

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 308.

Explosives.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Labour and Employment at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in and in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Labour and Industry;

“the Department”—should be read as references to the Department of Labour and Industry.

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¹Subsidiary legislation has not been up-dated.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 308.

Explosives Act.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 308.

Explosives Act.

Being an Act relating to explosives.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“Chief Inspector” means the Chief Inspector of Explosives appointed under Section 3;

“explosive” means, subject to Subsection (2) and (3)—

(a) a substance used or capable of being used with a view to producing a practical effect by explosion, or an adaptation or preparation of any such substance; or

(b) a substance or thing declared by the Minister, by notice in the National Gazette, to be an explosive for the purposes of this Act,

but does not include ammunition;

“Inspector” means the Chief Inspector or an Inspector of Explosives appointed under Section 3;

“licence” means a licence to keep, store or be in possession of explosives granted under Section 6;

“permit” means a permit to use explosives granted under Section 7;

“pyrotechnic” means a rocket, flare, signalling cartridge or an article commonly known as a firework, and includes all other articles of a similar nature;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations.

(2) Notwithstanding this Act, but subject to Subsection (3), pyrotechnics in lots of more than 90 kg shall be deemed to be explosives within the meaning of this Act.

(3) Pyrotechnics shall be deemed to be explosives for the purposes of Sections 5 and 13.

2. Application.

(1) The Minister may, by notice in the National Gazette, declare that this Act or part of this Act does not, for a period specified in the notice, apply to a part of the country.

(2) Where the Head of State, acting on advice, is satisfied that the Defence Force has sufficiently provided for some or all of the matters provided for by this Act, he may, by notice in the National Gazette, declare that the provisions, or a part of the provisions, of this Act specified in the notice do not apply to or in relation to—

(a) the possession, keeping, storing or use of explosives—

(i) in a place that is permanently occupied by the Defence Force or a part of the Defence Force; or

- (ii) on land that the Defence Force or a part of the Defence Force is authorized to enter under Section 62 of the *Defence Act*, at any time when the Defence Force or a part of the Defence Force has entered and is in occupation of the land; or
- (iii) by the Defence Force or a part of the Defence Force, in any other place declared by the Minister by notice in the National Gazette; or
- (b) the transportation of explosives by road, by sea or by air on or in vehicles, vessels and aircraft comprising part of the equipment of the Defence Force—
 - (i) between two Defence Force establishments; or
 - (ii) between a Defence Force establishment and an area in use for the training of the Defence Force or part of the Defence Force, where the explosives are carried for the purpose of training the Defence Force or part of the Defence Force; or
- (c) the possession, keeping or storing of explosives on board any visiting friendly warship where the visit of the warship has been authorized by the Minister.¹

PART II.—ADMINISTRATION.

3. Chief Inspector and Inspectors.

(1) The Minister may, by notice in the National Gazette, appoint a person to be the Chief Inspector of Explosives.

(2) The Minister may, by notice in the National Gazette, appoint persons to be Inspectors of Explosives.

4. Delegation.

The Chief Inspector may, by instrument under his hand, delegate to an Inspector all or any of his powers and functions under this Act (except this power of delegation).

5. Powers of Inspectors.

For the purposes of this Act, an Inspector may at any time—

- (a) enter, by force and with assistants if necessary, a magazine, warehouse, store, building, premises, vehicle, ship or place on or in which explosives are, or on or in which he suspects explosives to be, kept; and
- (b) inspect any explosives and take away samples for testing; and
- (c) require a person to answer questions put to him by the Inspector; and
- (d) seize and carry away explosives kept, or that he suspects to be kept, in contravention of this Act, or explosives that in his opinion are or may be or become for any reason dangerous to life or property.

PART III.—POSSESSION AND USE OF EXPLOSIVES.

6. Issue of licences.

(1) The Chief Inspector may, as prescribed, grant a licence to a fit and proper person to keep, store or be in possession of explosives in any premises—

- (a) for the purpose of sale, barter or exchange; or

¹ As at the effective date, the reference was to the Minister for Defence.

(b) for any other purpose approved by the Minister.

(2) An application for a licence shall be in the prescribed form, and shall be accompanied by the prescribed fee.

(3) The premises on which and the method by which explosives are kept, stored or possessed shall be as prescribed.

