specified in Table 821A, 821B or 821C.
- (3) The holder of a licence under this Part must ensure that the firing point of a fireworks display is no closer to any building, dangerous goods storage, structure, traffic route or place of assembly than the relevant minimum safety distance specified in Table 821A, 821B or 821C, unless otherwise approved.

**Table 821A—Aerial shells other than salutes**

<i>Nominal shell diameter</i> <i>(mm)</i>	<i>Minimum safety distance</i> <i>(metres)</i>
<75	45
75	55
100	65
130	85
150	95
180	110
200	125
250	150
300	175

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**Table 821B—Salutes**

<i>Nominal shell diameter</i> <i>(mm)</i>	<i>Minimum safety distance</i> <i>(metres)</i>
50	70
75	80

**Table 821C—Display fireworks other than aerial shells**

<i>Type of firework</i>	<i>Minimum safety distance</i> <i>(metres)</i>
Set pieces—Lancework only	10
Comets Minebags Multishot Candles Roman Candles	30
Mines	40

**822. Barriers**

- (1) The holder of a licence under this Part must ensure that—
  - (a) all people except, those people authorised by the licence holder to handle or use the display fireworks, are kept at a safe distance from the firing point by the use of an effective barrier surrounding the firing point; and
  - (b) the barrier is patrolled by security personnel.
- (2) The barriers must not be closer to the firing point than the relevant minimum distances specified under regulation 821.
- (3) The holder of a licence under this Part must ensure that conspicuous notices are displayed, or



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that announcements are made, instructing spectators not to enter the barricaded area.

**823. Smoking and sources of ignition**

- (1) A person must not smoke within 10 metres of any area in which fireworks are present.
- (2) A person must not bring a source of ignition, or permit a source of ignition to be brought, within 10 metres of any fireworks other than a source of ignition necessary to discharge the fireworks.

**824. Keeping fireworks at site**

The holder of a licence under this Part must ensure—

- (a) that all fireworks at the site of a firework display are kept within the barricaded area referred to in regulation 822; and
- (b) that all fireworks are kept in sturdy spark-proof receptacles within the barricaded area; and
- (c) that the receptacles are located at least 10 metres from the edge of the barricaded area; and
- (d) that the receptacles are kept closed except when fireworks are taken out for firing.

**825. Firing of aerial shells**

A person who fires aerial shells must ensure—

- (a) that shells are not fired over spectators; and
- (b) that shells are fired in a manner which ensures that they break or explode over the display site; and
- (c) that the trajectory of a shell is such that it will not come within 8 metres of any overhead object; and

- (d) that mortars are angled so that any misfired shell will fall within the display site; and
- (e) that mortars are effectively stabilised to prevent adjacent mortars from being realigned during firing and in the event of a shell malfunctioning; and
- (f) that in all other respects the requirements of AS2187.4 for the firing of aerial shells are observed.

**826. Mortars for firing aerial shells**

- (1) A person who fires aerial shells must ensure—
  - (a) that the mortar used to fire the shells is suitable for that purpose; and
  - (b) if the shells to be fired are greater than 150 mm. in diameter, that the mortar—
    - (i) is buried to its full length in the ground if practicable; or
    - (ii) is surrounded over its full length with bags of sand to a width of at least 1 metre in all directions; and
  - (c) that in all other respects the requirements of AS2187.4 for the use of mortars for the firing of aerial shells are observed.
- (2) In addition to the requirements of sub-regulation (1), a metal mortar used in the firing of aerial shells or other fireworks must be buried to its full length or be completely surrounded by bags of sand to a width of at least 1 metre in all directions.

**827. Supporting structures**

The holder of a licence under this Part must ensure that all ground level fireworks and any supporting structures are securely placed and firmly braced so that they will not fall over when the fireworks function.

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**828. Prevention of cross ignition**

The holder of a licence under this Part must ensure that all mortars and ground level fireworks are positioned so as to prevent fallout or burning particles igniting adjacent fireworks.

**829. Keys for electrical firing**

- (1) If fireworks are to be fired electrically, the holder of a licence under this Part must ensure that—
  - (a) if the firing unit includes a key operated switch, the key remains in his or her control at all times; or
  - (b) if the firing unit does not include a key operated switch, the firing unit is kept in a locked receptacle, the key for which remains in his or her control at all times.
- (2) When testing electrical firing circuits, the person operating the circuits must ensure that no person is present in the immediate area of the fireworks attached to the electrical firing unit.

**830. Misfired fireworks**

If a firework misfires, the holder of a licence under this Part must ensure—

- (a) that any firework which misfires is not approached within 15 minutes of the misfire; and
- (b) if a shell fails to ignite in a mortar, that the mortar is not reloaded or reused so long as the misfired shell remains, and that the shell is covered with water before removal; and
- (c) that any misfired fireworks are disposed of in accordance with the requirements of Part 9.

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**Division 4—Distress Signals**

**831. Distress signals not to be possessed without reasonable excuse**

- (1) A person must not possess a distress signal without a reasonable excuse.
- (2) For the purposes of sub-regulation (1), "**reasonable excuse**" includes, but it is not limited to, any law by which a person is required or permitted by law to possess distress signals.
- (3) A distress signal found in the possession of a person without reasonable excuse may be seized by an inspector or a member of the police force.

