



Application for an explosives manufacture (mobile processing unit) licence

Applying for, adding to or
amending an explosives
manufacture (MPU) licence



Applying for a licence

Resources Safety wants to ensure that people manufacturing explosives with the aid of mobile processing units (MPU) do so without creating risks to the community. Stringent criteria apply to where and how explosives pre-cursor materials may be transported and all transport must be undertaken by a licensed prime contractor. The regulations apply to the operation of explosives manufacture MPUs on roads that may be used by the public or on mine sites.

This application seeks information on a number of important matters relating to the operation of your MPU fleet. It is essential that the person completing this application has the knowledge and ability to determine the specific requirements from the:

- WA *Dangerous Goods Safety Act 2004* and regulations;
- Australian Dangerous Goods Code, 7th edition;
- Australian Explosives Code, 2nd edition;
- Australian Explosives Industry Safety Group - Code of Practice for MPU's version 1.2, February 2005; and
- Australian Standard AS2187.2.

The Explosives Manufacture (MPU) Licence is an umbrella licence issued for 3 years that replaces the need for licensing of individual explosives mixing vehicles and explosives driver licences for persons driving/operating such vehicles. There is no limit on the number of MPUs that may be included under this new licence type and each vehicle must be a complying MPU. The past practice of issuing licence labels for explosives mixing vehicles has been discontinued.

A road vehicle that is covered under an Explosives Manufacture (MPU) Licence is not required to be separately licensed to transport dangerous goods under the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007.

Who needs to hold this licence?

A **prime contractor** who transports a constituent of a bulk AN-based explosive in an MPU on a road, or a mine, must hold an Explosives Manufacture (MPU) Licence.

A person is a prime contractor for the transport of constituent of an explosive, by road if the person, in conducting a business for or involving the transport of constituents by road, **undertakes to be responsible, or is responsible**, for such transport.

General requirements

Licences can only be issued to individuals, body corporates or partnerships that can demonstrate a genuine need to hold one. Their personal details will be included on the licence.

Where the application is from an individual, a licence will only be issued if certain eligibility requirements are met and the Chief Officer is satisfied the applicant:

- is 18 years of age or over;

- holds a current WA Dangerous Goods Security Card;
- can demonstrate the conduct of a business that involves the operation of explosives mixing vehicles;
- has developed and can apply an Explosives Management Plan (EMP), including a security plan;
- has submitted evidence of a current public liability insurance policy to a minimum of \$5 million dollars.

Where the applicant is a body corporate or partnership the application must include, in addition to documentation detailed above, the following;

- evidence of one individual who is concerned in the management of, or employed by the body or partnership, holds a current WA Dangerous Goods Security Card or mutually recognised security clearance, and is responsible for the safety and security of the explosives covered by the licence;
- evidence of the existence of the body corporate (if applicable)
- evidence of the existence of a partnership (if applicable) including statutory declarations from all partners.

All individuals named in an application will be required to answer a number of questions relating to their integrity, and their personal details will be displayed on the licence.

Mobile processing units

An MPU must not be used to transport constituents of, or to manufacture an explosive unless it is a complying MPU. An MPU complies if -

- it is designed, constructed, marked and placarded in accordance with the requirements of an approved code of practice, or alternative safety measures, for MPUs. It is recommended that the AEISG - code of practice for MPUs be followed; and
- it carries a copy of the Material Safety Data Sheets -
- for each substance transported by the MPU that is a constituent of an explosive; and
- for any explosive that can be manufactured from those constituents.

The transport of an explosive in an MPU on a road is not permitted.

Drivers and operators

A person who drives/operates an MPU transporting constituents of bulk AN-based explosives on a road must hold a security clearance and be authorised as a secure employee of the person who holds the Explosives Manufacture (MPU) Licence. The driver must also hold a Dangerous Goods Driver Licence issued under the Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007. *(please refer to the Driver Licence application form for further information)*

Supervised and unsupervised access - what does this mean?

For the purposes of the regulations an individual is *supervised* by another person while he or she has access to an explosive at the time he or she:

- is in the presence of other person; or
- is in a place where any handling or removal of the explosive is controlled by the other person.

A licence holder may authorise an employee to have access to the explosives in the licence holder's possession. If the access is supervised or in a controlled environment there is no specific need for the employee to have a security clearance.

If access to the explosives is to be *unsupervised* the employee must possess a security clearance and be authorised by the licence holder as a secure employee.