7. Issue of permits.

(1) The Chief Inspector may, as prescribed, grant a permit to a fit and proper person to use explosives for a purpose approved by the Minister.

(2) An application for a permit shall be in the prescribed form, and shall be accompanied by the prescribed fee.

8. Grant of licences and permits under conditions.

A licence or a permit is subject to such conditions as are prescribed or as the Chief Inspector in a particular case directs.

9. Power to cancel licences or permits.

The Chief Inspector may, for any reason that seems to him sufficient, suspend or cancel a licence or permit.

10. Appeals.

A person aggrieved by a decision of the Chief Inspector under Section 6, 7, 8, or 9 may appeal to the Minister, whose decision is final.¹

11. Books to be kept.

(1) A person to whom a licence has been granted must keep proper books in which shall be entered—

- (a) the quantity, nature and value of explosives purchased or sold by him; and
- (b) particulars of the date of the purchase or sale; and
- (c) the name of the vendor or purchaser; and
- (d) such other particulars as are prescribed.

(2) Accounts and documents relating to books kept under Subsection (1) may, at all reasonable times, be inspected by an Inspector or a person authorized by the Chief Inspector for the purpose, who may, on the inspection, make and take away extracts from the books, accounts and documents.

12. Where explosives may be kept.

(1) Explosives must be kept only—

- (a) in a place subject to the control of the Customs; or
- (b) in premises in relation to which a licence is in force.

(2) Subsection (1) does not apply to the keeping of explosives—

- (a) by a carrier or other person, for the purpose of conveyance in accordance with this Act; or
- (b) by the holder of a licence or permit, for private use and not for sale, to an amount of not more than 22 kg.

¹ But see Constitution, Section 155.

13. Destruction of dangerous explosives.

(1) The Chief Inspector or, in case of emergency, an Inspector may destroy, recondition or otherwise dispose of, or order the destruction, reconditioning or other disposal of, any explosives that he considers liable to be dangerous to life or property.

(2) The costs of and incidental to the destruction, reconditioning or other disposal of any explosives under Subsection (1) may be recovered from the owner as a debt and compensation is not payable in respect of any such explosives.

14. Unauthorized possession, etc., of explosives.

(1) A person, other than the holder of a licence or a permit, who keeps, stores or is in possession of explosives is guilty of an offence.

(2) A holder of a licence or a permit who keeps, stores or is in possession of explosives otherwise than in accordance with this Act and the licence or permit is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months, or both.

15. Vendors, etc., of explosives to require production of licence or permit.

A person who sells or disposes of explosives is guilty of an offence unless—

(a) at the time of the sale or disposal the purchaser or taker produces and exhibits to the seller a licence or permit to be in possession of or to use the explosives granted to him; and

(b) the sale or disposal is in accordance with the conditions of the licence or permit.

Penalty: A fine not exceeding K50.00.

16. Sale, etc., of explosives to persons other than licensees or permittees.

(1) A person who sells or disposes of explosives to a person other than the holder of a licence or permit is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding six months.

(2) It is a defence to a charge of an offence against Subsection (1) if the defendant proves that the provisions of Section 15 were complied with in relation to the sale or disposal and that he had no reason to believe, and did not in fact believe, that the purchaser or taker was not the holder of the licence or permit.

17. Unauthorized use of explosives.

(1) A person, other than the holder of a permit, who uses explosives is guilty of an offence.

(2) A holder of a permit who uses explosives otherwise than in accordance with this Act and the permit is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months, or both.

18. Exemptions from Part III.

An offence against this Part shall not be deemed to be committed—

- (a) in the case of a person who is a member of the Defence Force or of the Police Force—by having in his possession or using explosives in his capacity as a member, or in the performance of his duties as a member; and
- (b) in the case of any person—by having in his possession or using explosives in pursuance of a statutory authority to do so.

PART IV.—MISCELLANEOUS.

19. Obstructing Inspectors in the course of duty.

A person who hinders or obstructs an Inspector in the course of his duty under this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

20. Persons to provide assistance.

A person who, when required by an Inspector, fails to provide such assistance as is reasonably required by the Inspector for carrying out his duties under this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

21. Disobedience of orders of Inspector.

A person who refuses or neglects to carry out an order or requirement given to him by an Inspector under this Act is guilty of an offence.

