

Unvalidated References:

Industrial Safety, Health and Welfare Act 1961

Firearms Act 1978

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 175D.

Industrial Safety (Explosive-powered Tools) Order 1973

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Industrial Safety (Explosive-powered Tools) Order 1973

MADE under the *Industrial Safety, Health and Welfare Act 1961*.

Dated 200 .

1. INTERPRETATION.

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

“**authorized repairer**” means—

(a) a maker of explosive-powered tools, a competent person employed by a maker of explosive-powered tools or a person not employed by the maker but authorized by him to repair explosive-powered tools; or

(b) a gunsmith or a competent person employed by a gunsmith;

“**cartridge**” means a cartridge made for an explosive-powered tool;

“**defect**” means a defect that might impair the safe operation of an explosive-powered tool;

“**explosive-powered tool**” means a tool by means of which a projectile may be driven against, into or through any substance by means of an explosive, and includes—

- (a) an attachment to or an accessory of an explosive-powered tool; and
- (b) a device that is adapted or intended to be used with an explosive-powered tool;

“**high-tensile steel**” means steel the nominal ultimate tensile value of which exceeds 695 MPa;

“**projectile**” means a stud, pin, dowel, screw, rivet, spike or other object driven against, into or through a substance by means of an explosive-powered tool, or adapted or intended to be so driven;

“**qualified operator**” means a person who is approved under this Order to operate an explosive-powered tool;

“**repair**” means to repair, modify, alter, adjust or maintain, or attempt to repair, modify, alter, adjust or maintain, but does not include the making or attempted making of minor adjustments by a qualified operator, or by a person under the direct supervision of a qualified operator, that are incidental to the ordinary operation of the tool;

“**supervisor**” means a foreman or other person employed to direct workmen on a job site, and includes a person training another person to become a qualified operator whether or not on a job site.

(2) For the purposes of this Order, a person shall be deemed to use an explosive-powered tool if he loads, unloads or fires, or attempts to load or fire, the tool.

2. APPLICATION.

This Order applies to and in relation to the use, inspection, testing and repair of explosive-powered tools in any trade, occupation or process.

3. RESTRICTIONS ON EXPLOSIVE-POWERED TOOLS AND CARTRIDGES.

(1) Subject to Subsection (2) and to Sections 5 and 11, a person other than a qualified operator shall not—

- (a) use, inspect or test an explosive-powered tool; or
- (b) handle cartridges, open a container holding cartridges or place any thing in a container holding cartridges.

(2) For the purposes of Subsection (1), a person shall not be deemed to handle cartridges merely by virtue of—

- (a) the purchase or taking of delivery by him of cartridges on behalf of his employer; or
- (b) the movement by him from one place to another at the direction of his employer, or of a supervisor, of a container of cartridges.

4. REQUIREMENTS TO BE OBSERVED BY OPERATORS.

A qualified operator—

- (a) shall not use an explosive-powered tool or a projectile unless it complies with Section 8 or 9, as the case requires; and
- (b) shall comply with the requirements of Section 10.

5. ASSISTANTS AND TRAINEES.

(1) Where a person—

- (a) is assisting a qualified operator, or is training to become a qualified operator; and
- (b) is under the direct supervision of a qualified operator at the relevant time,

he may—

- (c) use, inspect or test an explosive-powered tool; and
- (d) handle cartridges or open a container holding cartridges.

(2) A person assisting a qualified operator or training to become a qualified operator shall comply with Section 10 as if he were a qualified operator.

6. RESPONSIBILITIES OF EMPLOYERS AND SUPERVISORS.

An employer or a supervisor shall not direct or permit a person in his employment or under his supervision, as the case may be, to do any work or any thing in contravention of this Order.

7. INSPECTION OF PERMITS, ETC., OF OPERATORS OF EXPLOSIVE-POWERED TOOLS.

The Departmental Head may, by written notice, require an operator of an explosive-powered tool to produce his certificate of registration or permit, as the case may be, under the *Firearms Act 1978*, and the operator shall comply with the notice.