Secure employees

Holders of explosives licences may authorise their employees to have unsupervised access to explosives in the course of their duties providing:

- the employee has a security clearance; and
- the licence holder is satisfied the employee is suitably trained to safely handle any explosive that the employee will have unsupervised access to.

Persons so authorised are deemed to be 'secure employees' and the employer is required to maintain written records of all secure employees including when authorisations were granted or cancelled.

Persons who are not secure employees are not permitted to have unsupervised access to explosives.

Supply of explosives

The holder of an Explosives Manufacture (MPU) Licence is authorised without holding an Explosives Supply Licence to supply an explosive to another person if -

- the explosive is manufactured under the licence using constituents from an MPU;
- the explosive is supplied in the course of the holder providing a service to the other person; and
- the holder does not give control or management of the explosive to any person other than the holder of a Shotfiring Licence.

Manufacture of explosives

A person is authorised, without holding an Explosives Manufacture Licence, to manufacture an authorised bulk AN-based explosive if the person -

- holds a Explosives Manufacture (MPU) Licence; or
- is a secure employee of the holder of such a licence and manufactures the explosive in the course of his or her duties; or
- manufactures the explosive while being supervised by the holder of an Explosives Manufacture (MPU) Licence;

and manufactures the explosive using only constituents from a complying MPU.

Reference material

Further information can be found at:

- *Dangerous Goods Safety Act 2004*
- Dangerous Goods Safety (Explosives) Regulations 2007
- Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007
- Dangerous Goods Safety (Security Risk Substances) Regulations 2007
- Mine Safety Inspection Regulations 1995

(download of the Act and regulations are available free on the State Law Publisher's website at www.slp.wa.gov.au)

- Australian Dangerous Goods Code 7th edition
- Australian Explosives Code 2nd edition
(available from www.canprint.com.au or Can Print, Tel: 1300 889 873)
- Schedule of fees and charges for dangerous goods licences
- Application for a driver licence, DDB REV 2
- Guide for an explosives management plan (includes template)

(available from www.dmp.wa.gov.au/ResourcesSafety)

- Code of practice - mobile processing units, version 1.2, February 2005, Australian Explosives Industry and Safety Group

(downloads available from www.dme.qld.gov.au/mines/contacts)

- Australian Standard AS2187.2 - 2006, Explosives - storage and use - Use of explosives

(copies of Australian Standards available from SAI Global, 165 Adelaide Terrace, East Perth, WA 6004. Tel; 13 12 42 or www.saiglobal.com/shop)

Applicant details

Licences can only be granted to an individual, a body corporate or a partnership. An application from a body corporate must be in the name as described on the certificate of incorporation, and a copy of the certificate is to be provided with the application.

The following are also recognised as corporate bodies:

- Federal or State Government Departments
- Local Government authorities (Cities, Towns, Shires)
- Some semi-government organisations (e.g. Water Corporation, Western Power)

Where an unincorporated body owns/operates/leases or undertakes an activity (and does not wish, or is not eligible, to become incorporated (i.e. small businesses, associations, etc.) an eligible individual person must be nominated to be the applicant.

An application from a partnership must include:

- a certified copy of evidence of the partnership; and
- a statutory declaration from **each** partner stating:
 - the name of the partnership

- the name, home address and contact details of all partners; and
- business in which the partnership is engaged.

The licence will be granted in the name of the partnership.

Applications may be received in respect to premises that are operating under a trust. The licence cannot be granted to a trust, but can be granted to, as an example, *'The trustees of the ABC Trust'*. Applications from trusts must include:

- a certified copy of a document which states the name of trust; and
- the name, home address and contact details of **at least one of the trustees**.

Licences cannot be granted to business names or trading names.

Please ensure that a contact number is provided in case the Departmental assessor needs to clarify matter or seek additional information. A residential business is mandatory and may be supplemented with a post office address.

Security clearances

Access to explosives and security risk substances (SRS), such as most formulations of ammonium nitrate with more than 45% ammonium nitrate content, is now strictly controlled in Western Australia. The Dangerous Goods Safety (Explosives) Regulations 2007 are rigorous across all aspects of explosives use, storage, handling and transport and incorporate the security provisions negotiated under the Council of Australian Governments (COAG) agreement of 25 June 2004 on counter-terrorism measures.