Penalty: A fine not exceeding K200.00.

22. Protection of Inspector.

No action lies against an Inspector for anything bona fide and reasonably done by him under this Act.

23. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for prescribing—

- (a) the method of construction of magazines and premises on which explosives may be stored; and
- (b) the fees to be paid and the forms to be used in connexion with any matter under this Act; and
- (c) penalties or fines not exceeding K200.00 for offences against the regulations.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 308.

Explosives Regulation.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—
“magazine”.
2. Exemptions.

PART II.—CONSTRUCTION OF MAGAZINES.

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4. Site.
5. Lightning protection.
6. Construction.
7. Ventilation.
8. Internal fittings.
9. Size.
10. Lighting.
11. Conformity with Part II.

PART III.—STORAGE OF EXPLOSIVES.

12. Explosives for private use.
13. Storage of explosives.
14. Construction and marking of packages of explosives.
15. Storage of certain explosives.
16. Storage of detonators.
17. Storage of fuses, lighters, etc.
18. Issue and sale of explosives.
19. Explosives stock-book.
20. Loss, etc., of explosives.
21. Opening and removal of packages of explosives.
22. Maintenance and repair of magazines.
23. Wearing of shoes in magazines.
24. Exposed iron, etc., in magazines.
25. Naked lights, etc., in magazines.
26. Rubbish in magazines.
27. Magazines to be kept locked.
28. Minors in magazines.
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Explosives

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- FORM 4.—Permit.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 308.

Explosives Regulation.

MADE under the *Explosives Act.*

PART I.—PRELIMINARY.

1. Interpretation.

In this Regulation, unless the contrary intention appears—

“magazine” means the premises in relation to which a licence is granted.

2. Exemptions.

Where the Chief Inspector is of the opinion that the possession, storage and use of explosives by a person is not likely to be dangerous to human life or safety, he may at any time in writing, on such conditions and for such period or periods as he thinks fit, exempt that person from compliance with all or any of the provisions of this Regulation.

PART II.—CONSTRUCTION OF MAGAZINES.

3. General.

(1) A magazine must be a separate building or structure not within or forming part of or attached to any other building or structure unless in any special case the Chief Inspector, subject to such conditions as he thinks necessary, otherwise approves.

(2) A magazine must have the word “Explosives” in large capital letters at least 75 mm high clearly and conspicuously painted on the outside of the exterior door of, and on or above all other sides of the magazine.

4. Site.

(1) A magazine must—

(a) be approved by an Inspector; and

(b) be sited in such a manner that the possibility of—

(i) trees or portions of trees; or

(ii) large rocks; or

(iii) portions of cliff face; or

(iv) chimneys; or

(v) heavy objects; or

(vi) overhead electrical conductors,

falling on the magazine during storms or fires or from any other cause is avoided.

(2) The area surrounding a magazine for a distance of at least 6 m must be kept cleared of grass, undergrowth and combustible material to the satisfaction of an Inspector.

(3) The site of a magazine must be well drained to the satisfaction of the Chief Inspector.

5. Lightning protection.

A magazine must be protected against lightning to the satisfaction of the Chief Inspector.

6. Construction.

(1) The walls of a magazine must be constructed of—

- (a) steel plate at least 3.15 mm thick or of 0.56 mm corrugated iron riveted or otherwise securely fastened to the satisfaction of the Chief Inspector; or
- (b) concrete at least 130 mm thick; or
- (c) brick or stone 230 mm thick set in cement mortar.

(2) Notwithstanding Subsection (1), part or all of the walls of a magazine may be constructed by excavation in solid ground when approved by the Chief Inspector.

(3) The roof of a magazine must be constructed of steel plate at least 3.15 mm thick or of 0.56 mm corrugated iron riveted or otherwise securely fastened to the satisfaction of the Chief Inspector, or of reinforced concrete at least 105 mm thick.

(4) The exterior door of a magazine must fit tightly into an angle-iron frame and fit snugly into the root of the angle, and must be constructed of—

- (a) steel plate at least 3.15 mm thick mounted on a metal frame and lined with wood 13 mm thick so attached that no iron or steel is exposed to the interior of the magazine; or
- (b) wood solidly and substantially constructed and sheathed on the outside with flat iron of not less than 0.56 mm thick with the edges turned round the edges of the door.

