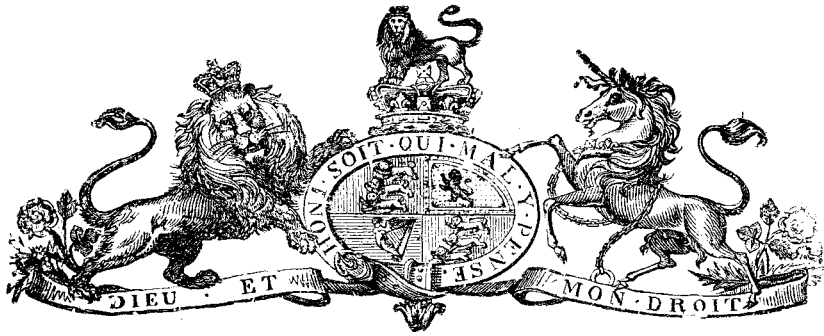


T A S M A N I A

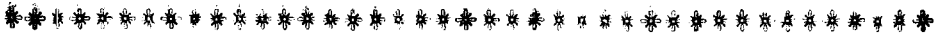


1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 15.



AN ACT to consolidate and amend the Law relating to the Importation, Carriage, and Storage of Explosives. [18 October, 1900.]

A.D. 1900.

WHEREAS it is expedient to make better provision for regulating the importation, carriage, and storage of explosives :

PREAMBLE.

Be it therefore 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 for all purposes as "The Explosives Act, 1900," and shall come into operation on the First day of November, One thousand nine hundred.

Short title and commencement of Act.

2 The Acts set forth in the Schedule hereto are hereby repealed.

Repeal.

3 In this Act, unless the context otherwise determines, the following words and expressions shall have the respective meanings hereby assigned to them :—

Interpretation.

"Chief Inspector" shall mean the Chief Inspector of Explosives appointed under the provisions of this Act :

"Collector of Customs" shall include a Sub-Collector or other acting officer of Customs, or any officer authorised by the Collector to act for him or on his behalf at any port or place :

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“Explosives” shall include gunpowder, and every substance used for blasting or exploding purposes :

“Importer” shall mean the owner, agent, or other person for the time being possessed of or beneficially interested in any explosives imported into *Tasmania* :

“Inspector” shall mean any person appointed under the provisions of this Act as an inspector of magazines and explosives, or of magazines only, or of explosives only, and shall include the Chief Inspector of Explosives appointed under this Act :

“Magazine” shall mean any building, chamber, hulk, or place set apart exclusively for the storage of explosives :

“Magazine-keeper” shall mean the person in charge of any public magazine :

“Minister” shall mean the Responsible Minister of the Crown for the time being administering this Act :

“Prescribed” shall mean prescribed by this Act or by regulations made by the Governor in Council under the provisions of this Act :

“Public magazine” shall include any magazine the property of Her Majesty the Queen.

Application of Act.

4 This Act shall not extend to the keeping of any explosives on board of any vessel of war belonging to Her Majesty, or to any foreign vessel of war, or to the carriage of explosives to or from a public magazine by a special order of the Governor.

Nothing contained in this Act shall apply to any quantity of explosives provided for naval, military, or police purposes.

Appointment of Chief Inspector.

5 It shall be lawful for the Governor in Council from time to time to appoint a fit and proper person as and to be the Chief Inspector of Explosives, and such person from time to time to remove and appoint another fit and proper person in his place ; and in case of the absence or incapacity of such Chief Inspector, the Minister may from time to time appoint some other person to perform, during such absence or incapacity, the duties imposed upon the Chief Inspector by this Act.

Appointment of the other officers.

6 It shall be lawful for the Governor in Council from time to time, for carrying out the objects and provisions of this Act, to appoint such and so many persons as he sees fit to be inspectors of magazines and explosives, or of magazines only, or of explosives only ; and such and so many persons as he sees fit to be magazine-keepers.

Explosives to be landed at places proclaimed by the Government and not elsewhere.

7 All explosives imported into this Colony shall be landed at such places as shall be proclaimed by the Governor in Council and not elsewhere ; and the Governor in Council shall prescribe the limits within which no vessel having any explosives on board, other than ship's stores, arriving at any such place shall be permitted to anchor.

Masters of vessels carrying explosives to hoist a signal.

