



New South Wales

Explosives Amendment (Temporary Amnesty) Regulation 2017

under the

Explosives Act 2003

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Explosives Act 2003*.

MATT KEAN, MP
Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to provide for an amnesty from certain requirements relating to the possession and storage of an explosive. Under the proposed amnesty, a person who is in possession of an explosive is exempt from the requirement to hold a security clearance, or a licence, to possess or store the explosive if, during a 6-month period commencing on 15 March 2017, the person notifies a member of the NSW Police Force in relation to the explosive. The person is also exempt from certain offences against the *Explosives Regulation 2013* relating to the possession or storage of the notified explosive.

This Regulation is made under the *Explosives Act 2003*, including sections 6, 6A and 36 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Explosives Amendment (Temporary Amnesty) Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Explosives Regulation 2013

Clause 115

Insert after clause 114:

115 Temporary amnesty from licence and other requirements relating to handling of explosives

- (1) This clause applies if, during the notification period, a natural person who is in possession of an explosive notifies a member of the NSW Police Force of each of the following (in accordance with any procedures determined by the Commissioner of Police):
 - (a) that the person is in possession of the explosive,
 - (b) that the person agrees to the surrender of the explosive to a police officer,
 - (c) any other relevant particulars requested by the member.
- (2) Subject to subclause (3), an exempt person:
 - (a) is not required to hold a security clearance, or a licence, to possess or store the explosive, and
 - (b) does not commit an offence against clause 55, 65 (a), 78 (2) or 88 by possessing or storing the explosive in contravention of that clause.
- (3) The exempt person must comply with any of the following directions of a police officer:
 - (a) a direction relating to access to or surrender of the explosive,
 - (b) a direction to do (or to refrain from doing) any thing if, in the opinion of the police officer, doing (or refraining from doing) the thing is necessary to ensure the safety or security of persons or property arising from the handling of the explosive.
- (4) In this clause:

exempt person, in relation to an explosive, means:

 - (a) a person who makes a notification under subclause (1) in relation to the explosive, or
 - (b) any other natural person in lawful occupation of the premises that are notified under subclause (1) as the premises at which the explosive is located.

notification period means the period commencing on 15 March 2017 and expiring at the end of 14 September 2017.