



Application for an explosives transport licence

Applying for or
amending an explosives
transport licence



Applying for a licence

Resources Safety wants to ensure that people transporting explosives do so without creating risks to the community. Stringent criteria apply to where and how explosives may be transported and all transport must be undertaken by a licensed operator. The regulations apply to road, rail or water transport.

This application seeks information on a number of important matters relating to how your explosives are transported. It is essential that the person completing this application has the knowledge and ability to determine the specific requirements from the Dangerous Goods regulations, the Australian Dangerous Goods Code, 7th edition and the Australian Explosives Code, 2nd edition.

The Explosives Transport Licence is an umbrella licence issued for 3 years that replaces the need for licensing of individual vehicles used in the transport of explosives. There is no limit on the number of vehicles that may be included under this new licence type and the regulations do not require specific details of individual vehicles. The practice of issuing explosives vehicle licence labels has been discontinued.

This licence type also allows co-transport of security sensitive ammonium nitrate in the same load only if the ammonium nitrate is treated as explosives of hazard division 1.1 of half its mass.

Who needs a licence?

A **prime contractor** who transports an authorised explosive by road, rail or water must hold an Explosives Transport Licence, unless

- the products involved are exempt under Schedule 7 of the Dangerous Goods Safety (Explosives) Regulations 2007 (e.g. sparklers; cartridges for safety devices or nail guns; emergency devices; ammunition; or
- the prime contractor holds another type of explosives licence (see below); or
- the prime contractor holds an equivalent licence to transport explosives issued in another State or Territory of Australia.

Who is a prime contractor?

A person is a prime contractor -

- (a) for the transport of an explosive, by road if the person, in conducting a business for or involving the transport of explosives by road, undertakes to be responsible, or is responsible, for such transport.
- (b) for the transport of an explosive by rail if the person undertakes to be responsible, or is responsible, for -
 - i the transport of the explosive by rail; or
 - ii the condition of a rail wagon transporting the explosive by rail.
- (c) for the transport of an explosive by water if the person, in conducting a business for or involving the transport of explosives by water, undertakes to be responsible, or is responsible, for such transport.

Examples of prime contractor situations

Example 1

Company A manufactures explosives and transports the product on its own vehicles to Company C (the consignee). As Company A has responsibility for the explosives it is

both the consignor and prime contractor, and must hold an Explosives Transport Licence.

Example 2

Company S (the consignor) manufactures explosives and contracts with Company W to transport the explosives to Company Z (the consignee). In this situation Company W is the prime contractor and must hold an Explosives Transport Licence.

Example 3

Company S (the consignor) manufactures explosives and contracts with Company W to transport the explosives to Company Z (the consignee). In this situation Company W is the prime contractor and must hold an Explosives Transport Licence. However, Company W engages Subcontractor SC to perform some or all of the transport work. In accordance with the definition above:

- Company W is the prime contractor and must hold an explosives Transport Licence (including an EMP)
- Subcontractor SC can also become a prime contractor (and must hold an EMP) if responsibility for the transport of the explosives is transferred as part of the contractual arrangements between the two companies.

Situations where an Explosives Transport Licence is not required

The following situations apply to the transport of explosives or fireworks that does not require a person to hold an Explosives Transport Licence.

- if the person already holds a Shotfiring Licence and:
 - is authorised to possess the explosives under the licence;
 - the explosives are for use by the holder; and
 - not more than a Category 2 load is transported.
 - if the person holds a Pyrotechnics (Special Use) Licence and:
 - is authorised to possess the explosives under the licence;
 - the explosive are for use by the holder; and
 - not more than a Category 2 load is transported.
 - if the person holds a Fireworks Contractor Licence and:
 - the person is authorised to possess the firework under the licence;
 - the firework is for use by the holder or an employee, and
 - not more than a Category 2 load is transported.
 - if the person holds a Fireworks Operator Licence and:
 - the person is authorised to possess the firework under the licence;
 - the firework is for use by the holder or an employee of the holder acting in the course of his or her duties as an employee; and
 - not more than a Category 2 load is transported.
- or;
- the holder is an employee of the holder of a Fireworks Contractor Licence;
 - the fireworks contractor is authorised to possess the fireworks under the Fireworks Contractor Licence;
 - the firework is for use by the fireworks contractor or an employee of the fireworks contractor acting in the course of his or her duties as an employee; and
 - not more than a Category 2 load is transported.

For information on Category 2 loads refer to the table in the application form for a driver licence (DDB REV2) which is available on the Resources Safety website.

General requirements

Licences can only be issued to individuals, body corporates 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 over;
- holds a current WA Dangerous Goods Security Card;
- can demonstrate the conduct of a business that involves the transport of explosives;
- has developed and can apply an Explosives Management Plan, including a security plan;
- has submitted evidence of a current public 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.

Drivers and vehicles

A person who drives a road vehicle transporting explosives must hold an Explosives Driver Licence and may only drive for the holder of an Explosives Transport Licence. (*please refer to the Explosives Driver Licence application for further information*). All drivers are required to hold a security clearance and be authorised as secure employees.

All vehicles used in the transport of explosives must comply with the requirements of the Australian Explosives Code, 2nd edition. They are not required to be individually licensed for explosives transport but information will be sought on the central garaging location where the vehicles can normally be inspected.

Import of fireworks into WA

The regulations provide that only the holder of an Explosives Transport Licence may import fireworks into Western Australia. Any holder who wishes to import fireworks must lodge with Resources Safety a fireworks (interstate import) notice at least 24 hours prior to the expected time of arrival of the fireworks. Copies of the notice proforma are available on the Resources Safety website.

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 if at the time he or she:

- is in the presence of the 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 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 or be a secure employee.

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 that 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.

Recognition of interstate licences

The regulations allow for the recognition of similar explosives transport licences issued in another State or Territory of Australia to be recognised in Western Australia. Accordingly, if a person transports or drives a vehicle transporting an explosive under the authority of a current interstate explosives licence, then the licence is taken to be a licence issued under the WA explosives regulations. There is no requirement for an application form to be submitted to Resources Safety in these circumstances.

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

(downloads 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 prescribed fees and charges for dangerous goods licences
- Guide for an explosives management plan (includes template)
- Application for a driver licence, DDB REV2
- Fireworks (interstate import) notice, IFN REV2 (available from www.dmp.wa.gov.au/ResourcesSafety)

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 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 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 Transport 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 Transport 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 transport of explosives. To enable the Chief Officer to consider an applicant's preparedness and ability to transport and supply explosives in a safe and secure manner an Explosives Management Plan (EMP) must be 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:

- incidents involving explosives transport - 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.

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 transport licence

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

ABN: 69 410 335 356

Application no. *(office use only)*

ETL



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

New licence

Amendment Please indicate the licence number

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

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. Vehicle location

Property name (if applicable) (in WA where vehicles can be inspected)

Trading name

Unit no. Street no. Lot no. Street

Town/suburb Postcode

Phone Facsimile

7. Insurance

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

Yes No

8. 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 / /

