Explosives Areas Regulations
2003

Statutory Rules 2003 No. \(^1\) \textbf{312}

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Explosives Act 1961.

Dated 4 DEC 2003 2003

PM Jeffery
Governor-General

By His Excellency's Command

ROBERT HILL
Minister for Defence
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### Schedule 1  Commonwealth explosives areas

- Part 1  Hut Forest Road, South Kiah  
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Part 1  Preliminary

1  **Name of Regulations**

These Regulations are the *Explosives Areas Regulations 2003*.

2  **Commencement**

These Regulations commence on gazetted.

3  **Definitions**

In these Regulations:

*Act* means the *Explosives Act 1961*.

*Secretary* means the Secretary of the Department.

4  **Commonwealth explosives area**

For the definition of *Commonwealth explosives area* in section 13 of the Act, each area of Commonwealth land mentioned in Schedule 1 is declared to be a Commonwealth explosives area.
Part 2 Administration

5 Area manager

(1) The Secretary must appoint an area manager for each Commonwealth explosives area.

(2) An appointment may be made subject to conditions mentioned in the instrument of appointment.

(3) The area manager of a Commonwealth explosives area:
   (a) is responsible for the management and control of the area; and
   (b) may enter any part of the area; and
   (c) may give directions to a person in the area to ensure:
       (i) the safety of any person in or near the area; or
       (ii) protection from damage of any property in or near the area; and
   (d) may carry out his or her duties under these Regulations with any assistance he or she thinks necessary.

6 Committees

The Minister may, in writing, establish a committee or committees, consisting of persons appointed by the Minister, to advise the Minister on matters relating to explosives and the handling of explosives in Commonwealth explosives areas.
Part 3  Management of Commonwealth explosives areas

7  Orders

(1) If the Minister is satisfied that there are circumstances requiring special provision to be made under this regulation, the Minister may make provision, by order, for safety measures to be observed in or near a Commonwealth explosives area.

(2) If an order is expressed to take effect on a day that is later than the day when the order is notified in the Gazette, the order takes effect on the later day.

(3) If there is an inconsistency between a provision of these Regulations and a provision of an order, the order prevails to the extent of the inconsistency.

(4) An order ceases to have effect at the end of 12 months after the day when it takes effect or at the end of any shorter period that is specified in the order, unless sooner revoked.

Note 1 Penalties for a failure to comply with an order are set by section 20 of the Act.

Note 2 Orders made under this regulation are disallowable instruments under the Act for the purposes of section 46A of the Acts Interpretation Act 1901.

8  Consent to entry

(1) An area manager for a Commonwealth explosives area may give written consent to a person or a class of persons to enter the area.

(2) A consent may be given subject to conditions mentioned in the instrument of consent.

(3) The area manager may erect a sign in the area indicating times when access to the area is restricted to people with consent.
(4) The area manager may remove from the area:
   (a) a person who has entered the area without consent and any vehicle or vessel used by the person; or
   (b) a person who, in the opinion of the area manager, has endangered or may endanger the safety of persons, or has damaged or may damage property, in or near the area.

9 Signs for vehicles or vessels

The area manager of a Commonwealth explosives area may determine and, by signs prominently displayed, indicate:

(a) places in the area where a person is, or is not, permitted to park or stop a vehicle or a class of vehicles or to moor or stop a vessel or a class of vessels; and

(b) the conditions under which a person is, or is not, permitted to park or stop a vehicle or a class of vehicles, or to moor or stop a vessel or a class of vessels, in those places; and

(c) the maximum speed for a vehicle or vessel, or a class of vehicles or vessels, in all or part of the area.

10 Removal of vehicles or vessels

The area manager of a Commonwealth explosives area may move a vehicle or vessel to another place in the area if:

(a) the person in control of the vehicle or vessel refuses or fails to comply with a direction under paragraph 5 (3) (c) to remove the vehicle or vessel from the place where it is parked, moored or stopped; or

(b) for a parked vehicle or moored vessel — the area manager cannot communicate with the driver or master after taking reasonable steps to do so.