(5) The exterior doors of a magazine must be furnished with a lock of the mortice or rimlock type.

(6) Exterior hinges of metal substantially made to the satisfaction of the Chief Inspector must be riveted, welded or bolted to the doors and walls of the magazine.

(7) Bolts must have plain, counter-sunk heads or cup heads, and must be securely fastened so that they cannot be unscrewed from the outside.

(8) Unless otherwise approved by the Chief Inspector, a magazine must be lined throughout with close-fitting tongued and grooved wooden lining at least 13mm thick secured by wooden or non-ferrous metal fastenings or by secret nailing with ordinary nails, and in such a manner that there is no exposed iron or steel work within the magazine.

(9) The lining of the floor of a magazine must consist of tongued and grooved boards at least 28 mm thick supported on joists spaced at not more than 535 mm centres.

(10) Unless a magazine constructed of steel plate is protected with a shade roof, asbestos milled board of a type approved by the Chief Inspector at least 3.15mm thick or other insulating material approved by the Chief Inspector must be provided between the lining and the steel wall.

(11) Materials used for the construction of a magazine must comply with the following standards :—

- (a) concrete must consist of 1 part of Portland cement, 2 parts of clean sand and 4 parts of hard aggregate of 20 mm maximum size; and
- (b) cement mortar must consist of 1 part of cement and 3 parts of clean sand; and

(c) timber must be timber that is naturally resistant to, or is treated to the satisfaction of the Chief Inspector against, termite attack.

7. Ventilation.

A magazine must be ventilated to the satisfaction of the Chief Inspector in such a manner that there is no direct access to the inside through the ventilators.

8. Internal fittings.

Locks, hinges or fittings inside a magazine must be of non-ferrous metal, and tools or implements kept in a magazine must be of wood or non-ferrous metal.

9. Size.

(1) A magazine must be so constructed as to allow air to circulate freely about the stacked explosives, and the explosives must be so stacked as to allow an excess of at least 40% of the volume of the explosives.

(2) A magazine must be of such size as to allow easy access to all containers and in the case of a magazine for the storage of more than 250 kg of explosives must be at least 1.85 m in interior height.

(3) A magazine must not be constructed to have a capacity of more than 2 000 kg of explosives.

10. Lighting.

A licensee who installs or causes to be installed in a magazine a system of permanent or temporary lighting that has not first been approved by the Chief Inspector is guilty of an offence.

Penalty: A fine not exceeding K200.00.

11. Conformity with Part II.

(1) A licence shall not be issued in relation to any premises that do not comply with any of the provisions of this Part.

(2) A licensee who keeps or uses, or causes or permits to be kept or used, as a magazine any premises that do not comply with this Part is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART III.—STORAGE OF EXPLOSIVES.

12. Explosives for private use.

A person in possession of explosives in respect of which a licence is not required under the Act who fails to store them, until they are required for use, in a locked receptacle in a cool dry place is guilty of an offence.

Penalty: A fine not exceeding K100.00.

13. Storage of explosives.

(1) Subject to the Act and this Regulation, a person must not store or keep, or cause or permit to be stored or kept, any explosive in any premises other than a magazine.

(2) Without prejudice to Section 38(2), Subsection (1) does not apply to the keeping of explosives during an operation involving the use of explosives.

(3) A person who stores or keeps, or causes or permits to be stored or kept, in a magazine any matter or thing other than—

- (a) explosives; and
- (b) the receptacles or packages in which explosives are contained; and
- (c) tools or implements for work connected with the keeping of explosives,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(4) A licensee who stores or keeps, or causes or permits to be stored or kept, more than 2 000 kg of explosives in a magazine is guilty of an offence.

Penalty: A fine not exceeding K200.00.

14. Construction and marking of packages of explosives.

(1) A licensee who causes or permits explosives to be contained in packages or cases other than packages or cases of such strength, construction and character that they will not break open or open accidentally is guilty of an offence.

(2) A licensee who fails to mark or cause to be marked on the outside of every package or case containing explosives that is to be stored in a magazine kept by him—

- (a) the word "Explosives", in conspicuous capital letters; and
- (b) the nature, weight and date of manufacture of its contents; and
- (c) the date of its receipt into the magazine,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

15. Storage of certain explosives.

(1) The Chief Inspector may, by written order exhibited in every police station and District Office, prohibit the storage of any kind of explosive in the same magazine or compartment of a magazine with any other kind of explosive.

