

EXPLOSIVES (AMENDMENT) ACT.

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 35, 1968.

An Act to provide for further safeguards in the keeping and handling of explosives; for this and other purposes to amend the Explosives Act, 1905-1965; and for purposes connected therewith. [Assented to, 22nd October, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title,
citation and
commencement.

1. (1) This Act may be cited as the "Explosives (Amendment) Act, 1968".

(2) The Explosives Act, 1905, as subsequently amended and as amended by this Act, may be cited as the Explosives Act, 1905-1968.

(3)

Explosives (Amendment).

(3) This Act shall commence upon a day to be No. 35, 1968 appointed by the Governor and notified by proclamation published in the Gazette.

2. The Explosives Act, 1905–1965, is amended—

Amendment
of Act No.
41, 1905.

Sec. 13.
(Explosives
to be kept
only in
factory or
authorised
place.)

- (a) by omitting paragraph (i) of the first proviso to subsection one of section thirteen and by inserting in lieu thereof the following paragraph:—
 - (i) to the keeping in accordance with this Act of any explosive by a person not for sale if the amount of the explosive kept in any place does not exceed twenty-five pounds in weight; or;
- (b) by inserting in paragraph (iii) of the same proviso after the word “keeping” the words “in accordance with this Act”;
- (c) by omitting from the same subsection the words—
“Provided also that where on the passing of this Act any magazine or premises are registered or licensed under the Explosives Act, 1902, an explosive may, subject only to the provisions of the said Act of 1902, and any proclamations and regulations made thereunder, be kept in such magazine or premises until the expiration of three months after the commencement of this Act.”;
- (d) by inserting at the end of paragraph (b) of subsection two of the same section the words “or imprisonment for a period not exceeding three months”.

3. The Explosives Act, 1905–1965, is further amended—

Further
amendment
of Act No.
41, 1905.

- (a) by inserting next after section thirteen the following new section :—
 - 13A. (1) No person shall—
 - (a) abandon or discard any explosive;
 - (b) (b)

Explosive
not to be
abandoned,
etc.

Explosives (Amendment).

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(b) render harmless, destroy or otherwise dispose of any explosive otherwise than in accordance with the prescribed conditions.

(2) The Governor may make regulations prescribing the conditions in accordance with which explosives may be rendered harmless, destroyed or otherwise disposed of.

(3) Any person who contravenes the provisions of subsection one of this section or the regulations made pursuant to subsection two of this section shall be guilty of an offence and shall be liable, on conviction, to a penalty not exceeding two hundred dollars or to imprisonment for a period not exceeding three months.

New sec.
17A.

(b) by inserting next after section seventeen the following new section :—

Governor
may
regulate
the keep-
ing of
certain
explosives.

17A. (1) The Governor may make regulations for and with respect to the keeping and use of explosives to which paragraph (a), (b), (c) or (d) of subsection one of section thirteen of this Act does not apply by virtue of the proviso to that subsection.

(2) The regulations under this section may make provision for and with respect to matters of the like nature as those referred to in section seventeen of this Act and without limiting the generality of the foregoing provisions of this section for securing in the keeping and use of explosives to which this section relates the safety of persons and freedom from danger, fire or accidental detonation.

(3) In the event of any breach by act or default of the regulations so made—

(a) all or any part of the explosive in respect of which, or being in the place where, or in respect of which, the offence was committed may be forfeited;

(b)

Explosives (Amendment).

(b) the occupier or person in charge of the explosive shall be liable to a penalty not exceeding twenty dollars, and, in the case of a second or subsequent offence, to a penalty not exceeding twenty dollars for every day during which the breach continues.

(c) by inserting next after section thirty-five the following new section :—

35A. (1) The Governor may, where not otherwise empowered by this Act so to do, make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed to carry this Act into effect.

(2) In the event of any breach by act or default of the regulations so made—

(a) all or any part of the explosive in respect of which the breach was committed may be forfeited;

(b) the person committing the breach shall, where no other penalty is provided under this Act, be liable to a penalty not exceeding twenty dollars, and in the case of a second or subsequent offence to a penalty not exceeding twenty dollars for every day during which such breach continues.

(3) Regulations under this Act may be of general or specially limited application according to time, place or circumstances, and may be general or restricted to any specified class or subject matter.

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