



Application for an explosives manufacture licence

Applying for or
amending an explosives
manufacture licence



Applying for a licence

Resources Safety wants to ensure that people manufacturing explosives do so without creating risks to the community. Stringent criteria apply to where and how explosives may be manufactured and such activity must be taken under by a licensed operator. Regulations apply to the operation of explosives manufacture at fixed plant and any storage of manufactured product, ingredients and associated materials within the plant site.

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

- *Dangerous Goods Safety Act 2004* and regulations;
- Australian Dangerous Goods Code, 7th edition;
- Australian Explosives Code, 2nd edition; and
- Australian Standard AS 2187.2:2006.

Improved security clearance measures are now in regulations that will impact on all individuals who have supervised or unsupervised access to explosives.

Manufacture of explosives at a State explosives facility (SEF) (i.e. explosives reserve) will also attract the payment of leasing fees and other charges.

This application form is not to be used for the manufacture of ammonium nitrate emulsions, suspensions or gels. Please refer to an application form for a Security Risk Substances (SRS) Manufacture Licence.

Who needs to hold this licence?

The Chief Officer may authorise explosives as being fit for purpose providing the explosives meet stringent test and other criteria as detailed in the regulations. Authorised explosives may be imported from overseas or manufactured in this State.

Any person who intends to manufacture an authorised explosive in Western Australia must hold an Explosives Manufacture Licence that approves manufacture of the particular product at a specific site. (There are some exceptions which are detailed in the next section)

The manufacture of non-authorised explosives is permitted only by and in accordance with a Test Permit issued by the Chief Officer. Please refer to the application form for a Test Permit on the Resource Safety website.

Situations where an Explosives Manufacture Licence is not required

There are a number of situations where the manufacture of explosives may be undertaken without the need for obtaining an Explosives Manufacture Licence.

- Shotfiring
- a licensed shotfirer can manufacture ANFO (other than with powered equipment); or

- a secured employee of a licensed shotfirer can manufacture ANFO:
 - in the course of his or her duties; or
 - while being supervised by a licensed shotfirer.
- Explosives manufacture - mobile processing units. A person can manufacture bulk AN-based explosives, using only the constituents from a complying mobile processing unit, if he or she:
 - holds an Explosives Manufacture (MPU) Licence; or
 - is a secured employee of the holder of such a licence and manufactures the explosives in the course of his or her duties; or
 - manufactures the explosives when supervised by the licence holder.
- Theatrical fireworks
A person can manufacture a firework for use in connection with theatrical entertainment if he or she:
 - holds a Fireworks Contractor Licence, a Fireworks Operator Licence, or a Pyrotechnics (Special Use) Licence, that authorises the manufacture; and
 - in manufacturing the fireworks uses only constituents that are designed to be used in the manufacture of fireworks for theatrical entertainment and are commercially available; and
 - uses the constituents in accordance with the instructions of their manufacturer.
- Ammunition for private use
A person may manufacture ammunition by filling cartridge cases with ammunition propellant if he or she is authorised under the *Firearms Act 1973* to possess ammunition and the propellant is a constituent of that ammunition.
A person may possess black powder if he or she holds a licence under the *Firearms Act 1973* that authorises the person to possess a firearm that uses black powder.

Manufacturing plants and their location

Explosives manufacturing facilities may be located at:

- State explosives facilities (i.e. explosives reserves) – covered in more detail at page 5 of this application
- minesites
- other places where ANFO may be manufactured using powered equipment.

Major hazards facilities

Special provisions apply in respect to a dangerous goods site that, under the Dangerous Goods Safety (Major Hazards Facilities) Regulations 2007, is an MHF. For such premises, the Chief Officer may refuse to decide an application for an Explosives Manufacture Licence until such time as a safety report for the site is approved.

Where an MHF status is applied, the standard licence fees for an Explosives Manufacture Licence are replaced with a range of MHF fees that must be paid in quarterly instalments. Specific details on MHF fees are described in a schedule on the Resources Safety website.

Obligations of licence holders

Licence holders have an obligation to:

- comply with the provisions and any conditions of the licence
- comply with the Act and regulations as they relate to the manufacture of explosives
- comply with the explosives management plan submitted with the application
- ensure all constituents of the explosives are stored separately and clearly marked with the name of the constituent
- keep and maintain proper records of all explosives manufactured, used and supplied
- keep a copy of the MSDS for the explosive is kept at the place of manufacture and easily accessible to:
 - any person handling the explosive
 - any person treating an injury suffered when handling the explosive
- not undertake any proposed developments within the site without the prior written approval of the Chief Officer
- inform the Chief Officer of any accidents or incidents that occur within the site.

General requirements

The Explosives Manufacture Licence is issued for 3 years.

Licences can only be issued to individuals, body corporataes or partnerships that can demonstrate a genuine need to hold one. 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
- holds a current WA Danger
- can demonstrate the conduct of a business that involves the manufacture of explosives;
- has developed and can apply an Explosives Management Plan (EMP), including a securit
- 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 and elsewhere, the following:

- evidence of one individual who is concerned in the management of, or employed by the body or partnership, who 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.

