

Unvalidated References:

Explosives Act

Explosives Regulation

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This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 309B.

Explosives Areas Regulation

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Explosives Areas Regulation

Made under the *Explosives Act (Adopted)*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

(1) In this Regulation, unless the contrary intention appears–

“**dangerous goods**” means goods declared under Section 3 to be dangerous goods for the purposes of this Regulation, but does not include explosives;

“**explosives**” means substances and articles capable of producing an explosive, incendiary or pyrotechnic effect, and includes–

(a) substances and articles specified in Schedule 3; and

(b) explosives as defined by the *Explosives Regulation (Adopted)*;

“**Government explosives**” has the same meaning as in the *Explosives Regulation (Adopted)*;

“**master**”, in relation to a vessel, means the person having command or charge of the vessel;

“**order**” means an order made under Section 50;

“**supervisor**”, in relation to any operation involved in the handling of dangerous goods or explosives, means a person appointed under Section 6 to supervise the operation;

“**vehicle**” means a vehicle used for transporting persons or goods by road, but does not include a mobile crane, a fork lift truck or any other mobile handling equipment.

(2) In this Regulation–

(a) a reference to the owner of a vessel shall, if the vessel is under charter, be read as a reference to the charterer of the vessel; and

- (b) a reference to dangerous goods or goods consisting of explosives shall be read as including a reference to goods consisting in part only of dangerous goods or explosives, as the case may be.

2. APPLICATION.

This Regulation and orders made under this Regulation do not exclude the operation of any law that can operate without prejudice to the express provisions of this Regulation or those orders.

3. DECLARATION OF DANGEROUS GOODS.

The Minister may, by notice in the National Gazette, declare any goods to be dangerous goods for the purposes of this Regulation.

4. COMMITTEES.

The Minister may, by instrument, establish a committee or committees, consisting of such persons as the Minister appoints, to advise the Minister on such matters relating to, or to the handling of, explosives in Government explosives areas as the Minister determines.

5. AREA MANAGER.

(1) There shall be an area manager of each Government explosives area, who, subject to the directions of the Departmental Head—

- (a) has the management and control of the area; and
- (b) may exercise such powers and perform such functions as are conferred on him by this Regulation or by orders made under this Regulation.

(2) The area manager of a Government explosives area, or a person authorized in writing by the Departmental Head to exercise the power conferred by this subsection, may enter any part of the area (including a part of the area that is leased by the State to any person).

(3) The area manager of a Government explosives area may, for the purpose of ensuring the proper management and control of the area and the safety of persons who are, and the protection from damage of property that is, in or in the vicinity of the area, give such directions to persons within the area (including any part of the area that is leased by the State to a person) as are not inconsistent with this Regulation or with an order made under this Regulation.

(4) A person who—

- (a) hinders or obstructs the area manager of a Government explosives area or a person authorized by the Departmental Head for the purpose of Subsection (2) in the exercise or performance of his powers or functions; or

- (b) without reasonable excuse, fails to comply with a direction given to him under Subsection (3),

is guilty of a contravention of this section.

6. APPOINTMENT OF SUPERVISORS.

- (1) In this section, “explosives” does not include Government explosives.

(2) A person authorized by the Minister to make appointments under this section may—

- (a) by writing under his hand, appoint a person to supervise the handling, within a Government explosives area, of dangerous goods or goods consisting of explosives; and
- (b) give to the person such instructions in relation to the operation, not inconsistent with this Regulation, an order made under this Regulation or a direction given by the area manager, as the person making the appointment thinks necessary.

(3) A person making an appointment under Subsection (2) shall, as soon as practicable after the appointment is made, give a copy of the instrument of appointment to the Departmental Head.

(4) A person appointed under Subsection (2) shall—

- (a) supervise, and be present during, the carrying out of the operation that he is appointed to supervise; and
- (b) have a copy of this Regulation in his possession at all times during the carrying out of the operation; and
- (c) comply with any instructions given to him under Subsection (2) in relation to the operation; and
- (d) as far as practicable, ensure that this Regulation, and any orders made under this Regulation, are complied with in the carrying out of the operation.

(5) A person must not, within a Government explosives area—

- (a) load on to, or unload from, a vehicle or vessel dangerous goods or goods consisting of explosives; or
- (b) carry out or perform any operation incidental to, or arising out of, the loading on to, or the unloading from, a vehicle or vessel of dangerous goods or goods consisting of explosives,

unless a supervisor has been appointed under Subsection (2) to supervise that loading, unloading or operation.

7. PENALTIES FOR BREACHES OF SECTION 5 OR 6.

The penalty for an offence against the Act committed by virtue of a contravention of Section 5 or 6 is a fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

PART II. – ENTRY INTO GOVERNMENT EXPLOSIVES AREAS.

8. ENTRY INTO GOVERNMENT EXPLOSIVES AREAS.

(1) A person must not enter a Government explosives area unless the Departmental Head has consented in writing to his entry.

(2) The consent of the Departmental Head under this Section–

(a) may be granted in relation to all Government explosives areas or a particular Government explosives area; and

(b) has effect subject to such conditions and restrictions (if any) as are specified in the instrument of consent.

(3) The penalty for an offence against the Act committed by virtue of a contravention of Subsection (1) is a fine not exceeding K100.00.

(4) The area manager of a Government explosives area may, with such assistants (if any) as he requires, cause to be removed from the area–

(a) a person who has entered the area in contravention of Subsection (1) and any vehicle driven or ridden by, or vessel under the control of, the person; and

(b) a person who, in the opinion of the area manager–

(i) has endangered, or is acting in such manner as to endanger, the safety of persons; or

(ii) has damaged, or is acting in such manner as to be likely to cause damage to, property,

in or in the vicinity of the area.

**PART III. – MOVEMENT OF VEHICLES WITHIN GOVERNMENT
EXPLOSIVES AREAS.**

Division 1.

Preliminary.