8 The master or officer in charge of any vessel arriving at any port within the Colony having any explosives on board other than the ship's stores shall, immediately after entering such port, hoist a Pilot Jack at

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the mainmast head and keep the same hoisted until such explosives, on board shall have been landed or transhipped, and for omitting to hoist such Pilot Jack or to keep the same hoisted as aforesaid, the master or officer in charge of such vessel shall be liable to a penalty not exceeding Twenty Pounds.

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Upon the arrival of a vessel, having on board any explosives other than ship's stores, at a port in which there is no proclaimed landing-place for explosives, the master or officer in charge of such vessel shall forthwith make application to the Chief Inspector for permission to land the same; and such explosives shall only be landed and stored under the conditions to be contained in a permit issued by the Chief Inspector, and in the presence of such person appointed by him for that purpose.

Landing explosives at ports no prescribed landing places.

And for neglecting or omitting to obtain the permission of the Chief Inspector to land such explosives in the manner herein mentioned, or for failing to comply with the conditions contained in such permit, such master or officer shall forfeit and pay a penalty not exceeding One hundred Pounds.

9 The master or officer in charge of every vessel arriving at any port in the Colony with explosives on board other than the ship's stores, shall report the same to the boarding officer or pilot, whichever shall first go on board such vessel, and shall also, as soon as is practicable thereafter, report the same to the magazine-keeper, and the master or officer neglecting or omitting to make such report shall for such neglect or omission forfeit and pay a penalty not exceeding One hundred Pounds.

Master or officer in charge of vessel to report having explosives on board.

In the case of a vessel having explosives on board other than the ship's stores arriving at a port in which there is no proclaimed landing-place for explosives, the master or officer in charge shall be deemed to have reported the arrival of such vessel to the magazine-keeper upon notifying the same to the Collector of Customs.

10 The importer of explosives shall, as soon as is practicable after the arrival of the importing vessel, enter such explosives at the Custom House and obtain from the Collector of Customs a permit, in the prescribed form, for the same to be landed. Such importer shall thereupon deliver or cause to be delivered such permit to the magazine-keeper under whose supervision the landing of such explosives shall be effected.

Importer to enter explosives, and get a permit to land

Explosives may, without landing same, be transhipped and carried coastwise, provided that the Customs duties are first paid thereon, and subject to such conditions as may be specified in a permit to be issued under the hand of the Chief Inspector or some person appointed by him for that purpose.

Transshipment and carriage coastwise.

11 Explosives shall be landed from the vessel in which the same are imported between the hours of Eight in the morning and Four in the afternoon, or during such other hours between sunrise and sunset as may be authorised by the Chief Inspector. All explosives so landed shall be removed direct from the landing-place to a public magazine, or to a magazine licensed under the Act, without delay, at the expense of the importer, and under such conditions and precautions as shall be prescribed. Any person who does any act contrary to, or wilfully omits to do any act required by this Section, shall forfeit and pay

Hours for landing explosives, and mode of landing same.

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Minister may prohibit the storage, &c. of explosives.

Minister may authorise explosives to be destroyed.

Certificate of Analyst as to safety of explosives.

Only boats provided with tarpaulins or sail-cloths to convey explosives.

Magazine-keeper to record receipts.

Conditions under which explosives may be removed from magazine.

Packages of explosives to be properly secured.

the sum of Five Pounds for every package of explosives landed or removed contrary to the provisions of this Section.

12 The Minister may prohibit the landing, storage, conveyance, transhipment, or sale of any explosives.

13 The Minister may authorise the destruction of any explosive that may have been landed, and which the Chief Inspector or Government Analyst reports to be dangerous to the public safety. Such explosive shall be destroyed by or at the expense of the importer, who shall, in respect of the destroyed explosive, have no claim against the Government for compensation in respect thereof.

14 Every importer shall, within Three days of the date of receiving particulars of his consignment, forward or cause to be forwarded a copy of such particulars to the magazine-keeper at the port or place of landing. No explosive, excepting gunpowder ordinarily so called, shall be permitted to be landed which has been manufactured for more than Six months prior to the date of its arrival in this Colony, except with the consent of the Chief Inspector and after the Government Analyst has certified, in writing, that such explosive may be safely handled and stored.