**832. Distress signals only to be used for lawful reasons**

A person must not discharge a distress signal unless the person has a reasonable and lawful cause to do so.

**833. Distress signals to be disposed of safely**

A person disposing of a distress signal because—

- (a) the signal has passed its expiry date; or
- (b) the signal has deteriorated or been damaged;  
or
- (c) the person no longer has a lawful reason to possess the signal—

must do so in a safe manner.

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**PART 9—DISPOSAL**

**901. Explosives not to be discarded**

A person must not throw away, bury or discard explosives.

**902. Explosives must be disposed of safely**

- (1) A person disposing of explosives must—
  - (a) ensure that the method of disposal used provides the greatest degree of safety possible; and
  - (b) ensure that the method of disposal is appropriate to the type of explosives and the condition of the explosives; and
  - (c) take adequate precautions against causing injury to any person or damage to any property; and
  - (d) if an appropriate and safe method of disposal is not known, seek and act according to the advice of the manufacturer or the Authority.
- (2) A person must only render harmless, destroy or otherwise dispose of blasting explosives in accordance with AS2187.2.

**903. Only licensed people may dispose of certain explosives**

- (1) A person must not dispose of blasting explosives unless the person is licensed to use that type or types of blasting explosives, or the person is under the direct supervision of such a person.
- (2) A person may only dispose of fireworks in accordance with the instructions of the supplier, manufacturer, a licensed pyrotechnician or the Authority.

**PART 10—IMPORT**

**1001. Requirement to be licensed**

- (1) A person must not import explosives into Victoria from a place outside Australia unless the person holds a licence to import explosives.
- (2) This regulation does not apply to a person who imports not more than 2000 safety cartridges for his or her own use.

**1002. Application for a licence**

- (1) An application for a licence to import explosives must be made to the Authority before the explosives arrive in Victoria.
  - (2) If an application for a licence to import explosives is made less than 7 days before the expected date of arrival of the explosives, the Authority may refuse to issue a licence to the applicant.
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**PART 11—PORTS AND HARBOURS**

**Division 1—Preliminary**

**1101. Application**

- (1) This Part applies to the loading and unloading of explosives to and from vessels, and the movement of vessels carrying explosives, in Victorian ports and harbours.
- (2) Nothing in this Part applies to distress signals kept on a vessel as stores for safety purposes.

**1102. Notification of explosives on board**

- (1) No later than 24 hours before arriving in a Victorian port or harbour, the master of a vessel with explosives on board must—
  - (a) notify the relevant port operator of the types and quantities of the explosives; and
  - (b) supply any other relevant information that the port operator requires.
- (2) The master of a vessel which has on board explosives of a type specified in Column 1 of Table 1102 in a quantity greater than the corresponding quantity specified in Column 2 of the Table must ensure that while the vessel is on or off any of the ports or harbours of Victoria—
  - (a) the International Code Flag B is displayed by day; and
  - (b) a red light is displayed by night.

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**Table 1102—Maximum Quantities of Explosives at  
Non-Approved Berths**

<i>Type of explosive</i> <i>Column 1</i>	<i>Maximum quantity</i> <i>Column 2</i>
Explosives of Hazard Division 1.1 or 1.5 or both	25 kg.
Explosives of Hazard Division 1.2, N.O.S.*	200 kg.
Explosives of Hazard Division 1.3, N.O.S.*	2000 kg.
Explosives of Hazard Division 1.4, N.O.S.*	Unlimited
Distress signals and Fireworks of Classification Code 1.2G, 1.3G and 1.4G	10 000 kg. in total
Plastic igniter cord of Classification Code 1.4G	2000 kg.

\* N.O.S.: Not otherwise specified

- (3) The relevant port operator must ensure that the master of a vessel with explosives on board is aware of the requirements of sub-regulation (2) and that the requirements of that provision are met.

**1103. Restriction on entry into ports**

A port operator and the master of a vessel that carries explosives in quantities greater than a relevant amount specified in Table 1102 must not allow the vessel to enter the port unless it is moving to or from—

- (a) a berth approved by the Authority for the types and quantities of explosives on board the vessel, in accordance with the requirements of Division 2; or
- (b) an anchorage approved by the Victorian Channels Authority.



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**Division 2—Berths**

**1104. Berths for vessels**

- (1) If explosives are to be loaded on to, or unloaded from, a vessel at a berth, the master of the vessel and the relevant port operator must ensure that the berth is approved for the transfer and handling of explosives.
- (2) Sub-regulation (1) does not apply if the quantity of any particular type of explosive transferred on to or from the vessel is not more than the relevant quantity specified in Table 1102.
- (3) If goods other than explosives are to be loaded or unloaded from a vessel at a berth, and that vessel has on board explosives of a type specified in Column 1 of Table 1102, and in a quantity greater than the relevant quantity specified in Column 2, the master of the vessel and the relevant port operator must ensure that the berth is an approved berth.