9. INTERPRETATION OF PART III.

(1) A reference in this Part to causing a vehicle to stand, or keeping a vehicle standing, shall be read as a reference to causing or permitting the vehicle to remain stationary while under the control of the driver of the vehicle.

(2) A reference in this Part to parking a vehicle, or leaving a vehicle parked, shall be read as a reference to causing or permitting the vehicle to remain stationary while not under the control of the driver of the vehicle.

Division 2.

Parking.

10. PARKING OF VEHICLES.

(1) The area manager of a Government explosives area may determine and, by means of signs or notices prominently displayed, with or without reference to lines or marks, indicate or notify—

- (a) places and positions within the area in which persons are, or are not, permitted to park vehicles or to cause vehicles to stand; and
- (b) the conditions under which persons are, or are not, permitted to park vehicles or to cause vehicles to stand, or to keep vehicles standing, in those places or positions.

(2) A determination, sign or notice under Subsection (1) may relate to vehicles generally or to vehicles included in a specified class or description of vehicles.

(3) Where a sign or notice of a kind referred to in this section is displayed within a Government explosives area, the sign or notice shall, unless the contrary is proved, be deemed to be in accordance with a determination under this section and to be duly displayed in accordance with this section.

11. PARKING OFFENCES.

(1) A person must not park a vehicle, or cause a vehicle to stand, in contravention of the terms of a sign or notice displayed in pursuance of Section 10.

(2) Where a contravention of Subsection (1) is being committed in relation to a vehicle and—

- (a) the driver or other person in control of the operation of the vehicle refuses or fails to comply with a direction given to him under Section 5(3) to remove the vehicle from the place where it is parked or kept standing; or

- (b) in the case of a parked vehicle—the area manager cannot, after taking such steps as are reasonable in the circumstances, communicate with the driver,

the area manager may, with such assistance (if any) as he requires, cause the vehicle to be removed to such place within the area as he determines.

12. DEFENCE IN CASE OF VEHICLE STANDING IN CERTAIN CIRCUMSTANCES FOR LIMITED TIME.

In a prosecution against a person for parking a vehicle or causing a vehicle to stand, in contravention of the terms of a sign or notice displayed under Section 10 (other than a sign or notice indicating that vehicles are not to be kept standing) it is a defence if the accused person satisfies the court that the vehicle was left parked or kept standing only for such time (not exceeding five minutes) as was reasonably necessary to take up or set down a passenger.

13. PENALTIES FOR CONTRAVENTIONS OF DIVISION 2.

The penalty for an offence against the Act committed by virtue of a contravention of a provision of this Division is a fine not exceeding K40.00.

Division 3.

Maximum Speed Limits.

14. MAXIMUM SPEED LIMITS.

(1) A person must not drive or ride a vehicle on any part of a Government explosives area at a speed exceeding the maximum speed applicable in relation to the vehicle within that part of the area.

(2) Subject to this section, the maximum speed applicable in relation to a vehicle within a Government explosives area is 56.33km an hour.

(3) The area manager of a Government explosives area may, by means of a sign or notice prominently displayed, indicate or notify that the maximum speed (being a maximum speed of less than 56.33km an hour) indicated or notified on the sign or notice is the maximum speed applicable in relation to—

- (a) vehicles generally; or
 (b) vehicles included in a class or description of vehicles so indicated or notified,

within a part of the area indicated or notified.

(4) Where a sign or notice of a kind referred to in Subsection (3) is displayed within a Government explosives area, the sign or notice shall, unless the contrary is proved, be deemed to be duly displayed in accordance with that subsection.

(5) The maximum speed indicated or notified on a sign or notice displayed under Subsection (3) in relation to vehicles generally, or to vehicles included in a

class or description of vehicles so indicated or notified, is the maximum speed applicable in relation to those vehicles within the part of the area indicated or notified.

(6) The penalty for an offence against the Act committed by virtue of a contravention of Subsection (1) is a fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

PART IV. – TRANSPORTATION OF EXPLOSIVES AND DANGEROUS GOODS WITHIN GOVERNMENT EXPLOSIVES AREAS.

15. INTERPRETATION OF PART IV.

(1) In this Part, unless the contrary intention appears–

“approved trailer” means a vehicle, being a trailer, that complies with the requirements specified in Part I of Schedule 2;

“approved vehicle” means a vehicle, not being a trailer, that complies with the requirements specified in Part II of Schedule 2;

“container” includes a package or casing;

“explosives” does not include–

(a) Government explosives; or

(b) explosives–

(i) the gross weight of which does not exceed 45.36kg; and

(ii) that are in the possession, or under the control, of the area manager of a Government explosives area or a person authorized by or under a law to take samples of explosives;

“gross weight”, in relation to goods consisting of explosives, means the weight of the explosives and of the containers (if any) in which the explosives are contained;

“net explosives weight”, in relation to goods consisting of explosives, means the weight of the explosive content only of the goods.

(2) For the purposes of this Part, explosives are divided into Classes and Divisions of Classes, and an explosive shall be deemed to be included in a Class or a Division of a Class if the name or description of the explosive is set out under the reference to that Class or Division in Schedule 3.

16. DIRECTIONS BY SUPERVISORS.

(1) A supervisor may give such directions to persons engaged in carrying out the operation that he is appointed to supervise as he thinks proper and as are not inconsistent with–

(a) this Regulation; or

(b) an order made under this Regulation; or

(c) a direction given by the area manager; or

(d) an instruction given by the person by whom the supervisor was appointed.

(2) A person who fails to comply with a direction given to him by a supervisor under Subsection (1) is guilty of a contravention of this section.

17. VEHICLES ON WHICH DANGEROUS GOODS TO BE LOADED.

(1) A person must not load dangerous goods, or cause or permit dangerous goods to be loaded, within a Government explosives area, on to a vehicle other than a vehicle approved by the area manager as suitable for the transportation of those dangerous goods.

(2) A person must not drive, within a Government explosives area, a vehicle on which dangerous goods are loaded unless the vehicle is a vehicle approved by the area manager as suitable for the transportation of the goods.