(2) A licensee, and a person in charge of a magazine, who fails to comply with an order made under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

16. Storage of detonators.

(1) A licensee, and a person in charge of a magazine, must store detonators or cause them to be stored in a separate locked receptacle in a place approved by the Chief Inspector, unless the Chief Inspector, on such conditions as he thinks necessary, otherwise in writing permits.

(2) Where the Chief Inspector permits detonators to be stored in a magazine with other explosives—

- (a) the detonators may be stored in packages, cases or tins; and
- (b) electric detonators must be stored in their original cases; and
- (c) if paper packages containing tins of detonators are broken open, the remaining separate tins must not be replaced in the packages but must be placed on shelves provided in the magazine for that purpose; and
- (d) the permission is subject to such other conditions as the Chief Inspector imposes.

(3) A licensee, and a person in charge of a magazine, who stores, or permits or causes to be stored, detonators in a magazine with other explosives otherwise than in accordance with Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

17. Storage of fuses, lighters, etc.

A licensee, and a person in charge of a magazine, must store or cause to be stored safety fuses, capped fuses, fuse lighters or fuse igniters in a separate locked receptacle in a cool dry place approved by the Chief Inspector, unless the Chief Inspector, on such conditions as he thinks necessary, otherwise in writing permits.

Penalty: A fine not exceeding K100.00.

18. Issue and sale of explosives.

A licensee who sells or issues, or causes to be sold or issued, from a magazine kept by him explosives of the required type otherwise than in the order in which they are received as indicated by the date of receipt shown on the packages or receptacles containing the explosives in accordance with Section 14(2) is guilty of an offence.

Penalty: A fine not exceeding K40.00.

19. Explosives stock-book.

(1) A licensee who fails to keep or cause to be kept an explosives stock-book in respect of each magazine maintained or operated by him is guilty of an offence.

(2) A licensee who fails to record or cause to be recorded in an explosives stock-book particulars of—

(a) the quantity, nature and value of explosives purchased or sold by him; and

(b) the date of the purchase or sale; and

(c) the name and address of the vendor or purchaser,

together with a running balance of the quantities and types of explosives on hand in the magazine, is guilty of an offence.

(3) A purchaser, from a licensee, of explosives who, before taking delivery of the explosives, fails to sign the explosives stock-book is guilty of an offence.

(4) A licensee or a person in charge of a magazine who delivers explosives to a purchaser before the purchaser has first signed the explosives stock-book is guilty of an offence.

(5) A licensee who fails to check, or cause to be checked, the balance shown in the explosives stock-book against the stock on hand in the magazine at least once in each week is guilty of an offence.

Penalty: A fine not exceeding K100.00.

20. Loss, etc., of explosives.

A person who fails to report without delay to the nearest police station any loss, theft or shortage of stock of explosives kept by him is guilty of an offence.

Penalty: A fine not exceeding K100.00.

21. Opening and removal of packages of explosives.

A person who—

- (a) opens, or causes or permits to be opened, in or within a distance of 15.5 m from a magazine a package or receptacle containing explosives; or
- (b) removes, or causes or permits to be removed, from a magazine at any one time more than one package or receptacle containing explosives,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

22. Maintenance and repair of magazines.

(1) A licensee must maintain or cause to be maintained a magazine kept by him in thorough repair and in a weatherproof and water-tight condition to the satisfaction of an Inspector.

Penalty: A fine not exceeding K100.00.

(2) An Inspector may at any time, by written order, require a licensee to carry out such repairs to or maintenance of a magazine as the Inspector thinks necessary.

(3) Before any repair to or maintenance of a magazine is carried out, the licensee must, as far as practicable, remove or cause to be removed from the magazine all explosives.

Penalty: A fine not exceeding K200.00.

(4) A licensee who causes any repairs to or maintenance of a magazine to be carried out except under the supervision of the person in charge of the magazine is guilty of an offence.

Penalty: A fine not exceeding K100.00.

23. Wearing of shoes in magazines.

(1) A person must not enter a magazine unless—

- (a) he is wearing clean shoes, overshoes or galoshes, specially constructed without any external iron or steel; or
- (b) he has removed his shoes.