**1105. Approval of explosives berths**

- (1) The Authority may approve a berth for the purposes of regulation 1104 if—
  - (a) the berth is separated from any protected work (other than the jetty, pier, navigable waterway or wharf structure containing the berth) by the relevant minimum separation distances as specified for "ordinary berths" in AS3846; and
  - (b) the operator meets any criteria that the Authority considers to be relevant in the circumstances.
- (2) In giving its approval, the Authority may impose any conditions it considers appropriate on the approval.

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- (3) The operator of an approved berth must notify the Authority of any construction, or intended construction, of any protected work within the relevant distances as required by sub-regulation (1)(a) or any other matter affecting a condition imposed under sub-regulation (2).
- (4) The Authority may revoke an approval if—
- (a) a safety distance specified under sub-regulation (1)(a) is breached; or
  - (b) the operator breaches a condition imposed under sub-regulation (2); or
  - (c) the operator fails to notify the Authority of a matter, as required under sub-regulation (3).

**1106. Collective Hazard Division**

For the purposes of determining a safety distance required to be observed by regulation 1105(1)(a), if the explosives to be handled consist of different Hazard Divisions, then—

- (a) a collective Hazard Division must be determined in accordance with regulation 110; and
- (b) that collective Hazard Division must be used to determine the relevant safety distance.

**Division 3—Handling and transport of explosives in port areas**

**1107. Emergency procedures**

A port operator who operates an approved berth must ensure—

- (a) that emergency procedures are developed in conjunction with the appropriate fire fighting authority; and

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- (b) that a copy of the document describing those procedures is provided to the Authority; and
  - (c) that the emergency procedures are in place before any explosives are handled; and
  - (d) that if more than 100 kg. of explosives (other than explosives of Hazard Division 1.4) is loaded or unloaded at the berth, an appropriately trained person is present who, should an incident develop—
    - (i) is able to provide competent advice; or
    - (ii) has access to such advice.

**1108. Handling and transport to proceed with due care**

- (1) The port operator and the master of a vessel must ensure that explosives (excluding those of Hazard Division 1.4)—
  - (a) are not brought to a berth for loading on to a vessel unless that vessel is ready to receive them; and
  - (b) are not unloaded from a vessel unless the means of transport which will remove the explosives from the port area is ready to receive them.
- (2) Before the handling of any explosives, the port operator and the master of a vessel must ensure that—
  - (a) all vessel and shore personnel involved in the handling operation receive instruction in correct handling methods, potential dangers and emergency procedures; and
  - (b) the area of the berth where the explosives will be handled and an area not less than 10 metres beyond the immediate handling area, are barricaded off and any person not

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involved in the handling operations is excluded from those areas.

- (3) The port operator and the master of a vessel must ensure that—
- (a) the handling, loading or unloading of explosives occurs in a safe, secure and efficient manner; and
  - (b) all explosives (excluding those of Hazard Division 1.4) are taken directly to or from the vessel and not held on a berth for any period; and
  - (c) on completion of loading, the loaded vessel or vehicle departs from the port area as soon as is reasonably possible.

**1109. Electrical storms**

The port operator and the master of a vessel must ensure that the loading or unloading of explosives is suspended during electrical storms and does not resume until the storm has passed.

**1110. Loading or unloading at night**

The port operator and the master of a vessel must not load or unload any explosives of Hazard Division 1.1, 1.2, or 1.3 on to or from a vessel between sunset and sunrise unless adequate lighting to ensure that the operation may be conducted safely is available.

**1111. Exclusion of ignition sources**

The port operator and the master of a vessel must ensure—

- (a) that no ignition sources are introduced on to or within 10 metres of the berth where explosives are being handled; and

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- (b) that no smoking occurs on the vessel or the berth, except within any designated smoking areas, while explosives (excluding Classification Code 1.4S) are being transported or handled; and
  - (c) that notices bearing the words "DANGER—NO SMOKING—NO NAKED LIGHTS" are prominently displayed on the vessel and the berth; and
  - (d) that no repairs involving hot work are conducted on the vessel or berth while explosives (excluding those of Classification Code 1.4S) are being transported or handled; and
  - (e) that adequate and appropriate firefighting facilities are immediately available on the berth and vessel; and
  - (f) that the fire hoses on the vessel are run out and ready for immediate use.

**1112. Requirements relating to the vessel**

- (1) Before the handling of explosives, the port operator and the master of a vessel must ensure—
  - (a) that the vessel's engines and ancillary equipment are in a state of readiness so that the vessel may leave the berth at short notice; and
  - (b) that, if practicable, the vessel is berthed in a direction that allows the quickest possible departure in an emergency; and
  - (c) that the explosives are segregated from incompatible cargoes, combustibles and other dangerous cargoes at all times; and

- (d) that lighting and other electrical cables and equipment are physically protected and kept well clear of explosives, other than electrical cables and equipment which is essential for the loading operation.
- (2) The port operator must ensure that no bunkering occurs on a vessel while explosives are being handled, unless he or she considers it safe to do so in all the circumstances of the loading operation.