18. VEHICLES ON WHICH EXPLOSIVES TO BE LOADED.

The supervisor of the loading of goods consisting of an explosive shall not permit the goods to be loaded on to a vehicle within a Government explosives area unless—

- (a) the vehicle is—
 - (i) an approved vehicle; or
 - (ii) if an approved vehicle is not available—an approved trailer; and
- (b) the goods are suitably packed for transportation; and
- (c) the number of the Class and, if the Class is divided into Divisions, the number of the Division of the Class, in which the explosive is included appears on the outside of the containers holding the goods.

19. LIMITATIONS ON LOADING OF EXPLOSIVES.

(1) The supervisor of the loading of goods consisting of explosives included in Class 5—

- (a) must not permit the goods to be loaded on to a vehicle within a Government explosives area with goods consisting of explosives included in another Class unless the first-mentioned goods are separated from the other goods in such a manner as to ensure as far as practicable that any fire or explosion that occurs in the first-mentioned goods will not cause a fire or explosion to occur in the other goods; and
- (b) must not permit the goods to be loaded on to a vehicle within such an area unless the net explosives weight of the goods does not exceed 453.6kg.

(2) The supervisor of the loading of goods consisting of explosives included in Division 3 of Class 6 must not permit the goods to be loaded on to a vehicle within a Government explosives area with goods consisting of explosives included in another Division of that Class or in another Class unless—

- (a) the first-mentioned goods are separated from the other goods in such a manner as to ensure as far as practicable that any fire or explosion that occurs in the first-mentioned goods will not cause a fire or explosion to occur in the other goods; and

(b) the net explosives weight of the other goods does not exceed 907.2kg.

(3) The supervisor of the loading of goods consisting of explosives included in Class 7 must not permit the goods to be loaded on to a vehicle within a Government explosives area with goods consisting of explosives included in another Class unless the first-mentioned goods are separated from the other goods in such a manner as to ensure as far as practicable that any fire or explosion that occurs in the first-mentioned goods will not cause a fire or explosion to occur in the other goods.

(4) The supervisor of the loading of goods consisting of explosives included in Division 3 of Class 7 the net explosives weight of which exceeds 907.2kg shall not permit the goods to be loaded on to a vehicle within a Government explosives area with any other inflammable goods.

(5) The supervisor of the loading of goods consisting of explosives shall not permit the goods to be loaded on to a vehicle within a Government explosives area unless the net explosives weight of the goods does not exceed 4,535.92kg.

20. CLEANLINESS OF VEHICLE, ETC.

The supervisor of the loading of goods consisting of explosives other than explosives included in Division 3 of Class 7 must not permit the goods to be loaded on to a vehicle within a Government explosives area unless the part of the vehicle on which the goods are to be loaded is clean and free from articles other than those necessary to secure the load.

21. STOPPING OF ENGINES DURING LOADING.

The supervisor of the loading of dangerous goods or goods consisting of an explosive must not permit the goods to be loaded on to a vehicle within a Government explosives area while the engine of the vehicle is running.

22. SECURING OF LOAD.

Immediately after any goods consisting of explosives have been loaded on to a vehicle within a Government explosives area, the supervisor of the loading of the goods must ensure that the goods are properly secured on the vehicle and protected against damage or theft.

23. REFUELLING.

Where dangerous goods or goods consisting of explosives (including Government explosives) are loaded on a vehicle, a person must not refuel the vehicle, or permit the vehicle to be refuelled within a Government explosives area—

- (a) except at a place determined by the area manager; or
- (b) while the engine of the vehicle is running; or

- (c) unless a person carrying a fire extinguisher suitable for use on a petrol or an oil fire remains in close proximity to the vehicle while the refuelling is taking place.

24. DISTANCE BETWEEN LOADED VEHICLES.

The driver of a moving vehicle on which goods consisting of explosives are loaded shall not, while that vehicle is within a Government explosives area, bring that vehicle within a distance of 68.58m of any other moving vehicle on which goods consisting of explosives are loaded.

25. EXPLOSIVES NOT TO BE CARRIED IN CABIN.

A person shall not place or carry goods consisting of explosives, or permit goods consisting of explosives to be placed or carried, in the cabin of a vehicle that is within a Government explosives area.

26. INTOXICATING LIQUOR.

(1) A person must not carry intoxicating liquor, or permit intoxicating liquor to be carried, in or on a vehicle on which dangerous goods or goods consisting of explosives are loaded while the vehicle is within a Government explosives area.

(2) A person must not—

- (a) drive within a Government explosives area a vehicle on which dangerous goods or goods consisting of explosives are loaded; or
- (b) act as an attendant on such a vehicle,

while he is under the influence of intoxicating liquor.

27. CARRIAGE OF FUEL.

The driver of a vehicle on which goods consisting of explosives are being transported must not, while the vehicle is within a Government explosives area—

- (a) carry fuel for that, or any other, vehicle; or
- (b) permit fuel for that, or any other, vehicle to be carried in or on the vehicle,

elsewhere than in the fuel tank of the vehicle.

28. INSPECTION BEFORE AND DURING UNLOADING.

A supervisor of the unloading within a Government explosives area from a vehicle of goods consisting of explosives must inspect the vehicle and the goods immediately on the arrival of the vehicle at the place where it is to be unloaded, and must examine the goods as they are unloaded from the vehicle for the purpose of detecting evidence of damage, spilling or pilfering.

29. MEASURES TO BE TAKEN AFTER UNLOADING COMPLETED.

After goods consisting of explosives have been unloaded from a vehicle within a Government explosives area, the supervisor of the unloading must—

- (a) cause the part of the vehicle in which the goods were carried to be thoroughly cleaned; and
- (b) cause any signboard on the vehicle that would lead to the belief that the vehicle was loaded with explosives—
 - (i) to be so covered or placed that it cannot be read; or
 - (ii) to be removed from the vehicle.