8. REQUIREMENTS FOR EXPLOSIVE-POWERED TOOLS.

An explosive-powered tool—

- (a) shall be of a make or design approved by the Departmental Head by notice in the National Gazette; and
- (b) shall be permanently engraved or embossed on a metal part—
 - (i) with the clearly legible words—

“DO NOT REMOVE TOOL FROM WORK SURFACE FOR AT
LEAST 10 SECONDS IF TOOL FAILS TO FIRE;”

and
 - (ii) with a clearly legible serial number by which it can be readily identified; and
- (c) shall have permanently attached at its muzzle end a protective shield or device designed to stop the ricochet of projectiles and the free flight of other objects and particles liberated by the firing of the tool.

9. REQUIREMENTS FOR PROJECTILES.

(1) Subject to the succeeding provisions of this section, a projectile shall be capable of undergoing the following test without cracking or breaking:—

- (a) in the case of a smooth-shanked projectile, the projectile shall be bent through an angle of 60°; and
 - (b) in the case of a knurled-shanked projectile, the projectile shall be bent through an angle of 30°.
- (2) The test shall be carried out by—
- (a) bending the shank of the projectile about a pin of a diameter equal to that of the shank; and
 - (b) applying a continuous steady load to the projectile until the required deformation has been reached.

10. USE OF EXPLOSIVE-POWERED TOOLS AND CARTRIDGES.

(1) Before an explosive-powered tool is used—

- (a) there shall be displayed on the site of the work, so as to be clearly legible by all persons who are at or near it, a notice with the words—

“WARNING—EXPLOSIVE-POWERED TOOL IN USE”; and”
- (b) the tool shall be inspected each day for defects; and
- (c) the operator and each person assisting him or being trained by him shall wear a protective device for the protection of eyes from missiles and flying particles.

(2) After each period of seven working days, an explosive-powered tool shall, before further use, be dismantled and thoroughly examined for defects.

(3) An explosive-powered tool shall not be used where the operator—

- (a) is aware that it has a defect; or
- (b) would have been aware of a defect if he had given it a reasonable inspection.

(4) An explosive-powered tool shall not be used for a purpose for which it is not properly suited.

(5) An explosive-powered tool shall not be loaded at a place other than the place at which it is to be used.

(6) A projectile, explosive charge, breech plug, barrel extension or adaptor that is not of a type suited to—

- (a) the particular tool; and
- (b) the purpose for which the tool is being used,

shall not be used in an explosive-powered tool.

(7) The explosive charge used in an explosive-powered tool shall not be of greater strength than is necessary for the purpose for which the tool is being used.

(8) An explosive-powered tool shall not be used—

- (a) on high-tensile steel, steel hardened by heat treatment, cast-iron or any other unusually hard or unyielding substance; or
- (b) on hard tile, hard terra cotta, glazed brick, glass, marble, granite, thin slate or other readily shattered substance; or
- (c) to drive a projectile into—
 - (i) any substance at a point so close to an edge of the substance or to any hole in the substance that, by reason of—
 - (A) the nature of the substance; or
 - (B) the size and shape of the projectile; or
 - (C) the strength of the charge to be used,

there is a likely risk that the substance might crack or break or the projectile fly from the substance; or
 - (ii) steel, within 12.7 mm of an edge of the steel; or
 - (iii) brick, concrete or the like, within 76.2 mm of an edge of the substance; or
- (d) in the presence of any explosive or inflammable gas, dust or vapour, in compressed air or in a place where the explosive charge might be exploded or made dangerous by heat.

(9) Where it seems likely that the whole of a projectile will pass through the surface of the substance on which an explosive-powered tool is being used, the substance shall be backed with a protective material capable of fully absorbing the energy.