**1113. Compatibility and mixed stowage**

The port operator and the master of a vessel, when dealing with loads of explosives of differing Hazard Divisions and Compatibility Groups, must ensure that—

- (a) the explosives are—
  - (i) stowed in a vessel in accordance with the compatibility and mixed stowage requirements of AS3846; or
  - (ii) placed in a transport vehicle in accordance with the compatibility requirements of the Australian Explosives Code; and
- (b) explosives of Compatibility Group L are not handled unless approved by the Authority.

**1114. Spillages and deteriorated explosives**

- (1) The port operator and the master of a vessel must ensure that—
  - (a) the spaces in the vessel or a vehicle in which explosives are to be loaded are in a clean and safe condition; and
  - (b) only packages that are in good condition are received into the handling area; and

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- (c) if any package, or the seal of any package, of explosives appears to be damaged, the package is set aside for examination and repair or for disposal in accordance with Part 9; and
  - (d) if any explosives are spilled, or are leaking, from a package, the spillage or leaking is secured and appropriate specialist advice to clean up the spill or leak is obtained; and
  - (e) if the spillage from a package is of a substantial quantity or significantly increases the risk to the safety of people or property, the Authority is notified.
- (2) If the port operator and the master of a vessel suspect that any explosives have deteriorated or undergone any change in condition that could increase the risks involved in handling or transporting the explosives, the port operator and the master of the vessel must ensure that—
- (a) the Authority is notified; and
  - (b) appropriate procedures, in addition to those developed under regulation 1108, to deal with the explosives are developed in conjunction with the Authority.
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**PART 12—FEES**

**Division 1—Preliminary**

**1201. Application**

This Part specifies the fees to be charged under these Regulations.

**1202. Issue of a duplicate licence or transfer of a licence**

The fee for a duplicate licence or for each transfer of a licence is \$50.00.

**1203. Renewal of licences**

The fee for the renewal of a licence is the same as for the issue of the licence, except where otherwise provided.

**1204. Amendment of a licence**

The fee for the amendment of a licence, except at the time of renewal, is 25% of the original fee paid for the licence.

**1205. Fees non-refundable**

- (1) The fee for a licence is not refundable once the work required by the application has been performed.
- (2) The fee for a licence is the same irrespective of the duration of the licence.

**1206. Payment of hourly-rate fees**

If a fee specified in this Part is on the basis of an hourly rate—

- (a) an amount equivalent to the fee payable for one hour's work is payable on the lodging of an application; and



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- (b) the remaining part of the fee is payable before the issue of the licence, authorisation, determination, or amendment (where applicable).

**Division 2—Fees for licences**

**1207. Manufacture of explosives**

- (1) The fee for the issue of a licence to manufacture explosives at a factory is \$4000.00.
- (2) The fee for the issue of a licence to manufacture an explosive mixture at a central mixing point or other place at the point of application or use is \$250.00.
- (3) The fee for the issue of a licence to manufacture explosives with a mobile manufacturing unit at the point of application or use is \$250.00.
- (4) The fee for the issue of a licence to fill or cap safety cartridges other than at a factory is \$250.00.

**1208. Storage of explosives**

- (1) The fee for the issue of a licence to store explosives at a magazine is \$500.00.
- (2) The fee for the issue of a licence to store explosives at a medium scale storage facility is \$250.00.

**1209. Sale of explosives**

The fee for the issue of a licence to sell explosives is \$50.00.

**1210. Transport of explosives**

- (1) The fee to be charged for the issue of a licence to transport explosives by road is \$50.00.

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Part 12—Fees

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- (2) The fee for the issue of a licence to drive a vehicle transporting explosives is—
    - (a) \$50.00 if an examination by the Authority is not required; or
    - (b) \$400.00 if it is necessary to examine the applicant.
  - (3) The fee for the issue of a licence to transport explosives by rail is \$50.00.

**1211. Use of blasting explosives**

- (1) The fee for the issue of a licence to use blasting explosives is—
  - (a) \$50.00, if an examination by the Authority is not required; or
  - (b) \$400.00 if it is necessary to examine the applicant.
- (2) The fee for the renewal of a licence to use blasting explosives is—
  - (a) \$50.00, if an examination by the Authority is not required; or
  - (b) \$150.00, if it is necessary to examine the applicant.

**1212. Fireworks**

- (1) The fee for the issue of a pyrotechnician's licence is—
  - (a) \$50.00 if an examination by the Authority is not required; or
  - (b) \$100.00 if it is necessary to assess the practical experience of the applicant in order to determine the competency of the applicant; or
  - (c) \$400.00 if it is necessary to examine the applicant.<sup>9</sup>

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- (2) The fee for the issue of a single occasion licence to use fireworks, for a licence issued prior to 1 October 2000, is—
    - (a) \$38.00 for display fireworks; and
    - (b) \$38.00 for Chinese firecrackers.
  - (3) The fee for the issue of a single occasion licence to use fireworks, for a licence issued on or after 1 October 2000 is—
    - (a) \$120.00 for Chinese firecrackers; and
    - (b) \$120.00 for theatrical fireworks.

**1213. Import of explosives**

The fee for the issue of a licence to import explosives is \$50.00.