Penalty: A fine not exceeding K100.00.

(2) A person in charge of a magazine must keep, or cause to be kept, overshoes or galoshes in the magazine adjacent to the door.

Penalty: A fine not exceeding K40.00.

24. Exposed iron, etc., in magazines.

A person who takes into or suffers to remain in a magazine any exposed iron, steel or other substance or article likely to cause fire or explosion is guilty of an offence.

Penalty: A fine not exceeding K200.00.

25. Naked lights, etc., in magazines.

A person who—

- (a) displays, or causes or permits to be displayed, a naked light in a magazine; or

(b) in or in the vicinity of a magazine smokes or has in his possession any article, material or appliance for or capable of producing fire or explosion, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

26. Rubbish in magazines.

(1) A person who leaves, or causes or permits to be left, in a magazine any empty package, loose paper, dirt, grit or rubbish of any description is guilty of an offence.

(2) A person in charge of a magazine who fails to keep the magazine floor, or cause the magazine floor to be, swept and thoroughly clean, or to keep a broom or, cause a broom to be kept, for that purpose in the magazine, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

27. Magazines to be kept locked.

A person in charge of a magazine who fails to keep the magazine, or cause the magazine to be kept, locked except during repair or maintenance or the receipt, issue or examination of explosives is guilty of an offence.

Penalty: A fine not exceeding K100.00.

28. Minors in magazines.

(1) A person under the age of 21 years who enters into or remains in a magazine, except in the presence and under the direct supervision and control of the person in charge of the magazine, is guilty of an offence.

(2) A licensee who employs a person under the age of 21 years in a magazine, unless, when in the magazine, he is in the presence and under the direct control and supervision of the person in charge of the magazine, is guilty of an offence.

(3) A person in charge of a magazine who causes or permits a person under the age of 21 years to enter, be in or remain in the magazine, except in his presence and under his direct control and supervision, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

29. Intoxicated persons in magazines.

(1) An intoxicated or apparently intoxicated person who is in a magazine is guilty of an offence.

(2) A person in charge of a magazine who causes or permits an intoxicated or apparently intoxicated person to be in the magazine is guilty of an offence.

(3) A person who takes into, or permits to remain in, a magazine intoxicating liquor is guilty of an offence.

Penalty: A fine not exceeding K100.00.

30. Magazines to be closed during thunderstorms.

A person in charge of a magazine who fails to close the magazine and keep it closed during a thunderstorm is guilty of an offence.

Penalty: A fine not exceeding K100.00.

31. Notice to be displayed.

A person who fails to cause a notice specifying the requirements of Sections 21, 23 to 31 (inclusive) and 45 to be posted in a conspicuous position in a magazine of which he is the licensee is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART IV.—USE OF EXPLOSIVES.

32. Carriage of explosives generally.

(1) A person who conveys explosives to or from a magazine except in original unopened cases or covered receptacles of a type prescribed by this Regulation and used solely for that purpose is guilty of an offence.

(2) Where a person transfers explosives from an original case to a covered receptacle, he must immediately return any explosives remaining in the case to the magazine from which the explosives were taken.

Penalty: A fine not exceeding K100.00.

33. Receptacles for carriage of explosives.

(1) A receptacle used for the conveyance of explosives must be—

- (a) conspicuously marked with the word "Explosives"; and
- (b) fitted with a lid or flap capable of being securely fastened; and
- (c) fitted with handles or bearing-straps of adequate strength; and
- (d) kept closed when not in use; and
- (e) kept thoroughly clean and dry.

(2) One receptacle only must be open and in use at any one time.

34. Carriage of loose grain explosives.

(1) Loose grain explosives must be carried in canisters of non-ferrous metal of a capacity of not more than 25 kg of the explosive.

(2) A canister must be provided with—

- (a) a funnel of non-ferrous metal for filling from the original packages and for charging purposes; and
- (b) a non-ferrous metal cap or cover of a capacity of approximately 450 g of the explosive.

35. Carriage of explosive plugs and cartridges.

(1) Explosives in the form of plugs or cartridges must be carried in receptacles made of wood, leather or waterproof fabric of a capacity of not more than 25kg of the explosive, and the fittings or fastenings of the receptacles must be of non-ferrous metal.