30. STOPPING OF ENGINES DURING UNLOADING.

A supervisor of the unloading within a Government explosives area from a vehicle of dangerous goods or goods consisting of explosives must not permit the goods to be unloaded while the engine of the vehicle is running.

31. SMOKING MATERIALS.

(1) A person must not, within a Government explosives area, carry on to, or take within 18.288m of, a vehicle on which goods consisting of explosives are loaded any smoking materials including means of ignition, unless those materials are locked in a metal box that is painted red and provided with an efficient lock and key.

(2) A person must not, within a Government explosives area—

- (a) carry, elsewhere than in the cabin of the vehicle, a box referred to in Subsection (1); or
- (b) permit such a box to be carried on a vehicle on which goods consisting of explosives are loaded.

32. LEAVING VEHICLES UNATTENDED.

A supervisor of the handling of dangerous goods or goods consisting of explosives (including Government explosives) must not permit a vehicle on which the goods are loaded to be left unattended within a Government explosives area and the driver of a vehicle must not leave the vehicle unattended within such an area, except at such place and for such period as the area manager permits.

33. EXPLOSIVES NOT TO BE LEFT EXPOSED TO WEATHER.

(1) A supervisor of the handling of goods consisting of explosives must not permit the goods (other than goods consisting of unboxed explosives) to be left unprotected from the weather within a Government explosives area.

(2) The driver of a vehicle on which goods consisting of explosives are loaded must not leave the goods (other than goods consisting of unboxed explosives) unprotected from the weather within a Government explosives area.

34. UNAUTHORIZED PERSONS NOT TO BOARD VEHICLES.

When goods consisting of explosives (including Government explosives) are loaded on a vehicle within a Government explosives area, a person other than—

- (a) the area manager; or
- (b) the driver of the vehicle; or
- (c) a supervisor of the handling of the goods; or
- (d) a person loading or unloading the vehicle; or
- (e) a person authorized in writing by the Departmental Head,

must not be in, on or in the vicinity of, the vehicle without the consent of the supervisor of the handling of the goods.

35. PENALTIES FOR CONTRAVENTIONS OF PART IV.

The penalty for an offence against the Act committed by virtue of a contravention of a provision of this Part is a fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

PART V. – BERTHING OF VESSELS IN GOVERNMENT EXPLOSIVES AREAS.

36. PROVISION OF BERTHS.

(1) Subject to this section, the area manager of a Government explosives area may, in his discretion, provide a vessel with a berth in that area.

(2) Without limiting the discretion conferred by Subsection (1) the area manager of a Government explosives area may refuse to provide a vessel with a berth in that area unless there is furnished to him a written application for a berth in Form 1, signed by the owner, master or agent of the vessel.

(3) The provision of a berth for a vessel in a Government explosives area may be subject to such conditions and restrictions (if any) as are determined by the area manager.

(4) Where a vessel is provided with a berth in a Government explosives area, the owner of the vessel—

- (a) is liable to pay to the State, on demand made to the owner, master or agent of the vessel, any fees payable in respect of the use for the purposes of the vessel of any facilities or services maintained, operated or provided by the State in the area; and
- (b) is liable to make good at his own expense, or at the option of the State to compensate the State for any damage to the property of the State (whether or not due to the negligence of the State, a servant or agent of the State or any other person) caused by, attributable to or in any way arising out of or contributed to—
 - (i) by the berthing of the vessel in the area; or
 - (ii) by the handling, movement, explosion, ignition or other action of any goods—
 - (A) while being loaded on to or unloaded from the vessel in the area; or
 - (B) after being so loaded; or
 - (C) before being so unloaded; and
- (c) is liable to indemnify the State, and keep the State at all times indemnified, from and against all actions, proceedings, claims, demands, costs and expenses (however arising) relating to—
 - (i) any loss, damage or injury suffered by any person; or
 - (ii) any damage to or destruction of any property,
 - (whether or not due to the negligence of the State, a servant or agent of the State or any other person) caused by, attributable to or in any way arising out of or contributed to—

- (iii) by the berthing of the vessel in the area; or
- (iv) by the handling, movement, explosion, ignition or other action of any goods—
 - (A) while being loaded on to or unloaded from the vessel in the area; or
 - (B) after being so loaded; or
 - (C) before being so unloaded; and
- (d) is not entitled to make any claim or demand, or to bring any action or proceeding to enforce any claim or demand, against the State arising out of—
 - (i) the berthing of the vessel in the area; or
 - (ii) the handling, movement, explosion, ignition or other action of any goods—
 - (A) while being loaded on to or unloaded from the vessel in the area; or
 - (B) after being so loaded; or
 - (C) before being so unloaded.

37. NO ENTRY UNTIL BERTH AVAILABLE.

The master of a vessel must not permit the vessel to enter a Government explosives area—

- (a) unless the manager has notified the owner, master or agent of the vessel that the vessel will be provided with a berth in the area and that the berth is available; and
- (b) except in accordance with such conditions and restrictions (if any) as are determined by the area manager.

38. OBLIGATIONS OF MASTER.

(1) The master of a vessel that is within a Government explosives area must, while the vessel is within that area—

- (a) comply with any direction of the area manager with respect to the vessel or its cargo or ballast; and
- (b) ensure that any signals sent by the vessel are in accordance with the International Code of Signals; and
- (c) ensure that—
 - (i) between sunrise and sunset the vessel flies the International Code Flag “B”; and

- (ii) between sunset and sunrise the vessel exhibits a red light from the mast head or from another prominent place on the vessel; and
- (d) ensure that the vessel is properly trimmed; and
- (e) ensure that an efficient and constant watch is maintained on the vessel; and
- (f) ensure that fuel oil, refuse or other objectionable matter is not discharged from the vessel.

