

# THE EXPLOSIVES ACT, 1916.

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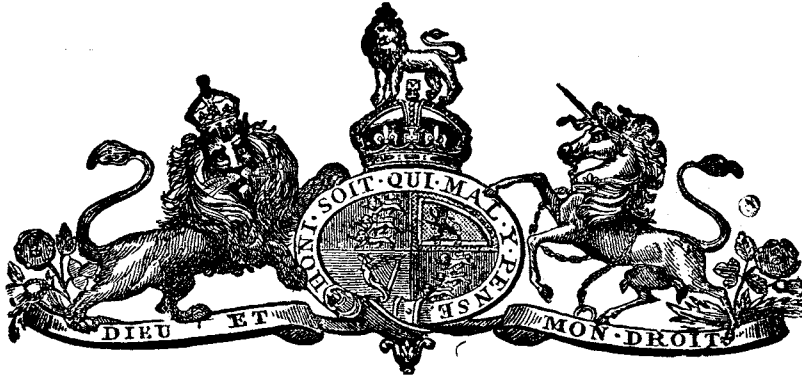
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10d.]



T A S M A N I A



1916.

ANNO SEPTIMO

GEORGII V. REGIS.

No. 9.



AN ACT to make better Provision for the  
Manufacture, Storage, and Examination of  
Explosives, and for other purposes inci-  
dental thereto. [8 *December*, 1916.]

A.D.  
**1916**

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as “The Explosives Act, 1916,” and shall commence and take effect on and from the First day of January, One thousand nine hundred and seventeen. But any regulations and any appointment to an office or in regard to a magazine may be made, and any licence or permit may be applied for and granted under this Act, at any time after the passing thereof, but shall not take effect until the commencement of this Act.

Short title and  
commencement  
of Act.

**2—(1)** “The Explosives Act, 1900,” is hereby repealed.

Repeal.

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(2) Any licence or permit granted under the Act hereby repealed, or any regulation made thereunder, shall, subject to the provisions of this Act, continue in force until the expiration of the period for which it was granted: Provided that the Minister may by notice under his hand at any time revoke any such licence or permit.

Definitions.

Ct. 6 Ed. VII.

No. 21, s. 2 (Q.).

**3** In this Act, if not inconsistent with the context—

“Chief Inspector” means the Chief Inspector of Explosives for the time being, and includes an acting chief inspector of explosives:

“Explosive” means every substance manufactured or used with a view to produce a practical effect by explosion or a pyrotechnic effect, and includes fuses and every adaptation or preparation of an explosive as above defined, and also any substance which may be declared by the Governor to be an explosive under this Act:

“Inspector” means an inspector of explosives appointed or deemed to have been appointed under this Act. The term includes the Chief Inspector as defined:

“Manufacture” includes the making, remaking, breaking-up, sorting-out, reconditioning, and any process of manufacture. The term does not, however, include the making of a quantity of explosive, not exceeding Five pounds in weight, for the purpose of chemical experiment only, and not for practical use or sale:

“Minister” means the responsible Minister of the Crown for the time being charged with the administration of this Act:

“This Act” includes regulations made under the authority of this Act.

Inspection

Cf. s. 31 (Q.).

**4**—(1) There may be appointed from time to time, in conformity with the provisions of “The Public Service Act, 1905”—

i. A Chief Inspector of Explosives: and

ii. Inspectors of explosives.

Officers con-  
tinued.

64 Vict. No. 15.

(2) The persons who at the commencement of this Act hold office as Chief Inspector of Explosives and inspectors respectively under “The Explosives Act, 1900,” shall continue in office, and be deemed to have been appointed Chief Inspector of Explosives and inspectors of explosives respectively under this Act, and shall be subject to its provisions.

(3) The Chief Inspector shall have the powers of an inspector under this Act.

(4) All explosives upon being imported or introduced into this State may be inspected by an inspector, and may be inspected from time to time thereafter as often as appears to be necessary.

For such purpose an inspector shall be entitled to enter, with or without assistants, any magazine, warehouse, store, building, or place where any explosive is kept.

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(5) Any inspector who is guilty of a breach of any duty imposed upon him by this Act, or otherwise misconducts himself in the execution of his office, shall be liable to a penalty not exceeding One hundred Pounds, and shall in addition vacate his office.

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Default of  
inspector.

5 The Minister may from time to time appoint any place, building, or hulk, which he thinks suitable, to be used as a public magazine for the keeping of explosives, and may revoke any such appointment.

Public magazines.

*Ibid*, s. 4 (Q.).

Any place, building, or hulk used as a public magazine at the commencement of this Act shall be deemed to have been so appointed by the Minister for that purpose.

6 If the rent, storage fees, and other expenses payable, whether under the Act hereby repealed, or any regulation thereunder, or under this Act, in respect of any explosives, now or hereafter stored in any public magazine, shall be or become in arrears or not be paid for the space of Six calendar months, the Chief Inspector may cause a notice to be published in the "Gazette," intimating that if the rent, fees, and charges due are not paid within One calendar month from the date of such notice, the said explosives may be forfeited.

