



## Dangerous Goods Safety information sheet

### Amendments to the Explosives and Security Sensitive Ammonium Nitrate Regulations (effective 1 January 2014)

#### *Introduction*

This information sheet explains the main amendments in effect from 1 January 2014 under the Dangerous Goods Safety (Explosives) Regulations 2007 (Explosives Regulations) and Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007 (SSAN Regulations).

Amendments to the Explosives Regulations and SSAN Regulations are equivalent for:

- authorisation of secure nominees
- “responsible person” being replaced by “qualified officer”
- use of accredited consultants
- renewal of security cards.

There have also been miscellaneous changes to the administration of explosives and SSAN licences (Table 1) and Explosives Regulations (Table 2).

#### *Authorisation of secure nominees*

Instead of appointing a “secure employee”, licence holders may now appoint any competent and trustworthy individual to be a “secure nominee”. This allows subcontractors to work under the auspices of the licence holder’s explosives management plan or security plan, rather than holding a separate licence.

The authorisation of the individual as a secure nominee must be formalised in writing, stating the following information in accordance with Regulation 23 of the Explosives Regulations and Regulation 9 of the SSAN Regulations:

- date of the authorisation
- name and residential address of the nominee
- details of the valid security card of the nominee
- type of explosives that the unsupervised access applies to
- details of where and when the nominee may have unsupervised access
- confirmation that the nominee has understood the authorisation
- any conditions that the licence holder may put on the authorisation.

*Note: An authorisation template is available in the dangerous goods forms section at [www.dmp.wa.gov.au/ResourcesSafety](http://www.dmp.wa.gov.au/ResourcesSafety) that licence holders can use for authorising secure nominees. By completing the information in either hardcopy or electronic form, a licence holder will fully comply with the regulatory requirements for authorisation and record keeping.*

The licence holder must keep a copy of each unsupervised access authorisation not only while the individual is a secure nominee of the licence holder, but for two years after the individual ceases to be a secure nominee.

The regulations also allow a licence holder to give supervised access to explosives or SSAN. However, there are no regulatory requirements for the manner of appointing such persons or record-keeping.

*Note: A template for approving supervised access is available in the dangerous goods forms section at [www.dmp.wa.gov.au/ResourcesSafety](http://www.dmp.wa.gov.au/ResourcesSafety)*

### *Re-issue of security cards*

A valid security card may be extended for a further five years, subject to the following requirements for the application to re-issue.

- The application must use the approved form and accompanied by documents specified on the form.
- The application must be lodged within the three months before the card expires.
- The application must be accompanied by the prescribed fee. Refer to Schedule of fees and charges for fee.

The application must be lodged online.

*Note: This process is not possible for an expired security card.*

### *Miscellaneous amendments*

*Storage and Handling Regulations = Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*

*Ports Regulations = Dangerous Goods Safety (Goods in Ports) Regulations 2007*

*Transport Regulations = Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007*

**Table 1: Administrative changes to explosives and SSAN licensing – Refer to Schedule of fees and charges for fees**

<b>Amendment</b>	<b>Explanation</b>
Fee for late payment of licences and permits changed from 10% of the fee to a flat fee.	Only the actual cost of processing late applications may be charged, not a penalty fee. Some late fees have increased while others decreased.
Accredited consultants may endorse explosives and SSAN trading licence applications.	This enables explosives and SSAN licence applications to be processed more quickly as the Department accepts the endorsement of the consultant. No checking fee is payable for these applications. The regulations explicitly set out the requirements for accredited consultants when assessing and endorsing a licence application to ensure it is done in accordance with the Department's requirements.
Checking fees introduced for explosives and SSAN trading licence applications not endorsed by an accredited consultant.	A checking fee equal to the relevant licence fee has been introduced to reflect the Department's costs in assessing applications.