11 Explosives spilled or damaged

The area manager for a Commonwealth explosives area may give directions to a person about handling explosives in or near the area if:

(a) the explosives have spilled from their container; or

(b) the explosives are in a damaged container.
Part 4  Offences

12  General offences

(1)  A person in a Commonwealth explosives area must not:
(a)  hinder or obstruct the area manager of a Commonwealth explosives area in the exercise of his or her powers or functions; or
(b)  fail to comply with a direction under paragraph 5 (3) (c) or regulation 11.

Note  Penalties for a contravention of these Regulations are set by section 20 of the Act.

(2)  It is a defence to a prosecution for an offence against paragraph (1) (b) that the person had a reasonable excuse.

(3)  A person who does not have a consent mentioned in subregulation 8 (1) must not enter a Commonwealth explosives area.

13  Parking, stopping and mooring

A person must not park or stop a vehicle, or moor or stop a vessel, in a Commonwealth explosives area:
(a)  in contravention of a sign erected by the area manager; or
(b)  in a way that would unreasonably obstruct the passage of other vehicles or vessels.

14  Maximum speed limits

A person must not drive or ride a vehicle, or operate a vessel, on a part of a Commonwealth explosives area at more than the maximum speed for the vehicle or vessel in that part of the area.
15 **Prohibition against smoking and other fire hazards**

A person must not:

(a) within 6 metres of explosives in a Commonwealth explosives area, or in a part of a Commonwealth explosives area indicated by a sign erected by the area manager:
   (i) smoke; or
   (ii) be in possession of, or create or use, any fire or naked light; or

(b) engage in any other conduct that is likely, having regard to the person's proximity to explosives at the time, to result in a fire or explosion affecting the explosives.

16 **Persons under the influence of alcohol or drugs**

A person who is under the influence of alcohol or a drug must not be in or near a part of a Commonwealth explosives area in which explosives are being handled.
Schedule 1  Commonwealth explosives areas
(regulation 4)

Part 1  Hut Forest Road, South Kiah

1.1  Land acquired by the Commonwealth

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<tr>
<th>Item</th>
<th>Descriptor</th>
<th>Description</th>
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<tr>
<td>1</td>
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<tr>
<td>2</td>
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<td>3</td>
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<td>Auckland</td>
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<tr>
<td>4</td>
<td>State</td>
<td>New South Wales</td>
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<tr>
<td>5</td>
<td>Location</td>
<td>About 15 km south of Eden, about 1.9 km east of the junction of the Princes Highway and Edrom Road</td>
</tr>
<tr>
<td>6</td>
<td>Boundaries</td>
<td>As shown on the plan in paragraph 1.2, between Permanent Survey Marks 124670 and 124671</td>
</tr>
</tbody>
</table>
1.2 Plan

Explosives Areas Regulations 2003

2003.
### 1.3 Land over which Commonwealth has rights

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<th>Description</th>
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<td>2</td>
<td>Parish</td>
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<tr>
<td>3</td>
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</tr>
<tr>
<td>4</td>
<td>State</td>
<td>New South Wales</td>
</tr>
<tr>
<td>5</td>
<td>Location</td>
<td>About 15 km south of Eden, about 1.9 km east of the junction of the Princes Highway and Edrom Road, surrounding the land mentioned in paragraph 1.1</td>
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<td>Boundaries</td>
<td>As shown on the plan in paragraph 1.4, between Permanent Survey Marks 124670 and 124671</td>
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1.4 Plan

[Diagram of Commonwealth explosives areas]
Part 2  Twofold Bay, Eden

2.1  Land over which Commonwealth has rights

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<td>5</td>
<td>Location</td>
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<td>6</td>
<td>Boundaries</td>
<td>As shown on the plan in paragraph 2.2, being the land within a 1380 m radius of the centre point of the wharf</td>
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Note