If rent, storage  
fees, &c., in  
arrears for six  
months the ex-  
plosives stored  
may be forfeited  
and sold.

If the said rent, fees, and expenses are not paid within the said month, the Chief Inspector may cause the said explosives to be sold by public auction, and upon such sale shall cause the proceeds thereof to be applied to the payment of the expenses of such sale, and the balance (if any) to be paid to the State Treasurer, who shall place the same to the credit of the Consolidated Revenue.

Application of  
proceeds of sale.  
Cf. No. 41, 1905,  
s. 16 (N.S.W.).

7—(1) No factory for making any explosive, and no magazine for keeping any explosive, other than a magazine duly approved in pursuance of some other Act, shall be established or maintained except at the place and in the manner specified in a licence granted by the Minister in the prescribed form, and upon the prescribed terms and conditions.

All factories for  
making explosives  
and private maga-  
zines must be  
licensed.

Cf. s. 5 (Q).

(2) The applicant for a licence shall furnish the Minister with the prescribed plans, drawings, and particulars.

8—(1) The manufacture of explosives shall not be carried on except at a factory licensed under this Act.

Where explosives  
may be made and  
kept.

(2) Explosives shall not be kept at any place except as follows:—

Cf. No. 41, 1905,  
s. 8 (N.S.W.).

i. In a place subject to the control of the Customs:

Cf. *ibid.*, s. 13.

ii. In a factory licensed under this Act:

Cf. s. 6 (Q.).

iii. In a magazine for explosives licensed or appointed under this Act:

iv. In a place duly approved in pursuance of some other Act.

(3) If any person manufactures or keeps any explosive at any place except such as is hereinbefore mentioned, all or any part of the explosive so manufactured or kept, or of the ingredients, may be forfeited, and the person having the apparent control and also the owner of such place shall be liable to a penalty not exceeding Five Shillings for every pound of explosive or ingredient so manufactured or kept.

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(4) This section shall not apply—

- i. To keeping explosives by a carrier or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with this Act or any other law in force :
- ii. To keeping for private use, and not for sale—
  - (a) Powder to an amount not exceeding Twenty-five Pounds on the same premises, or, instead thereof
  - (b) Any nitro-compound to an amount not exceeding Fifty Pounds on the same premises.
- iii. To keeping explosives for sale by the holder of a permit to sell, provided that the quantity stored on the same premises shall not exceed Twenty-five Pounds of powder and Fifty Pounds of nitro-compound.

Provided that the same is stored to the satisfaction of an inspector.

Destruction of dangerous explosives.  
*Ibid.* s. 7 (Q.).

**9** The Minister may authorise the destruction or reconditioning or other disposal of any explosive which he considers dangerous to the public safety, and may for that purpose authorise the seizure of such explosive.

Such explosive shall, in the manner prescribed, be accordingly dealt with by or at the expense of the owner, who shall in respect of such explosive have no claim against the Government for compensation.

Regulations.  
Cf. s. 8 (Q.).  
Importation.

**10** The Governor may, from time to time, make regulations for all or any of the following purposes :—

Classified list.

Prohibited explosives.

Factories and magazines.

General rules for safety.

- i. Regulating the importation or landing of explosives, including (though without in any way limiting the operation of this power), regulations prescribing the ports, harbours, rivers, towns, and places through which explosives may be imported, and prescribing the particulars, information, and certificates to be furnished in respect of explosives, and by whom and to whom the same shall be furnished :
- ii. Defining the composition, quality, character, and condition of explosives which may lawfully be imported, kept or used :
- iii. Prohibiting or restricting the importation, manufacture, keeping, storage, conveyance, transport, or sale, of explosives, which in his opinion are of so dangerous a character that in his judgment it is expedient for the public safety to make such regulations :
- iv. Regulating the manufacture of explosives and the use of factories, magazines, stores, and buildings occupied or used under any license or permit :
- v. Prescribing rules for the conduct of workmen and others employed in factories or magazines, and for securing the safety of the public :