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.

Manufacturing plants and their location

The manufacture of explosives must be undertaken at a fixed plant and with access to associated explosives magazines. These licences are site specific and only allow manufacture of the explosives products describe on the licence. The licence may allow for minimal storage of product within the plant perimeter, with all excess product stored in complying explosives magazines located away from the plant. All magazine storage at a particular location must be covered an Explosives Storage Licence.

Any company with several manufacturing sites will require a seperate licence for each.

Supervised and unsupervised access - what does this mean?

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

- is in the presence of the other person; or
- is in place where any handling or removal or 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. Such matters would need to be detailed in the EMP.

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.

Authorised persons 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. All persons entering a SEF who are employees of the holders of any of the following licences, must be secure employees:

- an Explosives Manufacture Licence
- an Explosives Storage Licence
- an SRS Manufacture Licence
- an SRS Storage Licence

Supply of explosives

The holder of an Explosives Manufacture Licence is not authorised, without holding an Explosives Supply Licence, to supply / sell explosives unless-

- the explosive is supplied in the course of the holder providing a service to another person; and
- the holder does not give control or management of the explosive to any person other than the holder of a Shotfiring Licence.

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
- Mines Safety and Inspection Regulations 1995

(download copies of the Act and regulations 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 CanPrint, Phone: 1300 889 873)
- Schedule of fees and charges for dangerous goods licences
- Application for a Driver Licence, DDB REV 2
- Application for an Explosives Storage Licence, ETS REV 2
- Application for an Explosives Supply Licence, ESL REV 2
- Application for an SRS Manufacture Licence, SMA REV 2
- Application for a Test Permit, ETP REV 2
- Guide for an explosives management plan (includes template)
(available from www.dmp.wa.gov.au/ResourcesSafety)
- Australian Standard AS 2187.2:2006, Explosives – Storage and use – Use of explosives
(copies of Australian Standards available from SAI Global. Phone 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 premises or a site, 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 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 WA Dangerous Goods 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 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 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 (EMP)

The regulations require a risk management approach be taken by persons involved in the manufacture of explosives. To enable the Chief Officer to consider an applicant's preparedness and ability to manage the manufacture in a safe and secure manner an Explosives Management Plan (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 details it may be considered acceptable as an EMP. The EMP must address a number of matters which are detailed in the regulations, including:

- a detailed site plan of the place drawn to scale;
- 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 the sabotage, theft or unexplained loss of or access by unauthorised persons to any explosives possessed under the licence.

Manufacture of explosives at a State explosives facility

The manufacture of explosives at a SEF such as the Baldivis and Kalgoorlie Explosives Reserves is subject to availability of sites and written approval from the Chief Officer. Before any manufacture can take place a number of important steps must be attended to including:

- submitting a written require to the Chief Officer to lease land within the particular SEF upon which to establish -
- an explosives manufacturing facility (associated buildings, plant and precursor storage); and
- suitable complying explosives magazines
- details of the proposed plant and operations
- details of all explosives magazine storage
- preparation of lease documentation (including stamp duty to register lease)
- payment of fees (licence fees, leasing fees, tonnage fees)
- submit application forms for -
 - Explosives Manufacture Licence
 - Explosives Supply Licence
 - Explosives Storage Licence

Special details of fees and charges are described in a schedule on the Resources Safety website.

Test permits

Any person who manufactures an explosive that is **not authorised** must hold a test permit for that manufacture issued by the Chief Officer.

Application forms are available from the Resources Safety website.

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 manufacture licence

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

ABN: 69 410 335 356

Application no. *(office use only)*

EME



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

New licence Amendment Please indicate the licence number
 Renewal of licence Briefly describe reason for amendment application (e.g. product manufactured, ingredients stored, etc)

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.

Signature Date / /

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

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. Location of manufacturing plant

Property trading name (if applicable)

Address

Unit no. Street no. Lot no. Street

Town/suburb Postcode

Site phone Site fax

Site email

Additional location information (if there is no valid street address)

Global Positioning System (GPS) coordinates (if available)

Geographic (GDA94): Latitude Longitude **AND /OR**

Projected (MGA94): Easting Northing Zone

Land title information (as appropriate to site being endorsed)

Certificate of title (CT) number

Minesite tenement number (if applicable)

Is the site a potential Major Hazards Facility? Yes No

Does this site handle, store or process more than 1000 litres of hazardous wastes that are dangerous goods? Yes No

7. Explosives manufacture details

Please list the ingredients / precursors used in the manufacturing process and maximum quantity to be held for each within the site compound.

Ingredients / precursors	Maximum quantity (kL / tonnes)

(if insufficient space, please add a separate sheet)

Description of explosive(s) being manufactured	Maximum quantity explosives held on site at any time (t.)

8. Explosives management plan (EMP)

If an EMP does not accompany this application form, the assessment process by Resources Safety may be stalled.

Is an EMP attached?

Yes No

If 'no', please provide brief details of the reason.

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

I certify that the above details are true and correct.

Name

Position

Signature of applicant

Date / /