(2) The master of a vessel that is berthed in a Government explosives area must, while the vessel is so berthed, ensure that—

- (a) all fires on the vessel are extinguished or controlled to the satisfaction of the area manager, when any of the hatches of the vessel are open; and
- (b) the fire-fighting equipment of the vessel is at all times ready for use; and
- (c) every hold in the vessel that contains explosives is covered, and access to every such hold is prevented, except when explosives are being handled in the hold; and
- (d) the vessel is adequately manned and otherwise prepared, and sufficient power is available from the main engines of the vessel, to enable the vessel to leave the area immediately on being directed to do so by the area manager; and
- (e) the part of the wharf adjacent to which the vessel is berthed is kept clean to the satisfaction of the area manager; and
- (f) signs are prominently displayed on the vessel in the vicinity of any hold containing dangerous goods or goods consisting of explosives indicating that smoking in, or in the vicinity of, the hold is prohibited; and
- (g) the vessel's radar, radio telephony and radio telegraphy equipment is not used and all aerials on the vessel that are used in connection with that equipment are earthed.

39. REPAIRS.

When a vessel is berthed in a Government explosives area—

- (a) the master must not permit any repairs to be carried out to the vessel if the repairs are likely to create a hazard to any person or property on or in the vicinity of the vessel; and
- (b) a person must not carry out any such repairs to the vessel,

except with the written approval of the area manager and in accordance with such conditions and restrictions (if any) as are specified in the instrument of approval.

40. COLLISIONS.

The master of a vessel that collides with, or damages, another vessel or a wharf within a Government explosives area must cause the area manager to be notified of the collision or damage as soon as practicable after the collision or damage occurs.

**PART VI. – HANDLING OF CARGO IN GOVERNMENT EXPLOSIVES
AREAS.**

41. INTERPRETATION OF PART VI.

In this Part “goods” does not include the stores of a vessel.

42. APPROVAL OF HANDLING OF CARGO.

(1) Subject to this section, the area manager of a Government explosives area may, in his discretion, by writing under his hand, grant approval for the loading of goods on to, or the unloading of goods from, a vessel berthed in the area.

(2) Without limiting the discretion conferred by Subsection (1) the area manager of a Government explosives area may refuse to grant approval for the loading of goods on to, or the unloading of goods from, a vessel unless there is furnished to him a written application for the grant of approval for the loading or unloading in Form 2 signed by the consignor or the consignee of the goods.

(3) An approval granted by the area manager of a Government explosives area for the loading or unloading of goods may be subject to such conditions and restrictions (if any) as are determined by the area manager.

(4) The owner of any goods that are in a Government explosives area—

(a) is liable—

(i) to pay to the State, on demand made to him or to any of his servants or agents, any fees payable in respect of the use, in connection with the goods, of any facilities or services maintained, operated or provided by the State in the area; and

(ii) to make good at his own expense, or at the option of the State to compensate the State for any damage to the property of the State (whether or not due to the negligence of the State, a servant or agent of the State or any other person) caused by, attributable to or in any way arising out of or contributed to by the handling, movement, explosion, ignition or other action of the goods; and

(iii) to indemnify the State, and keep the State at all times indemnified, from and against all actions, proceedings, claims, demands, costs and expenses (however arising) relating to—

(A) any loss, damage or injury suffered by any person; or

(B) any damage to or destruction of any property,

(whether or not due to the negligence of the State, a servant or agent of the State or any other person) caused by, attributable to or in any way arising out of or contributed to by the handling, movement, explosion, ignition or other action of the goods; and

- (b) is not entitled to make any claim or demand, or to bring any action or proceeding to enforce any claim or demand, against the State arising out of the handling, movement, explosion, ignition or other action of the goods.

43. CARGO NOT TO BE LOADED OR UNLOADED WITHOUT APPROVAL OF AREA MANAGER.

A person must not load goods or cause or permit goods to be loaded on to, or unload goods, or cause or permit goods to be unloaded from a vessel berthed in a Government explosives area except—

- (a) with the written approval of the area manager; and
- (b) in accordance with such conditions and restrictions (if any) as are specified in the instrument of approval.

44. EXPLOSIVES MAY BE LOADED OR UNLOADED AT NIGHT WITH APPROVAL OF AREA MANAGER.

A person may load explosives or cause explosives to be loaded on to, or unload explosives or cause explosives to be unloaded from, a vessel berthed in a Government explosives area between sunset and sunrise—

- (a) with the written approval of the area manager; and
- (b) in accordance with such conditions and restrictions (if any) as are specified in the instrument of approval.

45. HATCH BEAMS.

The master of a vessel that is berthed in a Government explosives area must not permit the beams of a hatch of the vessel to be removed from, or replaced on, the hatch unless they are securely attached to the lifting sling by means of screwed shackles.

46. RELEVANT PART OF VESSEL'S MANIFEST TO BE FURNISHED TO AREA MANAGER.

(1) The owner of a vessel from which goods are to be unloaded in a Government explosives area must cause—

- (a) a copy of the part of the vessel's manifest that specifies those goods, signed by the owner, master or agent of the vessel; and
- (b) the particulars of the stowage of the goods,

to be given to the area manager before the goods are unloaded.

(2) The owner of a vessel on to which goods have been loaded in a Government explosives area must cause a copy of the part of the vessel's manifest that specifies

those goods, signed by the owner, master or agent of the vessel, to be given to the area manager within 48 hours after the departure of the vessel from the area.

47. CARGO HANDLING EQUIPMENT.

A person must not place or cause to be placed on a wharf in a Government explosives area any cargo handling equipment except with the written approval of the area manager and in accordance with such conditions and restrictions (if any) as are specified in the instrument of approval.

48. CARGO ON WHARF.

(1) Except with the approval of the area manager, a person must not place goods or cause goods to be placed on a wharf in a Government explosives area for loading on to a vessel berthed in the area until the vessel is ready to receive the goods.

(2) Where goods have been unloaded from a vessel berthed in a Government explosives area on to a wharf in the area, the owner of the goods must not, except with the approval of the area manager, permit the goods to be left on the wharf for a period exceeding two hours.