**Division 3—Other Fees**

**1214. Authorisation and classification of explosives**

- (1) The fee to test or examine explosives for the registration and definition of an explosive under section 54 of the Act is \$53.00 for each hour or part of an hour, with a maximum fee of \$540.00.
- (2) The fee for an amendment to the registration and definition of an explosive under section 54 of the Act is \$54.00 for each hour or part of an hour, with a maximum fee of \$540.00.
- (3) The fee for the conduct of tests for the classification of an explosive under section 54 of the Act is \$53.00 for each hour or part of an hour, with a maximum fee of \$2385.00.

**1215. Determination of applications for exemptions**

The fee to be charged for the determination of an application for an exemption from these Regulations is \$54.00 for each hour or part of an hour, with a maximum fee of \$2160.00.

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Part 12—Fees

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**1216. Fee for examination of drawings, plans and specifications**

The fee to be charged for the examination of drawings, plans and specifications in relation to the approval of a berth for the loading and unloading or explosives from a vessel is \$900.00.

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**SCHEDULES**

**SCHEDULE 1**

Regulation 307(1)

**MATTERS TO BE INCLUDED IN SAFETY MANAGEMENT SYSTEM**

**1. Safety policy and safety objectives**

- (a) A description of the means by which the operator's safety policy and specific safety objectives are to be communicated to all people who are to participate in the implementation of the Safety Management System.
- (b) An express commitment to the ongoing improvement of all aspects of the Safety Management System.

**2. Organisational structure and personnel**

The identification (according to position description and location) of the people who are to participate in the implementation of the Safety Management System, and a description of the command structure in which these people work and of the specific tasks and responsibilities allocated to them.

**3. Operational controls**

Establishment of procedures and instructions which as a minimum and wherever relevant cover the following matters—

- (a) supervision of visitors and contractors in explosives areas;
- (b) maintenance of buildings, plant and equipment, including decontamination;
- (c) restrictions on smoking, alcohol and other similar factors;
- (d) control of chemicals in the factory, including segregation of incompatible materials;
- (e) selection, maintenance and use of personal protective equipment;

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- (f) lock-out and tag-out, confined space entry and hot work permits;
- (g) disposal of waste explosives and ingredients, including burning ground procedures;
- (h) modification of process equipment, formulations, materials, packaging or procedures;
- (i) testing of trips, alarms and other protection systems;
- (j) sampling and product testing;
- (k) emergency response plan, including an evacuation plan, appropriate fire fighting controls, consequence minimisation steps (including control of spills including appropriate off-site response);
- (l) transport, storage, security and use of explosives;
- (m) materials handling;
- (n) receipt of explosives and ingredients into site;
- (o) explosives and personnel limit in buildings or locations;
- (p) adverse weather conditions (including lightning);
- (q) restrictions on sources of ignition;
- (r) training and competency evaluation of staff;
- (s) explosives manufacture, including operation of plant and equipment, particularly pumps, for explosives;
- (t) explosives operation or activities with particular emphasis on hazards, housekeeping and accident prevention;
- (u) incident and accident reporting and response;
- (v) non-conforming raw materials and products;
- (w) maintenance of records;
- (x) safety meetings;
- (y) complaints and response;
- (z) self auditing of systems and procedures.

**4. Management of change**

Establishment of procedures for planning modifications to the factory.

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**5. Performance monitoring**

Necessary performance standards must—

- (a) relate to all aspects of the Safety Management System;
- (b) be sufficiently detailed to ensure that the ability of the operator to ensure the effectiveness of all aspects of the Safety Management System is apparent from the documentation;
- (c) be measurable;
- (d) include—
  - (i) the failure of any control measure, whether or not the failure results in a major incident;
  - (ii) the system for reporting any such failure;
  - (iii) other corrective action to be taken in the event of any such failure;
  - (iv) steps to be taken to continually improve all aspects of the Safety Management System, including by testing the effectiveness of control measures.

**6. Audit**

Provision for the audit of performance against the performance standards, including the methodologies, frequency and results of the audit process.

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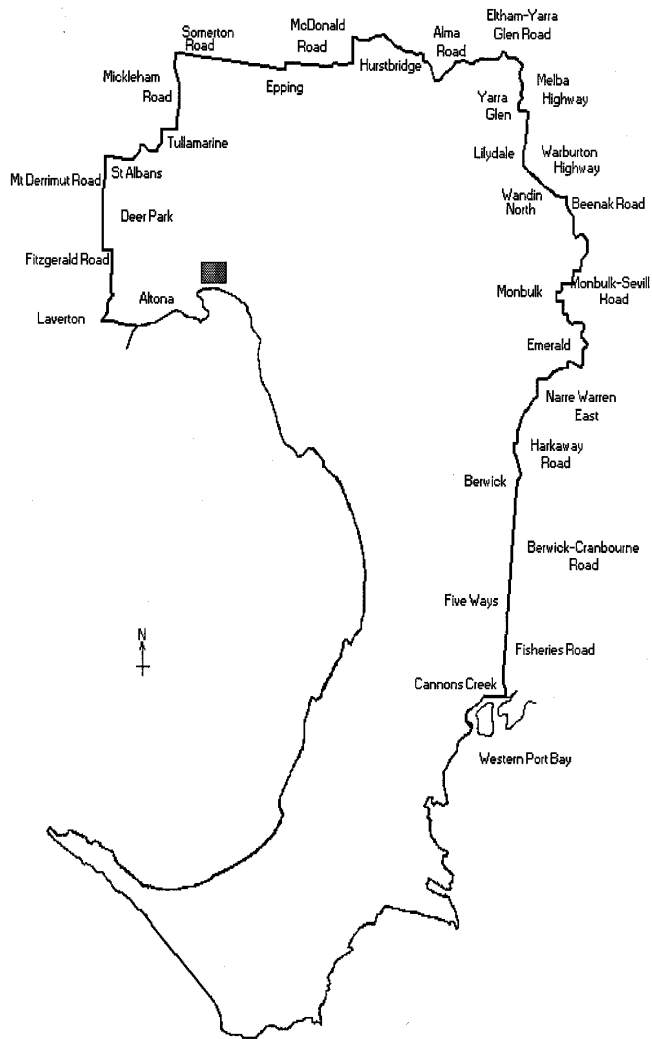
Sch. 2

