



## Dangerous goods safety information sheet

### Requirements for the commercial transport of explosives

#### *Introduction*

The commercial transport of explosives is regulated under the provisions of the *Dangerous Goods Safety Act 2004* (the Act) and Dangerous Goods Safety (Explosives) Regulations 2007 (Explosives Regulations). This information sheet summarises the key explosives transport requirements.

Further information and guidance about the transport of explosives, including determination of risk categories, placarding of vehicles, stowage and emergency requirements, is provided in Resources Safety's guidance note on the transport of explosives by road and at mines, available from the dangerous goods publications section at [www.dmp.wa.gov.au/ResourcesSafety](http://www.dmp.wa.gov.au/ResourcesSafety)

#### *Licensing*

In general, an explosives transport licence is required for the transport of explosives. Only unrestricted fireworks (e.g. party poppers, Christmas crackers) and exempt explosives (e.g. sparklers with a classification code of 1.4G or 1.4S, cartridges for power tools, ammunition) do not require a licence for transport. Schedules 3 and 7 of the Explosives Regulations define which explosives are unrestricted or may be transported without a licence.

Limited quantities of explosives may be transported by individuals holding a "user" licence (e.g. shotfiring licence, fireworks operator licence) for their own purposes. Such user licences are not applicable to a body corporate.

#### *Duties of the prime contractor*

For the purposes of the Explosives Regulations, a person or company is a prime contractor if they conduct a business for or involving the transport of explosives by road, or if they undertake responsibility for the transport of explosives by road. This means a person or company that normally does not deal in the transport of explosives will be considered a prime contractor should they transport any explosives (except unrestricted fireworks) by road.

In all cases, except for unrestricted fireworks, the prime contractor is required to comply with the requirements of the third edition of the *Australian Explosives Code* (AEC3), available from Safe Work Australia at [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

The AEC3 defines the risk categories for explosives and details the requirements for the marking (placarding) of vehicles, the design of vehicles and carry boxes, segregation requirements and other specifications related to the transport of explosives.

#### *Transport requirements*

The transport requirements for explosives are dependent on *both* the classification code of the explosive *and* the type of explosive being transported. This is especially true for 1.4S explosives, which are often transported incorrectly.

For example, Christmas crackers, detonators and fireworks may all have a classification code of 1.4S, but each of these explosives has different transport requirements. Christmas crackers are unrestricted fireworks and therefore do not require a licence for transport. Blasting detonators and fireworks *do* require a licence for transport, and the security of the explosives must be ensured. Furthermore, the quantity of explosives that can be transported under the different risk categories varies. As Christmas crackers are unrestricted, an unlimited quantity may be transported, while detonators and fireworks are subject to the risk category limits defined in the AEC3. The Risk Category 1 quantity limit for 1.4S

fireworks is 250 kg, and for 1.4S detonators it is 125 items. Prime contractors need to be aware of the risk category quantity limits and the associated transport requirements for explosives.

### *Potential consequences of non-compliance*

It should be noted that failure to comply with the *Dangerous Goods Safety Act 2004* and associated regulations may result in penalties, prosecution or both. Table 1 lists some key provisions of the Act and Explosives Regulations and the associated penalties for non-compliance.

Table 2 summarises the requirements for the transport of explosives by road. Figure 1 is a decision flowchart to assist with determining these requirements.

Table 1 Penalties under provisions of the dangerous goods safety legislation

| Section or regulation | Legislation   | Offence  | Penalty   |
|-----------------------|---|--|---|
| s. 11                 | <i>Dangerous Goods Safety Act 2004</i>                      | Unlicensed person involved with dangerous goods                                      | <ul style="list-style-type: none"> <li>• \$250,000 for a body corporate</li> <li>• \$50,000 for an individual or imprisonment for 2 years, or both</li> </ul> |
| s. 12                 | <i>Dangerous Goods Safety Act 2004</i>                      | Unlicensed possession of dangerous goods   | <ul style="list-style-type: none"> <li>• \$250,000 for a body corporate</li> <li>• \$50,000 for an individual or imprisonment for 2 years, or both</li> </ul> |
| s. 15                 | <i>Dangerous Goods Safety Act 2004</i>                      | Unlicensed driver of vehicle transporting dangerous goods                            | <ul style="list-style-type: none"> <li>• \$250,000 for a body corporate</li> <li>• \$50,000 for an individual or imprisonment for 2 years, or both</li> </ul> |
| r. 104                | <i>Dangerous Goods Safety (Explosives) Regulations 2007</i> | Contravention of AEC3, Chapter 8 (transport requirements)                            | <ul style="list-style-type: none"> <li>• \$50,000 for a body corporate</li> <li>• \$10,000 for an individual and imprisonment for 10 months</li> </ul>        |
| r. 106                | <i>Dangerous Goods Safety (Explosives) Regulations 2007</i> | Contravention of AEC3 Chapter 3 (marking of vehicles) and Chapter 6 (vehicle design) | <ul style="list-style-type: none"> <li>• \$50,000 for a body corporate</li> <li>• \$10,000 for an individual and imprisonment for 10 months</li> </ul>        |

Table 2 Summary of licensing requirements for the commercial transport of explosives

| Explosives to transport             | Considered a prime contractor <sup>1</sup> ? | Explosives transport licence required? | Explosives driver licence required? | Compliance with AEC3 required? |
|-------------------------------------|--|--|-------------------------------------|--------------------------------|
| Unrestricted fireworks <sup>2</sup> | No   | No                                     | No                                  | No                             |
| Exempt explosives <sup>3</sup>      | Yes  | No                                     | No                                  | Yes                            |
| Risk category 1                     | Yes  | Yes <sup>4,5</sup>                     | Yes <sup>4,5,6</sup>                | Yes                            |
| Risk category 2                     | Yes  | Yes <sup>4,5</sup>                     | Yes <sup>4,5</sup>                  | Yes                            |
| Risk category 3                     | Yes  | Yes <sup>4</sup>                       | Yes <sup>4</sup>                    | Yes                            |

Notes:

1. Considered a prime contractor for the purposes of the *Explosives Regulations*
2. Unrestricted fireworks as per Schedule 3 of the *Explosives Regulations*
3. Exempt explosives as per Schedule 7 of the *Explosives Regulations*
4. A valid and corresponding interstate licence for the transport of explosives by road is considered equivalent to a Western Australia explosives licence for the purposes of this table
5. This licensing requirement is fulfilled if an individual holds a valid "user" licence and transports limited quantities of explosives as authorised under the provisions of the *Explosives Regulations*
6. A Western Australia explosives drivers licence is not required if the person is transporting a Category 1 load of explosives and the driver either:
  - holds an explosives transport licence, or
  - is a secure employee of a person/company that holds an explosives transport licence, and transports the explosives in the course of their duties.

Figure 1 Decision flowchart for the commercial transport of explosives by road