(3) Except with the approval of the area manager, the master of a vessel berthed in a Government explosives area must not permit goods unloaded from the vessel to be placed on a wharf in the area for transshipment or for reloading on to the vessel.

(4) An approval granted by the area manager of a Government explosives area for the purposes of this section may be subject to such conditions and restrictions (if any) as the area manager determines.

(5) Where—

- (a) goods are placed on a wharf in a Government explosives area for the purpose of being loaded on to a vessel and the vessel is not ready to receive the goods; or
- (b) goods unloaded from a vessel berthed in a Government explosives area are left on a wharf in that area for a period exceeding two hours; or
- (c) goods are placed on a wharf in a Government explosives area in contravention of Subsection (3),

the area manager may—

- (d) cause the goods to be removed and stored in such place as he thinks proper; and
- (e) refuse to deliver up the goods except at such times and on such conditions (including a condition requiring payment of the cost of the removal and storage) as the Departmental Head determines.

49. PENALTIES FOR CONTRAVENTIONS OF PART VI.

The penalty for an offence against the Act committed by virtue of a contravention of a provision of this Part is a fine not exceeding K200.00 or imprisonment for a term not exceeding six months and, in addition, if the offence is a continuing offence, a fine not exceeding K100.00 for each day during which the offence continues.

PART VII. – ORDERS.**50. ORDERS.**

(1) Subject to the Explosives Regulation, the Minister, or a person authorized by the Minister to make orders under this section, may, by written order–

- (a) make provision for ensuring the safety of persons who are, and the protection from damage of property that is, in or in the vicinity of a Government explosives area; and
- (b) without limiting the generality of Paragraph (a), make provision–
 - (i) for or in relation to, or for or in relation to any matter arising out of or incidental to, the handling of explosives and other goods in, or in the vicinity of, a Government explosives area; and
 - (ii) for or in relation to safety measures to be observed in, or in the vicinity of, a Government explosives area; and
 - (iii) prohibiting or regulating the entry of persons, vehicles, aircraft and vessels into, and the movement of persons, vehicles, aircraft and vessels within or over, a Government explosives area; and
 - (iv) for or in relation to the berthing of vessels in a Government explosives area; and
 - (v) prescribing fees to be paid in respect of the use of facilities or services, maintained, operated or provided by the State in a Government explosives area.

(2) An authority by the Minister to a person to make orders under this section may be granted in relation to–

- (a) a particular matter; or
- (b) a class of matters; or
- (c) a particular Government explosives area,

and has effect subject to such conditions and restrictions (if any) as are specified in the authority.

51. ORDERS INCONSISTENT WITH THIS REGULATION.

(1) Where a provision of this Regulation is inconsistent with an order made by the Minister under Section 50, the order prevails and the provision of this Regulation is, to the extent of the inconsistency, of no effect.

(2) When a provision of an order made under Section 50 by a person authorized by the Minister to make orders under that section is inconsistent with this Regulation, this Regulation prevails and the provision of the order is, to the extent of the inconsistency, of no effect.

52. APPLICATION OF ORDERS.

An order may be—

- (a) expressed to be of general application or to apply to persons included in a class of persons; or
- (b) addressed to a particular person, by name or by a description sufficient to identify him.

53. PUBLICATION OF ORDERS OF GENERAL APPLICATION.

An order expressed to be of general application or to apply to persons included in a class of persons—

- (a) shall be published in the National Gazette; and
- (b) takes effect on the date of publication or on such later date as is fixed by the order.

54. SERVICE OF ORDERS ADDRESSED TO PARTICULAR PERSONS.

(1) An order addressed to a particular person—

- (a) shall be served on him; and
- (b) takes effect on the date of service or on such later date as is fixed by the order.

(2) An order may be served on a person—

- (a) personally; or
- (b) by sending the order or a copy of the order by post to him at his last-known place of residence or employment; or
- (c) by posting up the order or a copy of the order in a prominent position at or near his place of employment; or
- (d) in the case of a corporation—
 - (i) by sending the order or a copy of the order by post to the registered office (if any) of the corporation; or
 - (ii) by serving the order or a copy of the order personally on the manager, secretary or other executive officer of the corporation.

(3) An order addressed to a particular person may be published in the National Gazette and shall be deemed to have been served on him on the date on which it is so published.

PART VIII. – MISCELLANEOUS.**55. SMOKING MATERIALS.**

A person must not, within a Government explosives area, take any smoking materials (including means of ignition) within—

- (a) 18.288m of any dangerous goods or goods consisting of explosives; or
- (b) any part of the area determined by the area manager and indicated or notified by means of signs or notices prominently displayed to be a part of the area into which the taking of smoking materials is prohibited.

56. INTOXICATED PERSONS.

A person who is under the influence of intoxicating liquor must not be in the vicinity of any part of a Government explosives area in which dangerous goods or goods consisting of explosives are being handled.

57. DANGEROUS GOODS OR EXPLOSIVES SPILLED OR DAMAGED.

(1) Where dangerous goods or goods consisting of explosives are in a damaged container or have spilled from a container, a person handling the goods within a Government explosives area must comply with any directions relating—

- (a) to the handling of dangerous goods, or explosives, in damaged containers; or
- (b) to spilled dangerous goods or spilled explosives,

given to him, whether in writing or otherwise and whether before or after the damage or spilling is discovered, by the area manager.

(2) When any damage or spilling referred to in Subsection (1) is discovered within a Government explosives area, the supervisor of the handling of the goods at the time of the discovery shall cause the area manager to be notified immediately of the discovery.

58. FALSE STATEMENTS IN DOCUMENTS.

A person shall not furnish or cause or permit to be furnished to the area manager of a Government explosives area—

- (a) an application for a vessel to be provided with a berth in the area; or
- (b) an application for approval for the loading of goods on to, or the unloading of goods from, a vessel; or
- (c) a copy of any part of a vessel's manifest,

that is false in a material particular.