**SCHEDULE 2**

Regulation 615

**RESTRICTED AREA FOR THE TRANSPORT OF EXPLOSIVES**

The Melbourne metropolitan area is the area enclosed by the following boundaries





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The boundaries of the Melbourne Metropolitan Area for the purposes of Regulation 615 are:

<i>Road Name</i>	<i>Suburb</i>
From the intersection of Esplanade and Maidstone Street	Altona
Then along:	
Maidstone Street	Altona
Queen Street	Altona to Laverton
Central Avenue, Point Cook Road, Princes Freeway	Laverton
Fitzgerald Road	Laverton to Deer Park
Tilburn Road	Deer Park
Station Road	Deer Park to St Albans
Kings Road, Taylors Road	St Albans
Green Gully Road	St Albans to Keilor
Calder Freeway	Keilor
Keilor Park Drive	Keilor to Tullamarine
Sharps Road, Melrose Drive	Tullamarine
Mickleham Road	Tullamarine to Greenvale
Somerton Road	Greenvale to Somerton
Cooper Street	Somerton to Epping
High Street, Memorial Avenue	Epping
McDonalds Road	Epping to South Morang
Gorge Road	South Morang
Kurrak Road, Yan Yean Road, Bannons Lane	Yarrambat
Haleys Gully Road, Hurstbridge— Arthurs Creek Road, Heidelberg— Kinglake Road	Hurstbridge
Cherry Tree Road	Hurstbridge to Pantom Hill

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<i>Road Name</i>	<i>Suburb</i>
Kangaroo Ground—St Andrews Road, Alma Road	Panton Hill to Watsons Creek
Eltham—Yarra Glen Road	Watsons Creek to Yarra Glen
Symonds Street, Bell Street	Yarra Glen
Melba Highway	Yarra Glen to Coldstream
Maroondah Highway	Coldstream to Lilydale
Warburton Highway	Lilydale to Wandin North
Beenak Road, Wandin East Road, Queens Road, Old Baker Road	Wandin North to Wandin East
Monbulk—Seville Road, Monbulk Road	Wandin East to Monbulk
Main Road	Monbulk
Emerald—Monbulk Road	Monbulk to Emerald
Main Street	Emerald
Belgrave—Gembrook Road, Wellington Road	Emerald to Narre Warren East
Berwick Road, Harkaway Road	Narre Warren East to Berwick
Lyall Road, Clyde Road, Berwick— Cranbourne Road, Clyde— Five Ways Road	Berwick to Five Ways
Fisheries Road, Cannons Creek Road	Five Ways to Cannons Creek
Rutherford Inlet of Western Port Bay, western coast of Western Port Bay, Bass Strait coast of Mornington Peninsula, eastern and northern coast of Port Phillip Bay to Altona	
as shown on the map in this Schedule.	

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Sch. 3

**SCHEDULE 3**

Regulation 105

**REVOKED REGULATIONS**

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<i>S.R. No.</i>	<i>Title</i>
272/1988	Dangerous Goods (Explosives) Regulations 1988
287/1989	Dangerous Goods (Explosives) (Fees) Regulations 1989
89/1990	Dangerous Goods (Explosives) (Fees) Regulations 1990
376/1990	Dangerous Goods (Explosives) (Fees) (No. 2) Regulations 1990
277/1991	Dangerous Goods (Explosives) (Fees) Regulations 1991
34/1993	Dangerous Goods (Explosives) (Fees) Regulations 1993
36/1994	Dangerous Goods (Explosives) (Fees) Regulations 1994
34/1995	Dangerous Goods (Explosives) (Fees) Regulations 1995
181/1995	Dangerous Goods (Explosives) (Fees No. 2) Regulations 1995
3/1998	Dangerous Goods (General Amendment) Regulations 1998
142/1999	Dangerous Goods (Explosives) (Amendment) Regulations 1999

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Endnotes

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**ENDNOTES**

**1. General Information**

The Dangerous Goods (Explosives) Regulations 2000, S.R. No. 61/2000 were made on 27 June 2000 by the Governor in Council under section 52 of the **Dangerous Goods Act 1985**, No. 10189/1985 and came into operation as follows:

All of Regulations (*except* regulations 306–309, 808(3), 809, 817, 818, 1212(1)) on 30 June 2000: regulation 104(1); regulations 808(3), 809, 817, 818, 1212(1) on 1 October 2000: regulation 104(2); regulations 306–309 on 1 January 2001: regulation 104(3).