It is now a requirement that explosives related licence holders and people with unsupervised access to explosives or SRS possess a security clearance (and where necessary be a secure employee of their employer). Key features of the assessment process are identity checks to confirm the status of applicants as well as national criminal history record checks including an ASIO clearance.

As a means of proof of a valid security clearance, individuals will be issued with a photographic security card valid for 5 years, and it will be subject to renewal. The security card will allow portability of the security clearance between employers.

Individuals who wish to apply for an Explosives Manufacture (MPU) Licence or are named in the application, must first obtain a WA Dangerous Goods Security Card. Details are available on the Resources Safety website and application forms can be obtained from and lodged at participating Post Offices around Western Australia.

An Explosives Manufacture (MPU) Licence is only valid while the security clearance of the individual or authorised person named in the licence, remains current.

Mutually recognised security clearances

Western Australian explosives regulations have mutually recognised various current explosives and Security Sensitive Ammonium Nitrate (SSAN) licences/permits issued by another State/Territory of Australia as being valid security clearances in this State. This does not apply for permanent residents of WA with more than 3 months residency. These are detailed in the following table:

State/Territory	Legislation
New South Wales	Explosives Regulations 2005
Queensland	Explosives Act 1999
South Australia	Explosives (Security Sensitive Substances) Regulations 2006
Tasmania	Security Sensitive Dangerous Substances Act 2005
Victoria	Dangerous Goods (Explosives) Regulations 2000 Dangerous Goods (HCDG) Regulations 2005
Northern Territory	None applicable
Australian Capital Territory	None applicable

Applicants from interstate, who do not possess a mutually recognised security clearance will be required to obtain a WA Dangerous Goods Security Card in order for this application for licence to proceed.

Integrity information

The regulations require that all individuals who apply for any type of explosives licence must disclose to the Chief Officer:

- details of any relevant offence of which the person has been convicted; and
- details of any charge of a relevant offence against the person that is pending.

The term 'relevant offence' means any of the following:

- an offence against the *Dangerous Goods Safety Act 2004* and regulations;

- an offence against a law of another place that substantially corresponds to the *Dangerous Goods Safety Act 2004* and regulations; or
- an offence against a law of this State or another place, an element of which is the handling, storage or transport of explosives.

Two questions on this matter are contained in the application form and answers in the affirmative to either question must be supported by a separate sheet briefly describing details of the offence and/or charge including places, dates and penalties.

Explosives management plans

The regulations require a risk management approach be taken by persons involved in the manufacture and transport of ammonium nitrate - based bulk explosives by mobile processing units. To enable the Chief Officer to consider an applicant's preparedness and ability to manage transport and manufacture in a safe and secure manner an EMP must be prepared and submitted with the application.

A guide (including template) for an EMP is available from the Resources Safety website. If completed in sufficient detail it may be considered acceptable as an EMP. The EMP must address a number of matters which are detailed in the regulations, including:

- emergency management plans;

- incidents involving dangerous goods - preparedness and response;
- training of people to comply with the regulations and the EMP;
- monitoring of compliance with the EMP;
- review of the EMP to ensure its effectiveness;
- assessment of risks in relation to safety of people, property and the environment; and
- assessment of the risks of sabotage, theft, or unexplained loss of or access by unauthorised persons to any explosives, SRS or dangerous goods possessed under the licence.

Transitional provisions

The holder of an explosives vehicle (MPU) licence(s) issued under the repealed Dangerous Goods (Transport) (Explosives by Road and Rail) Regulations 1999 that was current at the commencement date (1 March 2008) of the Dangerous Goods Safety (Explosives) Regulations 207 is taken to hold an Explosives Manufacture (MPU) Licence until such time as the earliest licence expires.

A licence can be renewed without the need for a security clearance of any individual named in the licence, or an EMP, however if both are not lodged with Resources Safety before 1 March 2009, the Explosives Manufacture (MPU) Licence will cease to have effect.

Application form

Complete the application section, including the checklist and attach all the required information. **Lodgement of an incomplete application may increase the time it takes to issue you with a licence and deficient applications may be returned to the applicant.**

NOTE: Please refer to the schedule of fees on the Resources Safety website for the current fee applicable to this licence application.

Contact details

Tel: (08) 9358 8001
 Fax: (08) 9358 8000
 Email: rsdclientservices@dmp.wa.gov.au
 Website: www.dmp.wa.gov.au/ResourcesSafety for fees, forms, FAQs, guidance material and publications.