59. DELEGATION.

The Minister or the Departmental Head may, by writing under his hand, delegate to any person all or any of his powers and functions under this Regulation (except this power of delegation).

60. PENALTIES FOR CONTRAVENTIONS OF PART VIII.

The penalty for an offence against the Act committed by virtue of a contravention of a provision of this Part is a fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

SCHEDULE 1

PAPUA NEW GUINEA.

Explosives Act 1953.

Form 1 – Application for Berth.

Reg., Sec. 36.

Form 1.

1. I apply for a berth at ... for the motor vessel/steam ship*, a vessel of ... gross and ... net, to load/unload* ... kg/ ... m³* of explosives/the following goods*:—
 2. Particulars of the vessel are as follows:—
 - Name of vessel:
 - Owner (or agent) of vessel:
 - Address of owner (or agent):
 - Telephone number of owner (or agent):
 - Name of master of vessel:
 - Expected date and time of vessel's arrival:
 - Expected date and time of vessel's departure:
 - Vessel's last port of call:
 3. The length of the vessel is ... and the vessel's draft on arrival at ... is expected to be ...
- Dated ... 19 ...
- (Signature of Owner/Charterer/Master/Agent of Vessel. *)
- Address
- To the Area Manager,
- *Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Explosives Act 1953.

***Form 2 – Application for Approval for the Loading or Unloading of
Cargo.***

Reg., Sec. 42.

Form 2.

1. I apply for approval for the loading/unloading* of explosives/goods other than explosives* on to/from* the motor vessel/steam ship* . . . at . . . commencing on or about . . . 19
2. Particulars of the goods to be loaded/unloaded* are as follows:—

EXPLOSIVES.

Quantity (tonnes).	Group or Class.	Consignee (For Outward Cargo), or Consignor (For Inward Cargo).

GOODS OTHER THAN EXPLOSIVES.

Nature of Goods.	Flash Point (where applicable).	Quantity (tonnes).	Consignee (For Outward Cargo) or Consignor (For Inward Cargo).

3. *(Not applicable in case of explosives.)* The reason for the proposed loading/unloading* of the goods at . . . is as follows:—
4. I certify that, to the best of my knowledge and belief, the particulars contained in this application are correct.
- Dated . . . 19
- (Signature of Consignee/Consignor.*)*
- Address
- To the Area Manager,

*Strike out whichever is inapplicable.

SCHEDULE 2 – REQUIREMENTS AS TO VEHICLES.

Reg., Sec.15(1).

PART I – APPROVED TRAILERS.

Sch. 2.I.1. 1.–Form of trailer..

The trailer must be a four-wheeled trailer fitted with a greased turn table, a triangular drawbar and two safety chains of adequate length and strength fixed permanently to the trailer.

Sch. 2.I.2.2.–Load limit..

The load limit of the trailer must not exceed 3,628.7kg gross weight.

Sch. 2.I.3.3.–Sign as to carriage of explosives..

When the trailer is carrying explosives, the front of the towing vehicle, the rear of the trailer or its load and each side of the trailer or its load must bear in a conspicuous position a signboard bearing the word “Explosives”, and if the towing vehicle is also carrying explosives each side of the towing vehicle or its load must bear a similar signboard.

Sch. 2.I.4.4.–Coupling gear..

The towing vehicle to which the trailer is attached must be fitted with a drawbar, hook or pin coupling and two double “C” hooks or shackles to which the safety chains may be coupled.

Sch. 2.I.5.5.–Fire extinguishers..

The towing vehicle must be equipped with two efficient fire extinguishers, one of which is suitable for use on a fire in the motor and the other of which is suitable for use on an incipient fire in the load.

PART II – APPROVED VEHICLES.

Sch. 2.II.6. 6.–Fuel..

The motor of the vehicle must not be driven by a fuel other than–

- (a) petrol; or
- (b) oil fuel of a type that does not give off an inflammable vapour at a temperature of less than 65.6°C.

Sch. 2.II.7.7.–Wiring..

All electrical wiring under or on the part of the body carrying the load must be enclosed in screwed metal conduit or heavy duty plastic tubing.

Sch. 2.II.8.8.–Form of semi-trailers..

If the vehicle is of the type known as a semi-trailer, the vehicle–

- (a) must not be fitted with an electric storage battery in a position directly below the part of the body that carries the load; and
- (b) must not be fitted with an exhaust pipe that extends beneath, or comes in contact with, the part of the body that carries the load; and
- (c) must not be fitted with a fuel tank in a position directly below the part of the body that carries the load unless the fuel tank is wholly mounted on the part of the vehicle known as the prime mover.

Sch. 2.II.9.9.–Form of other vehicles..

If the vehicle is not a vehicle of the type known as a semi-trailer–

- (a) neither the electric storage battery nor the fuel tank shall be in a position directly below the part of the body that carries the load; and
- (b) the exhaust pipe must not extend beneath, or come in contact with, the part of the body that carries the load.

Sch. 2.II.10.10.–Sign as to carriage of explosives..

When the vehicle is carrying explosives, the front of the vehicle or the prime mover, the rear of the vehicle or its load and each side of the vehicle or its load must bear in a conspicuous position a signboard bearing the word “Explosives”.

Sch. 2.II.11.11.–Fire extinguishers..

The vehicle must be equipped with two efficient fire extinguishers, one of which is suitable for use on a fire in the motor, and the other of which is suitable for use on an incipient fire in the load.

SCHEDULE 3 – EXPLOSIVES.

Reg., Sec. 15(2).

PART 1 – CLASS 1.

Explosive known by the following name:–

Gunpowder.

PART 2 – CLASS 2.

Explosives known by the following names:–

Ammonium Nitrate Explosive Mixture.

Nobel Delay Composition R.998.

PART 3 – CLASS 3.

Division 1.

Explosives known by the following names:-.

Ajax.

American Ballistite.

A.N. Gelatine Dynamite.

A.N. Gelignite.

A.N. Ligdyn.