<b>Amendment</b>	<b>Explanation</b>
<p>Removal of requirement for companies to:</p> <ul style="list-style-type: none"> <li>supply information on the “responsible person” when applying for a licence</li> <li>provide updates when that person changes.</li> </ul> <p><i>Note: To give effect to the latter, the Chief Officer has granted an exemption from regulation 194(6) of the Explosives Regulations and regulation 50(5) of the SSAN Regulations. These should have been repealed as part of this amendment package.</i></p>	<p>The obligation for body corporates and partnerships to employ at least one appropriately competent and security cleared person, now called “qualified officer”, remains. However, there are no notification requirements for either initial appointments or changes to qualified officers.</p> <p>The company must keep a record of at least one qualified person (including personal details, date of birth, position in company, and details of their security clearance) while appointed, and for two years after ceasing to be employed.</p>
<p>Removal of automatic licence cancellation if a company does not have a qualified responsible person in place.</p>	<p>This brings Western Australia into line with other States on this matter. Failure to have a suitable qualified officer may still result in enforcement action but not licence cancellation.</p>
<p>Explosives and SSAN licence register requirements aligned with those in the Storage and Handling Regulations.</p>	<p>This administrative change aligns all dangerous goods licence registers. The register must record the name of the licence holder and date that the licence was issued or re-issued. This register holds no confidential information and must be accessible to the public during normal office hours.</p>
<p>Licence durations extended to five years.</p>	<p>All dangerous goods safety licences are now of five years’ duration.</p>
<p>Licences may be transferred to another entity by licence amendment (subject to satisfying relevant safety and security requirements).</p> <p><i>Note: Applications to amend licences may only be made by the current licence holder.</i></p>	<p>Previously, a new licence application was required if the ownership of the company holding a licence changed. This change reduces unnecessary administration. However, if the change in ownership requires a change to the explosives management plan or SSAN security plan then the plan must be re-approved.</p>

**Table 2: Miscellaneous amendments to the Explosives Regulations - Refer to Schedule of fees and charges for fees**

<b>Amendment</b>	<b>Explanation</b>
<p>Fireworks event permit fees increased to more accurately reflect the administrative effort involved in the approval processes.</p>	<p>The fees for fireworks event permits have been simplified to three categories:</p> <ul style="list-style-type: none"> <li>Ground display</li> <li>Aerial display (≤3,000 shells)</li> <li>Aerial display (&gt;3,000 shells)</li> </ul> <p>The largest fee will only affect displays such as the City of Perth Skyworks.</p>
<p>There has been reduction of fee for explosives authorisations for explosives already authorised in another Australian jurisdiction.</p>	<p>The fee for authorisation of an explosive already authorised has decreased, while the fee for other authorisations has increased to reflect the Department’s costs in assessing applications.</p>

Amendment	Explanation
Requirements for special berth declarations for movement of explosives are transferred to Explosives Regulations.	The fee for approving special berth (explosives) declarations is the same as for special berth (non-explosives) declarations. <i>Note: Along with amendments to the Storage and Handling Regulations, this amendment allowed repeal of the Ports Regulations.</i>
Storage for explosives of hazard division 1.4 at a transport depot is allowed without an explosives storage licence for a holder of an explosives transport licence.	Transit storage of Class 1.4 explosives is allowed in suitably locked and located buildings, with some simple safety requirements specified by regulation 86A of the Explosives Regulations.
Adoption of the latest medical fitness requirements for shotfirer, explosives driver and fireworks operator licence applicants.	This brings the Explosives Regulations into line with the Transport Regulations. The latest medical standard is <i>Assessing fitness to drive for commercial and private vehicle drivers, 5th edition</i> , published in 2016 by Austroads Ltd.
Smoke generators are included in the list of explosives exempt from licensing requirements.	Smoke generators of classification code 1.4S or 1.4G are low hazard and non-security-sensitive explosives. Licensing is not required for their storage, transport, possession, supply and use. <i>Note: The exemption from licensing for storage and transport only applies for quantities less than 250 kg.</i>
Thermite igniters are included in the list of explosives exempt from licensing requirements.	Thermite igniters of classification code 1.4S or 1.4G are low hazard and non-security-sensitive explosives. Licensing is not required for their transport, possession, supply and use by persons engaged or employed to weld rails for railways, or an employee of such a person, while undertaking those duties.