Government of **Western Australia**
Department of **Mines and Petroleum**
Resources Safety

Application for an explosives manufacturing (mobile processing unit) licence

Dangerous Goods Safety Act 2004
Dangerous Goods Safety (Explosives) Regulations 2007

ABN: 69 410 335 356

Application no. *(office use only)*

EMU



1. What are you applying for? (please tick one)

New licence Additions or amendments

Please indicate the licence number

EMU

2. Applicant details

Please tick one of the following boxes and complete the relevant sections below:

Body corporate Partnership Individual Trust

Body corporate (name as shown on certificate of incorporation)

ACN

- Individuals
- Partnerships (names of all partners)
- Trusts (name of at least one trustee)

Family name	Given names

(if insufficient space please attach a separate sheet)

An application from a partnership must include:

- a certified copy of evidence of the partnership; and
- a statutory declaration from each partner stating:
 - the name of the partnership
 - the name, home address and contact details of all partners; and
 - the business in which the partnership is engaged

An application from a trust must include a certified copy of a document which states the name of the trust

Name of the registered business or firm, partnership or trust

Contact details (all applicants)

Phone Facsimile

Mobile Email

ABN

Business street address (mandatory)

Unit no. Street no. Lot no. Street

Town/suburb State Postcode

Postal address (complete if different from above)

Unit no. Street no. Lot no. Street

PO box no. Town/suburb State Postcode

3. Authorised person (mandatory if applicant is body corporate or partnership)

Applicant must nominate a person who is responsible for the safety and security of the explosives to be covered by the licence.

Position held

Family name	Given names	Date of birth
<input type="text"/>	<input type="text"/>	<input type="text"/>

Motor driver's licence no.

Expiry date / / State where issued

Street address

Unit no. Street no. Lot no. Street

Town/suburb State Postcode

Phone Facsimile

Email Mobile

4. Integrity information

The following questions must be answered by:

- the applicant if an individual; or
- the authorised person nominated at part 3 above

Family name	Given names
<input type="text"/>	<input type="text"/>

Have you been convicted of any relevant offence? Yes No

Do you have a charge of a relevant offence pending against you? Yes No

If you answered 'yes' to either of the above questions please attach a separate sheet with details of your full name, date of birth, description of offence and/or charge, places, dates, penalties etc.

5. Security clearance details

Completion of this section is mandatory for either an individual applicant or the person named in part 3.

WA Dangerous Goods Security Card number Expiry date / /

Or

Name of mutually recognised security clearance from another State/Territory of Australia

Licence / permit description

Licence/permit number

Expiry date / / State where issued

A certified copy of the licence/permit must be attached to the application.

6. Insurance

Have you obtained public liability insurance in accordance with Chapter 8 of the Australian Explosives Code 2nd Edition?

Yes No

7. Applicant's declaration (must be signed by intended licensee)

I certify that the above details contained in this application are true and correct.

Name Position

Signature of applicant Date / /

8. Checklist (please tick the boxes to ensure your submission is complete)

- Completed and signed application form
- A certified copy of certificate of incorporation (if applicable)
- If a partnership, the following:
 - a certified copy of evidence of the partnership
 - a statutory declaration from **each** partner stating (the name of the partnership; the name, home address and contact details of all partners; the business in which the partnership is engaged)
- If a trust, a certified copy of a document which states the name of the trust.
- A legible copy of both sides of a current motor driver's licence issued anywhere in Australia (for any individual named in the application)
- If applicable, a separate sheet briefly describing details of any offences resulting in conviction, and/or charges pending (as per part 4)
- A certified copy of an interstate mutually recognised security clearance (if applicable as per part 5)
- A copy of an explosives management plan (if applicable)
- Payment of the licence fee

Incomplete applications cannot be processed and will be returned.

Licences cannot be issued over the counter. The processing time for compliant applications that do not need complex internal assessment is 20 business days.

9. Payment details

Please forward your application and remittance by mail to:

Resources Safety — Department of Mines and Petroleum
100 Plain Street, EAST PERTH WA 6004

Application no. *(office use only)*

EMU

Cheques and money orders should be made payable to: Department of Mines and Petroleum

Explosives manufacture (MPU) licence

Complete this section if paying by credit card

Card number

Expiry date /

Card type *(please tick)* Mastercard Visa

Cardholder's name

Amount

Signature

Phone number of card holder

Date signed / /