



New South Wales

# Explosives Amendment (Exemptions) Regulation 2022

under the

Explosives Act 2003

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

VICTOR DOMINELLO, MP  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to exempt transport operators and persons working for transport operators who are transporting small arms ammunition, and percussion caps used in small arms ammunition, from the licensing and security clearance provisions of the *Explosives Act 2003* and the *Explosives Regulation 2013*.

## **Explosives Amendment (Exemptions) Regulation 2022**

under the

Explosives Act 2003

### **1 Name of Regulation**

This Regulation is the *Explosives Amendment (Exemptions) Regulation 2022*.

### **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

### [1] Clause 3 Definitions

Insert in alphabetical order—

*percussion cap* means an article of Classification Code 1.4S consisting of a metallic or plastic cap or cup containing a small amount of primary explosive mixture and used as the ignition element in ammunition.

### [2] Clause 10 Exceptions from requirement to hold security clearance

Insert after clause 10(3)—

- (4) A natural person operating, or acting in the ordinary course of the person's duties in, the business of a carrier is not required to hold a security clearance to handle ammunition and percussion caps for the purposes of—
- (a) transporting ammunition and percussion caps by vehicle, and
  - (b) storing ammunition and percussion caps for the purpose of, and incidental to, transporting the ammunition and percussion caps by vehicle.

### [3] Clause 48 Ammunition

Insert after clause 48(3)—

- (4) A person operating, or acting in the ordinary course of the person's duties in, the business of a carrier is not required to be authorised by a licence—
- (a) to transport ammunition and percussion caps by vehicle, and
  - (b) to possess and store ammunition and percussion caps for the purpose of, and incidental to, transporting the ammunition or percussion caps by vehicle.

### [4] Clause 101 Access to explosives or explosive precursors by unauthorised persons

Insert at the end of the clause—

- (2) A person operating, or acting in the ordinary course of the person's duties in, the business of a carrier is not required to hold a security clearance to have unsupervised access to ammunition and percussion caps for the purposes of—
- (a) transporting the ammunition and percussion caps by vehicle, and
  - (b) storing the ammunition and percussion caps for the purpose of, and incidental to, transporting the ammunition or percussion caps by vehicle.

### [5] Clause 102 Notification of loss or theft of explosives or explosive precursors

Omit clause 102(2). Insert instead—

- (2) In this clause—
- licence holder*, includes a person who, under clause 48(4), is not required to be authorised by a licence to—
- (a) transport ammunition and percussion caps by vehicle, and
  - (b) possess and store ammunition and percussion caps for the purpose of, and incidental to, transporting the ammunition or percussion caps by vehicle.
- relevant authority* means the following—
- (a) the regulatory authority,

- (b) a police officer,
- (c) for an explosive or explosive precursor located at a coal workplace or mining workplace—SafeWork NSW and the Secretary of the Department of Planning and Environment.

**[6] Clause 103 Notification of serious incidents involving explosives or explosive precursors**

Omit clause 103(2).

**[7] Clause 103(10)**

Insert after clause 103(9)—

- (10) In this clause—

*licence holder*, includes a person who, under clause 48(4), is not required to be authorised by a licence to—

- (a) transport ammunition and percussion caps by vehicle, and
- (b) possess and store ammunition and percussion caps for the purpose of, and incidental to, transporting the ammunition or percussion caps by vehicle.

*serious incident* means the following—

- (a) an uncontrolled explosion or fire,
- (b) an incident involving risk of an uncontrolled explosion or fire,
- (c) an incident resulting in the death of or serious injury to a person, or substantial damage to property,
- (d) an incident involving risk of the death of or serious injury to a person, or substantial damage to property.