



Australian Capital Territory

# **Dangerous Substances (Explosives) Amendment Regulation 2009 (No 2)**

**Subordinate Law SL2009-43**

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The Australian Capital Territory Executive makes the following regulation under the *Dangerous Substances Act 2004*.

Dated 24 August 2009.

JOHN HARGREAVES  
Minister

SIMON CORBELL  
Minister

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made under the

**Dangerous Substances Act 2004**

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**1 Name of regulation**

This regulation is the *Dangerous Substances (Explosives) Amendment Regulation 2009 (No 2)*.

**2 Commencement**

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This regulation amends the *Dangerous Substances (Explosives) Regulation 2004*.

*Note* This regulation also amends the *Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004* (see s 27).

**4 Section 25 (2)**

*substitute*

- (2) This section does not apply to explosives that are general use fireworks.

**5 Section 28 and note**

*omit*

**6 Section 34 (2) (g)**

*omit*

**7 Section 34 (5)**

*substitute*

- (5) The list must not mention the composition, quality or character of the explosives listed.

**8 Division 2.2.4**

*omit*

**9 Section 43 (b)**

*omit*

**10 Section 100 (1) (d), examples, except note**

*substitute*

**Example of authority or permission—par (d) (ii)**

The handling of general use fireworks is permitted under the Act. There are no restrictions on handling general use fireworks apart from generalised safety duties under the Act relating to dangerous substances.

**11 Table 123, items 8 and 9**

*omit*

**12 Section 125 (1), note**

*substitute*

*Note* The following provisions apply to blasting and fireworks storage otherwise than under a storage licence:

- div 2.9.6 (On-site storage by shot-firers)
- s 329 (On-site storage—outdoor displays).

**13 Section 166 (b)**

*omit*

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**14 Section 171 and note**

*substitute*

**171 Application—div 2.8.3—fireworks**

This division does not apply in relation to the supply of general use fireworks.

**15 Section 178 (2) (c)**

*substitute*

(c) use of a firework under a fireworks display permit;

**16 Part 3.1, note**

*substitute*

*Note* This regulation categorise fireworks as follows:

- general use fireworks (eg sparklers)—see s 259 and pt 3.2
- controlled fireworks (eg ground spinners)—see s 260
- prohibited fireworks (eg large crackers or large aerial shells)—see s 261.

**17 Section 260**

*omit everything before table 260, substitute*

**260 Controlled fireworks**

For this regulation, each of the fireworks mentioned in table 260, column 2 is a ***controlled firework*** if the quantity of pyrotechnic substance in the firework, or in a part of the firework, is not more than the quantity mentioned in column 3 for the firework or part.

**18 Table 260 heading**

*substitute*

**Table 260 Controlled fireworks**

**19 Part 3.3**

*substitute*

## **Part 3.3 Controlled fireworks**

### **264 Use of controlled fireworks**

- (1) A person commits an offence if the person—
  - (a) uses a controlled firework; and
  - (b) is not authorised by a licence or otherwise under the Act to use the firework.

Maximum penalty: 30 penalty units.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (2) An offence against this section is a strict liability offence.

**20 Section 298 (2), except note**

*substitute*

- (2) However, this part does not apply in relation to the use of a firework by an inspector or police officer exercising a function under the Act.



**21 Section 302 heading**

*omit*

**consumer**

**22 Schedule 1**

*omit*

**23 Dictionary, note 3**

*omit*

- supply (see also this reg, s 265)

*substitute*

- supply

**24 Dictionary, definitions**

*omit the definitions of*

*consumer*

*consumer firework*

*consumer fireworks authorised receipt*

*consumer fireworks licence*

**25 Dictionary, new definition of *controlled firework***

*insert*

*controlled firework*—see section 260.

**26 Dictionary, definitions**

*omit the definitions of*

*primary authorised user*

*Queen’s birthday supply*

*Queen’s birthday supply period*

*Queen’s birthday weekend use period*

*supplier*

*supply*

**27 Magistrates Court (Dangerous Substances Infringement Notices) Regulation 2004, schedule 1, part 1.2, items 48 to 87**

*substitute*

48	264	30	600
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**Endnotes**

**1 Notification**

Notified under the Legislation Act on 26 August 2009.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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