The Dangerous Goods (Explosives) Regulations 2000 will sunset 10 years after the day of making on 27 June 2010 (see section 5 of the **Subordinate Legislation Act 1994**).

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**Endnotes**

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**2. Table of Amendments**

This Version incorporates amendments made to the Dangerous Goods (Explosives) Regulations 2000 by statutory rules, subordinate instruments and Acts.

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Dangerous Goods (Explosives) (Amendment) Regulations 2000, S.R. No. 82/2000

*Date of Making:* 15.8.00

*Date of Commencement:* 15.8.00

Dangerous Goods (Explosives) (Amendment) Regulations 2001, S.R. No. 85/2001

*Date of Making:* 28.8.01

*Date of Commencement:* 28.8.01

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**Endnotes**

**3. Explanatory Details**

- <sup>1</sup> Reg 306: This regulation comes into operation on 1 January 2001.
- <sup>2</sup> Reg 307: See note 1.
- <sup>3</sup> Reg 308: See note 1.
- <sup>4</sup> Reg 309: See note 1.
- <sup>5</sup> Reg. 808(3): This sub-regulation comes into operation on 1 October 2000.
- <sup>6</sup> Reg. 809: This regulation comes into operation on 1 October 2000.
- <sup>7</sup> Reg. 817: See note 6.
- <sup>8</sup> Reg. 818: See note 6.
- <sup>9</sup> Reg. 1212(1): See note 5.

**Table/s of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 61/2000 in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

**Table/s of Applied, Adopted or Incorporated Matter**

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 105— Definition of "Australian Explosives Code"	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 105— Definition of "underground magazine"	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole

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<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 202(1)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 202(2)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 203	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 311(1)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 314(1)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 314(2)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole

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<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 315	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 321(1)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 321(2)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 326(1)	Australian Standard 4326, "The storage and handling of oxidizing agents" published by Standards Australia 1995	The whole
Regulation 327(1)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 329(1)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 332(1)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole



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<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 332(2)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 406(1)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 406(3)(a)(ii)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 408	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 409(1)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 410(1)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 410(1)	Australian Standard 1768 "Lightning protection", published by Standards Australia, 1991	The whole

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<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 411(2)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Use of explosives", published by Standards Australia, 1998	The whole
Regulation 417	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 418	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 419(1)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 424(1)	Australian Standard 2187.1, "Explosives-Storage, transport and use—Part 1: Storage", published by Standards Australia, 1998	The whole
Regulation 602(2)(a)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole

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<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 606(1)(d)(i)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000.	The whole
Regulation 610(1)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 611(1)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 611(2)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 611(3)(a)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 611(3)(b)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole

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<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 612	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 619	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole
Regulation 715(2)(a)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 716(5)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 725(5)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 726(1)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 738	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole

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<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 740(b)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 758(1)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 759(1)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 759(2)— Definitions of "hot material" and "high temperature blasting"	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	Definitions of "hot material" and "high temperature blasting"
Regulation 760(2)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 825(f)	Australian Standard AS2187.4, "Explosives-Storage, transport and use—Part 4 Pyrotechnics-Outdoor displays" published by Standards Australia, 1998	The whole
Regulation 826(1)(c)	Australian Standard AS2187.4, "Explosives-Storage, transport and use—Part 4 Pyrotechnics-Outdoor displays" published by Standards Australia, 1998	The whole

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<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 902(2)	Australian Standard 2187.2, "Explosives-Storage, transport and use—Part 2: Use of explosives", published by Standards Australia, 1993	The whole
Regulation 1105(1)(a)	Australian Standard AS3846, "The handling and transport of dangerous cargoes in port areas", published by Standards Australia 1998	The whole
Regulation 1113(a)(i)	Australian Standard AS3846, "The handling and transport of dangerous cargoes in port areas", published by Standards Australia 1998	The whole
Regulation 1113(a)(ii)	Australian Explosives Code for the Transport of Explosives by Road and Rail, second edition, published by the Department of Transport and Regional Services (Commonwealth), March 2000	The whole

At the time these Regulations were made several terms that are used in these Regulations were defined in section 3(1) of the **Dangerous Goods Act 1985**. Those terms have the same meaning in these Regulations as they have in the **Dangerous Goods Act 1985**. Such terms include—

**"Authority"** means the Victorian WorkCover Authority established under section 18 of the **Accident Compensation Act 1985**;

**"blasting compound"** means all explosive compounds, formulations or mixtures (other than gunpowder) which are used for blasting and, without limiting the generality of the term, includes all compounds or mixtures

containing nitroglycerine or nitroglycol or nitroglycol and nitroglycerine which are used for blasting;

**"boat"** means any vessel not being a ship;

**"container"** means anything in or by which dangerous goods are wholly or partly cased, covered, enclosed, contained or packed, whether such a thing is empty or partially or completely full but does not include a vehicle;