(2) Where any risk may be involved in the use of a wooden receptacle, leather or waterproof fabric bags must be used and must be fitted with loops or straps for fastening to the body in a manner that allows complete freedom of the hands and arms.

36. Carriage of detonators and fuses.

Detonators and capped fuses must be carried in a separate receptacle or in a separate compartment of the receptacles used for the conveyance of other explosives.

37. Restrictions on carriage of explosives.

(1) A person who conveys more than 250 kg of explosives at any one time in a vehicle to or from a magazine is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) The Chief Inspector may, by written order exhibited in every police station and District Office, prohibit the carriage of any kind of explosive in the same vehicle, or in the same part of a vehicle, with any other kind of explosive.

(3) A person who fails to comply with an order made under Subsection (2) is guilty of an offence.

Penalty: A fine not exceeding K200.00.

38. Permittee to notify Inspector.

(1) A permittee who fails—

(a) before commencing any operation involving the use of explosives, to notify an Inspector of the date, time, place and extent of the intended operation; or

(b) during such an operation, to comply with any conditions imposed by the Chief Inspector on the use of explosives,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) A permittee who fails to return all unused explosives to a magazine or a place of storage at the conclusion of work each day during the operation, and at the conclusion of the operation, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

PART V.—LICENCES AND PERMITS.

39. Licence to keep explosives.

(1) An application for a licence shall be in Form 1.

(2) A licence shall be in Form 2.

(3) The fee for a licence is K25.00. (*Amended by No. 21 of 1975, s. 2.*)

(4) A licence remains in force, unless sooner cancelled, for 12 months after the date of grant.

(5) A licence is subject to the Act and this Regulation and to such other conditions as the Chief Inspector thinks fit.

40. Permits.

(1) An application for a permit shall be in Form 3.

(2) A permit shall be in Form 4.

(3) The fee for a permit is K2.00. (*Amended by No. 21 of 1975, s. 3.*)

(4) A permit remains in force, unless sooner cancelled, for 12 months after the date of grant.

(5) A permit is subject to the Act and this Regulation and to such other conditions as the Chief Inspector thinks fit.

41. False information.

A person who, in or in connexion with an application under the Act or this Regulation, furnishes information that is to his knowledge false or misleading in any material particular is guilty of an offence.

Penalty: A fine not exceeding K200.00.

PART VI.—MISCELLANEOUS.

42. Smoking, etc.

(1) A person who, in the vicinity of an explosive or engaged in the handling, conveyance or use of any explosive—

(a) smokes; or

(b) has in his possession any article, material or appliance for or capable of producing fire or explosion; or

(c) knowingly or negligently does, or causes or permits to be done, any act that is likely to cause fire or explosion,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) Subsection (1)(b) and (c) do not apply to a permittee engaged in operations involving the use of explosives in accordance with the Act and this Regulation.

43. Tools and implements in magazines, etc.

A person who uses any tools or implements other than tools or implements of wood or non-ferrous metal in or about a magazine or in connexion with explosives is guilty of an offence.

Penalty: A fine not exceeding K200.00.

44. Intoxicated persons in vicinity of explosives.

(1) An intoxicated or apparently intoxicated person who is in the vicinity of any explosive is guilty of an offence.

(2) A person in charge of any explosive who permits an intoxicated or apparently intoxicated person to be in the vicinity of the explosive is guilty of an offence.

Penalty: A fine not exceeding K100.00.

45. Minors in vicinity of explosives.

(1) A person under the age of 21 years who is in or remains in the vicinity of any explosive otherwise than in the presence of, and under the direct supervision and control of, the person in charge of the explosive is guilty of an offence.

(2) A person in charge of any explosive who permits a person under the age of 21 years to be in or remain in the vicinity of that explosive, otherwise than in his presence and under his direct supervision and control, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

Explosives

Ch. No. 308

SCHEDULE.

PAPUA NEW GUINEA.

Explosives Act.

Reg., Sec. 39(1).

Form 1.

APPLICATION FOR LICENCE.

To the Chief Inspector of Explosives.

I, _____, of _____, apply for a licence to keep, store and be in possession of explosives.

Amount intended to be kept:

Purpose for which to be kept:

Full description of premises on which to be kept:

Intended precautions against fire, theft, etc.:

Details of previous licences, permits or explosives permits:

I certify that the above particulars are true in every respect and undertake to abide by the terms and conditions of any licence granted to me and by the provisions of the *Explosives Act* and the *Explosives Regulation*.