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| vi.   | Providing for the inspection and examination of all buildings and places licensed under this Act or where any explosive is kept or manufactured ; providing for the inspection and testing of explosives and prescribing fees for so doing :  | A.D. 1916.<br>---<br>Inspection. |
| vii.  | Regulating the management and use of magazines licensed or appointed under this Act and all other places whatsoever where explosives are kept, and the terms and conditions on which explosives may be kept therein and removed therefrom ; prescribing the fees or rents to be charged for keeping explosives in public magazines, and the rents to be charged for magazines erected on land the property of His Majesty ; prohibiting trespass on factories, magazines, and magazine areas and premises ; | Public and other magazines.      |
| viii. | Regulating the manner in which explosives which are dangerous to the public safety shall be dealt with :  | Dangerous explosives.            |
| ix.   | Regulating the carriage of explosives :   | Carriage.                        |
| x.    | Regulating the sale of explosives :   | Sale.                            |
| xi.   | Regulating the manner of packing explosives, and of marking packages containing explosives, and regulating the weights to be contained in such packages :   | Packing and packages.            |
| xii.  | Requiring licences and permits to be taken out for specified purposes, and prescribing and providing for the granting, issue, and transfer of licences and permits under this Act or the regulations ; prescribing conditions upon which licences and permits may be granted, suspended, or revoked ; prescribing the fees to be paid in respect of licences and permits :  | Licences.                        |
| xiii. | Requiring notice to be given of accidents by explosion or fire at factories or magazines or during the carriage of explosives ; making provision for holding inquiries into such accidents :  | Accidents.                       |
| xiv.  | Imposing penalties for the breach by act or default of any regulation, not exceeding One hundred Pounds for any One offence :   | Penalty.                         |
| xv.   | Such other purposes as he deems expedient in the interests of public safety.  | General.                         |
- 11** The Governor may, from time to time, by the regulations, exempt from the operation of this Act, either wholly or to such extent as he thinks advisable, safety-fuses, safety-cartridges, amorces, or any other explosive. Exemptions.  
Cf. s. 9 (Q.).
- 12**—(1) Where any of the following officers, namely—
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|-----|---|---|
| i.  | The Chief Inspector or any inspector, or the collector or any sub-collector of customs : or | Search for explosives when in place in contravention of this Act. |
| ii. | Any member of the police force—   |   |
- (a) Specially authorised by a warrant of a justice, or ;

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- (b) Specially authorised by written order from the Chief Inspector, or any inspector, or any superintendent of police, or the collector or any sub-collector of customs where it appears to any such Chief Inspector, inspector, superintendent, collector, or sub-collector, that the case is one of emergency,

has reasonable cause to believe that any offence has been or is being committed with respect to an explosive in any place (whether a building or not, or a carriage, boat or vessel), or that any explosive is in any such place in contravention of this Act, or that the provisions of this Act are not duly observed in any such place, such officer may, on producing, if demanded, in the case of any such Chief Inspector, inspector, superintendent, collector, or sub-collector, a copy of his appointment, and in the case of any other officer his authority, enter at any time, and if needs be by force, and as well on Sunday as on other days, the said place and every part thereof, and examine the same and search for explosives therein, and take samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an explosive or such ingredient which may be found therein, and may seize and detain, in such place as he sees fit, any explosives, ingredients or substance, so found for the purpose of being produced at the hearing of any information to be laid against any person or persons under this Act

(2) Such officer shall not be liable to any action for such entry, seizure or detention, or for any loss or damage which may happen, except by wilful neglect, to such explosives, ingredients or substance, or to the barrels or receptacles containing the same.

(3) Any person who by himself or by others fails to admit into any place occupied by or under the control of such person any officer demanding to enter in pursuance of this section, or in any way obstructs such officer in the execution of his duty under this section, shall be liable to a penalty not exceeding Fifty Pounds, and shall also be liable to forfeit all explosives and ingredients thereof which are at the time of the offence in his possession or under his control at the said place.

Forfeiture for  
breach of Act.  
Cf. s. 10 (Q.).

**13**—(1) In the event of any breach of this Act, by any act or default, then in addition to any penalty, all or any part of the explosives (including any ingredients) in respect of which, or being in any building in respect of which, the offence was committed, may be forfeited.

(2) Any explosives (including ingredients) so forfeited shall be disposed of as the Minister may direct.

Penalty for  
contravening  
Act.  
Cf. s. 50  
(N.S.W.).

**14** If any person violates any of the provisions of this Act with respect to which no penalty, or in respect of which forfeiture only is specified, he shall, on conviction, be liable to a penalty not exceeding One hundred Pounds.



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**15** All informations for offences against the provisions of this Act, and all penalties, fines, and forfeitures imposed by or under the provisions of this Act, may be heard, determined, declared, recovered, and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act," the provisions of which Act shall apply.

A.D. 1916  
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Procedure.  
19 Vict. No. 8.  
Cf. s. 51  
(N.S.W.).

A police magistrate or any Two or more justices may, by order, prohibit a person from doing any act for doing which such person has been Twice convicted under this Act, and may order any person disobeying such summary order to be imprisoned for any period not exceeding Six months.

**16** Nothing in this Act shall be deemed or held to extend or apply—

- i. To the keeping of any explosives on board any vessel of war belonging to His Majesty, or to any foreign vessel of war :  
or
- ii. To the carriage of explosives to or from a public magazine by a special order of the Governor : or
- iii. To explosives provided for naval, military, or police purposes : or
- iv. To any gunpowder, rockets, or other explosive on board any vessel in pursuance of the provisions of "The Merchant Shipping Act, 1894," or any Acts amending the same, or any order or regulation made under any of those Acts :  
Provided that the conveyance and keeping thereof on board the vessel while the vessel is in harbour shall be subject to the regulations made under this Act.

Exceptions from  
operation of  
Act.  
Cf. Tas., s. 4.

**17** All penalties recovered under or by virtue of this Act, and all rents, fees, and other charges payable under or by virtue of this Act shall be paid into the Treasury and form part of the Consolidated Revenue.

Appropriation of  
penalties, &c.