15 No boat shall be used for the conveyance of explosives, either to or from any vessel or landing-place, unless the same is provided with tarpaulins or sail-cloths both under and over the explosives conveyed therein; and no explosives shall be landed or conveyed from any vessel until the permit issued by the Collector of Customs has been deposited with the magazine-keeper, who shall forthwith give such directions as may be necessary to prevent damage to such explosives or danger to the public, which directions the person in charge of such explosives shall in all things obey. No explosives shall be landed at any landing place except in the presence of the magazine-keeper with whom such permit has been deposited, or some person appointed by the Chief Inspector for that purpose.

16 Every magazine-keeper shall receive into his custody all explosives for which a permit has been issued and deposited with him, and shall enter in a book to be kept for that purpose, the name of the importer, together with the particulars of the packages of the explosives so to be deposited, in such form as may be prescribed.

In the case of the importation of explosives at any port in which there is no proclaimed landing-place for explosives, the person appointed by the Chief Inspector to inspect the landing of such explosives shall furnish the Chief Inspector with a report, giving the name of the importer of such explosives, together with the particulars of the packages of explosives so imported.

17 No explosives shall be removed from any public magazine except between the hours specified in Section Eleven of this Act and upon payment of the prescribed rent, storage fees, and other expenses due to the Government by the importer or owner in respect thereof.

18 No explosives shall be received into or removed from any magazine except in packages or barrels closely joined or hooped, save

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as hereinafter provided, and not containing in any one package or barrel more than One hundred pounds in weight, and the said packages or barrels shall be so secured that no part of the explosives can be scattered in the removal thereof, and in case of failure thereof the magazine-keeper or person in charge or possession of any magazine, shall remove or cause to be removed the contents of the said packages or barrels into secure and proper packages, and in the case of public magazines the magazine-keeper shall charge the expense attending the same to the importer or proprietor of such explosives, and such magazine-keeper may refuse to deliver the explosives so removed into fresh packages until the said expenses shall be first paid.

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In the case of gunpowder, ordinarily so called, the packages or barrels shall be hooped without any iron about them.

19 If the rent, storage fees, or other expenses payable in respect of any explosives stored in any public magazine shall not be paid for the space of Twelve months by the person liable to pay the same, it shall be lawful for the Chief Inspector to cause such explosives in respect of which the rent, storage fees, or charges are payable, to be sold by public auction at such prices as the same may produce.

Explosives upon which storage, &c., for Twelve months is due may be sold.

No sale shall in any case be made of any such explosives until after notice of such intended sale has been published in Two consecutive numbers of the *Gazette*, and in Two consecutive numbers of a newspaper generally circulating in the district in which such public magazine is situate. Such notice shall state the name of the person who appears to be the registered owner or importer of such explosives.

20 Out of the proceeds to arise from the sale of such explosives it shall be lawful for the Chief Inspector to deduct and pay all costs, charges, and expenses whatsoever incurred by him in respect of such sale, and in the next place, so far as the said proceeds shall extend, to deduct and pay the rent, storage fees, and other expenses payable in respect of the explosives so sold by him as aforesaid, and the surplus, if any, after payment of such costs, expenses, storage fees, and other charges as aforesaid, shall be paid, if demanded, to the importer or proprietor of such explosives, his executors, administrators, or assigns.

Appropriation of proceeds.

21 No explosives shall be carried from any magazine or from any one place to any other place in quantities exceeding One thousand pounds weight on the same carriage, cart, dray, waggon, or other vehicle.

Restrictions as to carriage of explosives.

No explosives shall be carried on any vehicle licensed or used for the conveyance of passengers.

The provisions of this Section shall not apply to any boat or to any railway truck attached to a train; but any boat or truck carrying explosives shall be separated from any other boat or truck containing explosives by the length of a similar boat or truck not carrying explosives.

22 No vessel employed within or on the coast of *Tasmania* shall carry explosives, either as stores or cargo, except in such manner and in such quantities and under such conditions as may be prescribed.

Vessels not to carry explosives, except as prescribed.

23 No explosives shall be put on board any vessel except at such place or places and beyond such limits as may be prescribed for the

Restrictions on vessels loading explosives.

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shipment of explosives, and only between the hours mentioned in Section Eleven of this Act.

Explosives not to be sold by candlelight.

24 No package containing explosives shall be opened, and no explosives, except in package as originally imported, shall be sold or delivered by candle or other artificial light under a penalty not exceeding Twenty Pounds for each offence.

Not more than Thirty-five pounds kept without a licence.