Ardeer Ballistite.

Ardeer Cordite.

A2 Monobel.

Ballistite.

Blasting Gelatine.

Cordite.

Cordite A.

Cordite A.N.

Cordite A.S.N.

Cordite C.D.

Cordite H.W.

Cordite M.D.

Cordite W.

Cordite W.M.

Du Pont MX Smokeless Shotgun Powder.

Dynobel No. 2.

Gelignite.

Geophex.

Hercules Smokeless Powder.

Hydrogel.

Improved Ballistite.

Ligdyn.

Mechanite.

Monograin.

Morcol.

Nobel C.K. Powder.

Nobel Glasgow Shotgun Powder Nos. 60-69.

Nobel Hornet Powder.

Nobel Parabellum Powder.

Nobel Rimfire Powder Nos. 13,14, 26, 38.

Nobel Superim Powder.

Norma Smokeless Powder.

Plastergel.

Polar Ajax.

Polar A.N. Gelatine Dynamite.

Polar A.N. Gelignite.

Polar A.N. Ligdyn.

Polar A2 Monobel.

Polar A3 Monobel.

Polar Blasting Gelatine.

Polar Geophex.

Polar Hydrobel.

Polar Hydrogel.

Polar Ligdyn.

Polar Monograin.

Polar Morcol.

Polar Plastergel.

Polar Quarigel.

Polar Quarry Monobel.

Polar Roxite.

Polar Semigel.

Polar S.N. Gelatine Dynamite.

Polar S.N. Gelignite.

Quarigel.

Quarry Monobel.

Roxite.

Semigel.

Small Arms Powder-D2.

Small Arms Powder-P6.

S.N. Gelatine Dynamite.

S.N. Gelignite.

Submarine Blasting Gelatine.

Unibel.

Viscorim.

Division 2.

Explosives known by the following names:-.

A.R.2201.

A.R.2202.

Amatol.

Amberite No. 2.

Ball powder.

Canadian Rifle Powder 4740.

Collodion Cotton.

Commercial Waterproof Primers.

Cyclotrimethylene Trinitramine (R.D.X.).

Du Pont Smokeless Powder.

E.C. Sporting Powder.

Empire Powder.

Granulated Guncotton Powder.

Guncotton.

Hercules Bulk Smokeless Powder.

Hydromex.

Improved Military Rifle Powder 4227.

Modified Smokeless Diamond.

Neoflak.

Nitro-cellulose.

Nitro-cellulose Cannon Powder.

Nitro-cotton.

Nobel Acurim Neonite.

Nobel Acurex Powder.

Nobel Cadet Neonite.

Nobel Revolver Neonite.
Nobel Rifle Neonite.
Nobel Rim Neonite.
Nobel's Explosive No. 896.
Penta-erythritol-tetranitrate. (P.E.T.N.).
Pentolite.
Picric Acid.
Plastic Core Composition.
Plastic Explosive PE3.
Schultze Gunpowder.
Seismex.
Seismex Primers.
Smokeless Diamond.
Smokeless Powder I.M.R. 4831.
Sunderite.
Tetra-nitro-methyl-aniline (Tetryl).
Tonite or Cotton Powder No. 1.
Tonite or Cotton Powder No. 2.
Tri-nitro-resorcinol (Styphnic Acid).
Tri-nitro toluol (T.N.T.).
Walsrode Perfect Powder.
Walsrode Powder.

PART 4 – CLASS 4.

Explosives containing a chlorate.

PART 5 – CLASS 5.

Division 1.

Explosive known by the following name:–.

Fulminate of Mercury.

Division 2.

Explosives known by the following names:–.

Lead Azide.

Lead Tri-nitro-resorcinate.

Tetrazene.

PART 6 – CLASS 6.

Division 1.

Explosives known by the following names, being explosives that do not contain their own means of ignition:–.

Blackpowder Igniter Wick.

Cartridges for Cannon, Shells, Mines, Depth Charges, Torpedoes, Blasting or other like purposes.

Cartridges for Small Arms (not being Safety Cartridges).

Cordeau Bickford.

Cordtex.

Detonating Fuse.

Electric Fuses.

Electric Primers.

Fuseheads for Delay Detonators.

Fuseheads for Electric Detonators, and Safety Electric Fuses.

Fuseheads for Orion, Venus or Vulcan Patent Safety Electric Fuses.

Fuses for Shells, Bombs and Flares.

Igniters for M.O.C. Cartridges.

Insecticide Smoke Candles.

Instantaneous Fuse.

M.O.C. Cartridges (Type 2).

Nobel Seismic Booster.

Nobel's Primers.

Plastic Igniter Cord.

Plastic Igniter Wick.

Primacord.

Primed Cambric.

Shaped Charges.

Super Gun Cartridges.

Tubes for firing Explosives.

Division 2.

Explosives known by the following names, being explosives that contain their own means of ignition:–.

Capped (Detonator) Safety Fuse.

Cartridges for Small Arms (not being Safety Cartridges).

Catapult, Aircraft Personnel Type M1A. with Cartridge.

Delay Detonators.

Detonating Relays.

Detonating Time Fuse.

Detonators.

Electric Boosters.

Electric Delay Action Detonators.

Electric Delay Action Detonators. (Gasless).

Electric Detonators.

Embedded Electric Detonator Assembly.

Fuses for Shells, Bombs and Flares.

Gasless Delay Detonators.

Harpoon Time Fuses.

Igniticap Electric Detonators.

Remover, Aircraft Canopy, Type M1. with Cartridge.

Seismic Electric Detonators.

Short Delay Detonators.

Tubes for fitting Explosives (other than Detonators).

PART 7 – CLASS 7.

Division 1.

Firework composition.

Firework composition

Division 2.

Manufactured Fireworks (other than Shop Goods).

Manufactured Fireworks.

Division 3.

Manufactured Fireworks–Shop Goods.

Manufactured Fireworks–Shop Goods

Explosives Areas Regulation