**"dangerous goods"** has the same meaning as it has in the Transport Code except that—

- (a) Class 1 dangerous goods in that Code are not dangerous goods for the purposes of this Act; and
- (b) the following substances and articles are also dangerous goods—
  - (i) explosives; and
  - (ii) combustible liquids having a flashpoint higher than 61°C; and
  - (iii) any substance or article declared to be dangerous goods by an Order in Council made under section 9B;

**"explosives"** means any substance or article manufactured or used to produce a practical effect by explosion or a pyrotechnic effect and includes—

- (a) gunpowder, nitroglycerine, nitroglycol, gelignite, guncotton, blasting powder, fulminating compounds, coloured fires, smoke compositions, fog signals, fireworks, fuses, rockets, percussion

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caps, detonators, cartridges and ammunition of all descriptions;

- (b) substances or articles of whatever form or composition intended for blasting or demolition purposes;
- (c) substances or articles used for the initiating of explosive charges or fillings;
- (d) every adaptation or preparation of explosives; and
- (e) any substance or article prescribed as explosives for the purposes of this Act;

**"Fire Authority"** means any permanent or volunteer fire brigade under the **Metropolitan Fire Brigades Act 1958** or any permanent or volunteer brigade under the **Country Fire Authority Act 1958**;

**"inspector"** means inspector appointed under section 11;

**"magazine"** includes any building, receptacle, place, ship or boat;

**"magazine area"** means the area in which two or more magazines are sited;

**"manifest"** means an inventory of dangerous goods;

**"manufacture"** includes any part or the whole of any process of—

- (a) making non-dangerous goods from dangerous goods;
- (b) making non-dangerous goods from non-dangerous goods, where in the course of the process dangerous goods are made;



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- (c) the unmaking, altering, repairing or remaking of dangerous goods;

**"master"** includes every person (except a pilot) having command or charge of a ship, and in reference to any boat belonging to a ship means the master of the ship, and in reference to any other boat includes every person having command or charge of such boat;

**"occupier"**, in relation to any premises (other than licensed premises that are a vehicle or boat), includes a person who—

- (a) is the owner of the premises;
- (b) exercises control at the premises under a mortgage, lease or franchise; or
- (c) is normally or occasionally in charge of or exercising control or supervision at the premises as a manager or employee or in any other capacity—

and, in relation to licensed premises that are a vehicle or boat, includes a person who—

- (d) is the owner of the vehicle or boat; or
- (e) is in charge of the vehicle or boat;

**"owner"** in relation to a ship, includes a person who is the charterer of the ship or has possession of the ship;

**"owner"**, in relation to a vehicle or boat, includes a person—

- (a) who is the sole owner, joint owner or part owner of the vehicle or boat;

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- (b) who has the possession and use of the vehicle or boat under or subject—
  - (i) to a hire-purchase agreement, bill of sale or like instrument; or
  - (ii) to a written hiring agreement (not being a hire-purchase agreement) which requires the person to register the vehicle or boat in the person's name—

but does not include any person in whom the property in the vehicle or boat or any kind of right or licence to take possession of the vehicle or boat is vested under or subject to a hire-purchase agreement or a bill of sale or like instrument or written hiring agreement which requires another person to register the vehicle or boat in the name of that other person but who has not for the time being the possession and use thereof;

**"person"** includes a body or association (corporate or unincorporate) and a partnership;

**"premises"** includes—

- (a) a building or part of a building;
- (b) a tent, stall or other structure, whether permanent or temporary;
- (c) land, whether or not appurtenant to a building; and
- (d) any other place;

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**"primary producer"** means any person engaged solely or substantially in agricultural, horticultural, viticultural, dairying, pastoral or other like pursuits or any person being a commercial fisherman and holding a licence to take fish for sale;

**"sell"** includes—

- (a) barter or exchange;
- (b) agree to sell or offer or expose for sale;
- (c) receive for sale;
- (d) have in possession for sale;
- (e) send, forward or deliver for sale;
- (f) advertise for sale;
- (g) supply or give away for the purpose of advertisement or in furtherance of any trade or business;
- (h) sell for resale; or
- (i) cause, permit or attempt any of the acts or things referred to in paragraphs (a) to (h);

**"ship"** means any vessel used in sea navigation but does not include any barge, lighter or like vessel;

**"transfer"** means any process which involves—

- (a) the filling, loading, pumping or pouring of dangerous goods into a container; or
- (b) the discharging, unloading, pumping or pouring of dangerous goods from a container;

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**"Transport Code"** means the document known as the Australian Code for the Transport of Dangerous Goods by Road and Rail adopted by the body of Commonwealth and State Ministers known as the Australian Transport Advisory Council as amended from time to time by resolution of the Australian Transport Advisory Council.

Section 3(2) of the **Dangerous Goods Act 1985** further provided—

For the purposes of the interpretation of "manufacture", "**making**" includes—

- (a) any process of chemical reaction;
- (b) any process which involves the mixing, separation, concentration, dilution, assembling or blending of substances or articles; and
- (c) the operation of machinery, plant or equipment which is using, treating or processing dangerous goods.'