



Dangerous Goods Safety information sheet

Meaning of 'controlled by the other person' for security purposes

Introduction

This document is for guidance only and the definitive statutory requirements are contained in the Dangerous Goods Safety (Explosives) Regulations 2007 (the Explosives Regulations) and Dangerous Goods Safety (Security Risk Substances) Regulations 2007 (the SRS Regulations).

Under the new dangerous goods safety legislation, many of the licences for activities involving explosives and security risk substances (SRS) require the possession of a valid dangerous goods security card.

However, people with access to explosives or SRS in the normal course of their work will not require a dangerous goods security card if it can be shown that they are 'in the presence of' or 'under the control of' a person who already holds a dangerous goods security card. The application form for a dangerous goods security card has guidance on who will require the card and circumstances where it is, or may not be, required.

Note: The application form is only available from participating Australia Post Offices. Ring 13 13 18 for participating offices. Guidance on the requirements for applying for a dangerous goods security card is available from the Resources Safety website.

Many of the regulations governing explosives and SRS use the term 'supervised' to determine whether or not a particular activity is permitted, and both the SRS and Explosives Regulations contain a regulation that defines 'supervised' and related terms in part as follows:

'For the purpose of these regulations, an individual is supervised by another person while he or she has access to an explosive or SRS if at the time he or she is in a place where any handling or removal of the explosive or SRS is controlled by the other person.' (SRS Regulation 5 and Explosives Regulation 10).

'Another person' in this context is a licence holder, a secure employee of a licence holder or a security cleared person, all of whom are required to have a dangerous goods security card.

For a person to be considered 'supervised', the following definition of 'controlled' applies.

Definition of 'controlled'

A place is controlled by the other person if:

- the issue of an explosives licence requires an *explosives management plan* to be developed, implemented and maintained (e.g. manufacturing, mobile processing units, storage, transport and fireworks contractors); or
- the issue of an SRS licence requires a *security plan* to be developed, implemented and maintained (i.e. for SRS manufacturing, storage, transport and fertilisers)

and the explosives management or security plan has been assessed as adequate by the Chief Dangerous Goods Officer (Chief Officer).

There may be some circumstances where the licence does not require an explosives management or security plan but the licence holder considers the existing security controls for the activity at the place sufficient to satisfy the regulatory requirement for controlled access. In this instance, the Chief Officer may consider a written submission from the licence holder demonstrating this.

Note: A 'place' is a clearly defined location with boundaries, and a site plan forms part of the explosives management plan and the security plan.

Examples of controlled places

- *Warehouse for storage* (intermittent usage, daylight only, no permanent staff) – perimeter fence (cyclone topped with barbed or razor wire), locked gates, only one access point, shed doors locked. When in use, staff at the entrance gate log all people and vehicles entering and leaving, and do random inspections or searches.
- *Large warehouse for storage and distribution* (daily usage 24/7, security staff 24/7) – perimeter fence (cyclone topped with barbed or razor wire, perimeter lighting), gatehouse with security staff, only one access point, CCTV covering whole site monitored from gatehouse, whole site floodlit for night operations. Security staff at entrance log all people and vehicles entering and leaving, and do random inspections or searches.
- *Manufacturing facility with limited storage* (daily distribution, normal working hours) – perimeter fence (cyclone topped with barbed or razor wire), locked gates when unoccupied, only one access point, all structure doors lockable, CCTV on key areas. When in use, staff at entrance gate log all people and vehicles entering and leaving, and do random inspections or searches.
- *Mine site with strictly controlled access and storing, processing or using explosives or SRS* – explosives material (e.g. detonators) kept in locked magazines, staff involved in blasting activities are supervised by shottirers. Blast management plan produced for every blast, explosives management plans in operation.
- *Loading or unloading of security-sealed freight containers containing an SRS* – person would be considered ‘supervised’ if the site has full perimeter security, including access and egress, and the supervising person (who is a secure employee) checks the security seals on all SRS freight containers immediately before they leave the site.

Examples of activities or circumstances where control is insufficient

- *Farm where ammonium nitrate fertiliser is used, normally stored in a shed* – while the farmer has a dangerous goods security card and the appropriate licence, the farmhands applying the fertiliser are often in (remote) paddocks without the farmer and out of sight. Product is also temporarily stored remotely for ease of application.
- *Driver of a road vehicle transporting explosives or SRS* – unless a full electronic monitoring system is used, the driver cannot effectively be controlled from the depot. Similarly, the product cannot be considered controlled unless it is conveyed in a security sealed mode.

Note: It is quite possible for the depot and delivery location to be controlled places but this does not translate beyond their gates.

- *Mine site where control cannot be maintained and employees have access to explosives or SRS* – unless continually monitored or secured, explosives in a shottirer's vehicle while he or she charges an underground face would be accessible to passing traffic.

Transitional provisions apply

Both the Explosives and SRS Regulations allow a 12-month grace period for people to lodge new licence applications, as well as a 12-month period, commencing from 1 March 2008, before a prosecution can be initiated for non-compliance with an explosives management or security plan.

Obtaining advice

It is important to ensure that explosives and SRS are both safe and secure. If you are uncertain whether or not the arrangements at your location constitute sufficient control to meet the regulatory requirements, contact Resources Safety for clarification and assessment.