(10) An explosive-powered tool shall not be fired unless—

- (a) the operator is in a safe, well-balanced position so that inadvertent tilting or misalignment of the tool will not occur at the time of firing; and
- (b) the tool is held perpendicular to the surface on which it is being used and, subject to Subsection (11), the muzzle end of its barrel is in contact with it.

(11) Where the muzzle end of the barrel of an explosive-powered tool cannot be brought into contact with the surface at the point where the projectile driven from the tool is to strike or penetrate it, an effective barrel extension shall, subject to Subsection (12), be used to extend the barrel into contact with the surface at that point.

(12) The length of a barrel extension to an explosive-powered tool shall not exceed by more than 12.7 mm the maximum length that is required to clear the obstruction that makes the use of the barrel extension necessary.

(13) After an explosive-powered tool has been fired, it shall be carefully examined and all pieces of projectile or cartridge and other foreign matter removed.

(14) Where an explosive-powered tool fails to fire, it shall be held in a perpendicular position and in contact with the surface for at least 10 seconds, and if the tool has not then fired it shall be unloaded or placed in such a position that it will do no harm if it fires.

(15) The open end of an explosive-powered tool that is being used or carried while loaded shall at all times be kept clear of the operator and other persons.

(16) The utmost care shall be exercised where—

- (a) an explosive-powered tool is being used or, while loaded, is being carried; or
- (b) cartridges are being handled.

(17) An explosive-powered tool shall not be fired in such a manner as to cause the projectile to fly free.

(18) An explosive-powered tool or a cartridge—

- (a) shall not be taken from its usual container unless required for use, inspection, testing or repair and in the case of cartridge containers the container shall be locked; and
- (b) shall not be left unattended unless effective precautions are taken to ensure that it will not be taken away, used or handled by unauthorized persons.

(19) A loaded explosive-powered tool shall not be taken from place to place unless, by reason of mechanical failure, it cannot be unloaded.

(20) At the end of each working day, or at any earlier time at which the work for which he required the tool is finished, the person who uses an explosive-powered

tool shall return the tool and all unused cartridges to their respective places of storage.

(21) No objects other than cartridges shall be placed in a cartridge container.

(22) Subject to Subsection (23), where there appears—

(a) on the container of an explosive-powered tool; or

(b) in printed matter supplied with an explosive-powered tool,

instructions, advice or recommendations by the manufacturer of the tool that—

(c) are not inconsistent with this Order; and

(d) relate to the safe use of the tool or the use with the tool, for reasons of safety, of any substance or thing,

the tool, substance or thing shall be used in accordance with those instructions, advice or recommendations.

(23) Subsection (22) does not require the use of a particular make of a substance or thing.

11. REPAIRS.

(1) Subject to Subsection (2), a person shall not repair an explosive-powered tool unless he is an authorized repairer.

(2) A person training to become an authorized repairer may repair an explosive-powered tool, but only under the direct supervision of an authorized repairer.

(3) An authorized repairer, or a person training to become an authorized repairer who is under the direct supervision of an authorized repairer at the relevant time, may fire an explosive-powered tool for the purpose of testing it, and may handle cartridges.

(4) A person shall not employ, or contract with, another person to repair an explosive-powered tool unless the other person is an authorized repairer.

12. PROTECTIVE DEVICES.

An employer shall provide, in a clean and serviceable condition, for the use of each person employed by him who—

(a) operates an explosive-powered tool; or

(b) assists an operator; or

(c) is training to become a qualified operator,

an effective device for the protection of his eyes from missiles and flying particles.

13. STORAGE OF EXPLOSIVE-POWERED TOOLS AND CARTRIDGES.

(1) Subject to Subsection (3), an employer or a person who is self-employed shall provide and maintain suitable containers for the storage of explosive-powered tools and suitable containers for the storage of cartridges.

(2) Each container for the storage of cartridges shall be—

(a) marked with the clearly legible word “EXPLOSIVE”; and

(b) capable of being locked.

(3) Subsection (1) does not apply to the employer of an authorized repairer.

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