Dated _____ 19 .

(Signature of Applicant.)

PAPUA NEW GUINEA.

Explosives Act.

Reg., Sec. 39(2).

Form 2.

LICENCE.

No.

_____ of _____, is licensed to keep, store and be in possession of explosives at his premises situated at _____ for the purpose of _____, for the period ending _____ 19 .

This licence is granted subject to the *Explosives Act* and the *Explosives Regulation*, and to the following conditions :—

Dated _____ 19 .

Chief Inspector of Explosives.

Ch. No. 308

Explosives

PAPUA NEW GUINEA.
Explosives Act.

Reg., Sec. 40(1).

Form 3.

APPLICATION FOR PERMIT.

To the Chief Inspector of Explosives.

I, _____ of _____, apply for a permit to use explosives.

Purpose:

Precautions to be taken:

Details of previous licences, permits or explosives permits:

I certify that the above particulars are true in every respect and I undertake to abide by the terms and conditions of any permit granted to me and by the provisions of the *Explosives Act* and the *Explosives Regulation*.

Dated _____ 19 ____.

(Signature of Applicant).

PAPUA NEW GUINEA.
Explosives Act.

Reg., Sec. 40(2).

Form 4.

PERMIT.

No. _____

_____ of _____, is permitted to use _____ at _____ for the purpose of _____ for the period ending on _____ 19 ____.

This permit is granted subject to the provisions of the *Explosives Act* and the *Explosives Regulation*, and to the following conditions:—

Dated _____ 19 ____.

Chief Inspector of Explosives.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 308.

Explosives.

SUBSIDIARY LEGISLATION.

1. Act, Section 3(2)—Ex officio appointments of Inspectors of Explosives.
 - (1) Chief of Division (Labour Legislation), Department of Labour (office as at 18 August 1972).
 - (2) Deputy Chief Inspector (Safety and Technical), Department of Labour (office as at 18 August, 1972).
 - (3) District Labour Officers, Department of Labour (offices as at 15 May 1973).
 - (4) Inspector (Building and Machinery), Department of Labour (office as at 18 August 1972).
 - (5) Inspectors (Technical), Department of Labour (offices as at 27 September 1973).
 - (6) Labour Officers, Department of Labour (offices as at 15 May 1973).
 - (7) Principal Technical Officers, Department of Labour (office as at 9 February 1970).
 - (8) Regional Labour Officers, Department of Labour (offices as at 15 May 1973).

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 308.

Explosives.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE EXPLOSIVES ACT.

Part A.—Previous Legislation.

Explosives Act 1953 (No. 6 of 1954)

as amended by—

Explosives Act 1962 (No. 33 of 1962)

Explosives Act 1964 (No. 53 of 1964)

Explosives Act 1966 (No. 62 of 1966)

Explosives (Delegations) Act 1968 (No. 70 of 1968)

Statute Law Revision (Metric Conversion) Act 1974 (No. 49 of 1974)

Explosives (Defence Force) Act 1975 (No. 88 of 1975).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	5, 5A	13	15
2	6, 6A	14	16
3	7	15	16A
4	7A	16	16B
5	8	17	17
6	9	18	24
7	10	19	25
8	11	20	26
9	12	21	27
10	12A	22	28
11	13	23	29
12	14		

¹Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE EXPLOSIVES REGULATION.

Part A.—Previous Legislation.

Explosives Regulations 1956 (Regulations No. 1 of 1957)

as amended by—

Statute Law Revision (Metric Conversion) Act 1974 (No. 49 of 1974)*Explosives Regulation (Amendment) 1975* (Statutory Instrument No. 21 of 1975).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
1	3	24	25
2	48	25	26
3	4	26	27
4	5	27	28
5	6	28	29
6	7	29	30
7	8	30	31
8	9	31	32
9	10	32	33
10	11	33	34
11	12	34	35
12	13	35	36
13	14	36	37
14	15	37	38
15	16	38	39
16	17	39	40
17	18	40	41
18	19	41	43
19	20	42	44
20	21	43	45
21	22	44	46
22	23	45	47
23	24	Schedule	Schedule

¹Unless otherwise indicated, references are to the regulations set out in Part A.