25 If any person shall at any time have on any premises, other than a duly-licensed magazine, more than Thirty-five pounds' weight of explosives, he shall for every such offence forfeit and pay a penalty of not less than Five Pounds nor more than Twenty-five Pounds.

Mode of obtaining licence and fee for the same.

26 Any person desirous of obtaining permission to have more than Thirty-five pounds' weight of explosives on any premises shall make application in writing in the prescribed form to the Chief Inspector, who shall forward such application to the Minister, together with a recommendation thereon. If the Minister sees fit, he shall, upon payment of the prescribed fee, issue a licence authorising such person to keep in a magazine on the premises mentioned in such licence, for a period not exceeding One year from the date of issue, such explosives not exceeding the quantity specified therein.

Magazines to be erected on the premises of licensed person.

27 The person applying for any such licence shall, before the issuing thereof, have or cause to be built on such premises a magazine constructed of such material and in such manner as the Minister may approve on the recommendation of the Chief Inspector.

Penalty for having more than allowed quantity of explosives in magazine.

28 If any person shall have in any magazine any combustible or inflammable material, or any greater quantity of explosives than is specified in his licence, he shall, for every such offence, forfeit and pay a penalty not exceeding One hundred Pounds.

Inspection of magazines.

29 Any inspector may, at all reasonable times, inspect any licensed magazine for the purpose of examining into the construction and state of such magazine and the nature and contents thereof; any person who wilfully obstructs any inspector in the performance of his duty shall be liable to a penalty not exceeding Ten Pounds.

Licences may be revoked.

30 It shall be lawful for the Minister by notice under his hand at any time to revoke any licence in respect of any magazine, whether the same shall have been issued under the authority of this Act or any Act hereby repealed.

The Minister shall specify in such notice the time within which the explosives in any such magazine shall be removed therefrom, and at the expiration of such specified notice any explosives in such magazine exceeding Thirty-five pounds in weight shall be stored therein contrary to the provisions of this Act.

Justice to issue warrant to search premises.

31 It shall be lawful for any Justice of the Peace upon demand made and reasonable cause assigned upon oath by any inspector or constable, to issue a warrant under his hand to search in the day time any premises or vessel in which any explosives are suspected to be kept contrary to the provisions of this Act.

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32 It shall be lawful for any inspector or for any constable having a warrant to enter in to and upon and search such premises or vessel and to seize and detain in such place as he sees fit any explosives found on such premises or vessel for the purpose of being produced at the hearing of any information laid against any person or persons under this Act. Such inspector or constable 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 or the barrels or packages in which such explosives may be contained, and if admittance to such inspector or constable is in any case refused or wilfully delayed, the person or persons so offending shall forfeit and pay a penalty of not less than Five Pounds and not more than Fifty Pounds.

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Power to enter premises and search for explosives.

33 The Governor in Council may from time to time make, alter, and rescind such regulations as he sees fit for carrying into effect the objects and intentions of this Act, so far as the same are not herein provided for by express enactment; and the Governor in Council may by such regulations appoint such penalties, not exceeding Twenty Pounds, as he deems necessary, for enforcing such regulations; and such regulations, upon being published in the *Gazette*, shall have the force of law, and copies thereof shall be laid before both Houses of Parliament forthwith, if sitting, and if not sitting, then within Fourteen days after the commencement of the next Session.

Governor in Council may make regulations.

34 If any explosives are landed, carried, or shipped contrary to this Act, they shall be forfeited; and, if any person violates the provisions of this Act, with respect to which no penalty is specified, he shall, on conviction, forfeit a sum not exceeding One hundred Pounds.

Penalty for offences not otherwise provided for.

35 All penalties and forfeitures incurred under this Act shall be recoverable and enforced in a summary way before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any conviction or forfeiture may appeal therefrom in the manner provided by *The Appeals Regulation Act*.

Recovery of penalties.

19 Vict. No. 8.

19 Vict. No. 10.

36 All penalties recovered under this Act, and all rents, fees, and other charges payable under this Act, shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

Appropriation of penalties and charges.

SCHEDULE.

ACTS TO BE REPEALED.

<i>Year and Number of Act.</i>	<i>Title of Act.</i>
39 Vict. No. 8.	"The Gunpowder Act, 1875."
52 Vict. No. 13.	"The Gunpowder Amendment Act, 1888."

