



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Application for an explosives manufacture licence

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

ABN: 69 410 335 356

Use this form to apply for or amend an explosives manufacture licence.

Applying for a licence

The Department 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 manufactured at a 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.

The Department has accredited a number of consultants who are approved to prepare and submit explosives applications. When you have a consultant endorse your application as complying with the regulations, the Department checking fee does not apply.

The Department officers can also assess applications for an explosives licence. However, its core business is regulation, and resources available for assessment of applications are dependent on workloads generated from core activities. The assessment time for applications submitted to the Department without accredited consultant endorsement is approximately three months and checking fees apply. If your submission is deficient, the processing time may be increased.

Manufacture of explosives at a State explosives facility (SEF) (i.e. explosives reserve) 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 sensitive ammonium nitrate (SSAN) 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 Department 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 nominee 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 nominee 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.

Major hazard facilities

Special provisions apply in respect to a dangerous goods site that, under the Dangerous Goods Safety (Major Hazard 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 annual instalments. Specific details on MHF fees are described in a schedule on the Department 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 5 years.

Licences can only be granted to an individual, body corporate or a partnership. 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 (DGSC);
- can demonstrate the conduct of a business that involves the manufacture of explosives; and
- has developed and can apply an Explosives Management Plan (EMP).

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 manufacturing of the explosives products described on the licence and minimal storage of product within the plant perimeter.

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 at the time he or she:

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

A licence holder may authorise a person 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 person 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 person must possess a security clearance and be authorised by the licence holder as a secure nominee.

Secure nominees

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

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

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

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

Supply of explosives

The holder of an Explosives Manufacture Licence is authorised, without holding an Explosives Supply Licence, to supply/sell explosives to customers.

However, the holder must not give control or management of the explosive to any person other than one who is authorised to possess the explosives.

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 Sensitive Ammonium Nitrate) Regulations 2007
- Mines Safety and Inspection Regulations 1995

(download of the Act and regulations are available free on the Department of Justice website at www.legislation.wa.gov.au)

- Australian Dangerous Goods Code, 7th edition
 - Australian Explosives Code, 3rd edition
- (available from www.canprint.com.au or CanPrint. Phone: 1300 889 873)

- Schedule of fees and charges
- Application for a Driver Licence
- Application for an Explosives Storage Licence
- Application for an Explosives Supply Licence
- Application for a SSAN Manufacture Licence
- Application for a Test Permit
- Guide for an explosives management plan (includes template)

(available from the Department website at www.dmirs.wa.gov.au)

- Australian Standard AS 2187.2 *Explosives – Storage and use – Use of explosives*

(copies of Australian Standards are 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 for an individual must include a copy of the applicant's current motor driver's licence for proof of identity.

An application from a body corporate must be in the name as described on the certificate of incorporation, and the original certified 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 must be nominated to be the applicant.

An application from a partnership must include:

- the original 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:

- the original 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**. If the nominated trustee is a body corporate or partnership, the documents required are the same as advised above for such entities.

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 matters or seek additional information. A residential business is mandatory and may be supplemented with a post office address.

Security clearances

It is a requirement that explosives related licence holders and people with unsupervised access to explosives or security sensitive ammonium nitrate possess a security clearance (and where necessary be a secure nominee of the licence holder). 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 must first obtain a WA Dangerous Goods Security Card. Details are available on the Department website and application forms can be obtained from and lodged at participating post offices in Australia.

An Explosives Manufacture Licence held by an individual is only valid while the security clearance of the individual remains current.

Recognised security clearances

Western Australian explosives regulations recognise 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 2013
Queensland	<i>Explosives Act 1999</i>
South Australia	Explosives (Security Sensitive Substances) Regulations 2006
Tasmania	<i>Security Sensitive Dangerous Substances Act 2005</i>
Victoria	Dangerous Goods (Explosives) Regulations 2011 Dangerous Goods (HCDG) Regulations 2005
Northern Territory	None applicable
Australian Capital Territory	None applicable

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

Relevant offence

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 EMP must be prepared and submitted with the application.

A guide (including template) for an EMP is available from the Department website. 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 Minister for Mines, Industry Regulation and Safety. Before any manufacture can take place a number of important steps must be attended to including:

- submitting a written request 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 Storage Licence (if needed)

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

Application lodgement

If you intend to apply for a licence, it is recommended that you contact an accredited dangerous goods consultant and work with them to have your submission developed.

Your consultant will normally complete the application form on your behalf, however the intended licensee must actually sign the application. The licensee is responsible for all matters associated with the day-to-day storage and handling of the dangerous goods, and will be held accountable for any breaches of the Regulations.

Information for dangerous goods consultants

The following information will assist accredited dangerous goods consultants when lodging applications for licences.

Lodgements by email

- Applies to applications for new licences.
- All emails are to be sent to cso@dmirs.wa.gov.au and not to individual DMIRS staff members. Any correspondence sent to this email address should only be submitted once and it will be actioned in a timely manner. This process ensures all applications can be tracked from time of lodgement.
- The original hardcopy application must still be forwarded by mail so that certified copies of supporting documents can be verified.
- The email should include a list detailing the names of all attachments.

Consultants are requested to utilise appropriate naming conventions for all attachments sent electronically so that DMIRS staff can easily identify the contents and make it easy for electronic document storage and retrieval.

Licence fees

Please refer to the schedule of fees and charges on the Department website for the current fee applicable to this application for licence.

Contact details

Tel: (08) 6251 2300
 Email: cso@dmirs.wa.gov.au
 Website: www.dmirs.wa.gov.au or fees, forms, FAQs, guidance material and publications.

Only the licence fee for the first year of the licence is to be lodged with the application. Licence fees for subsequent years will be billed annually.

Checking fees

These are only payable if the application has not been lodged through an accredited dangerous goods consultant. Checking fees are equal to the licence fee payable with the application.

Lodgement

The completed application form, together with relevant documents and the relevant fee payable to the Department of Mines, Industry Regulation and Safety is to be mailed to:

Department of Mines, Industry Regulation and Safety
 Dangerous Goods Licensing
 Locked Bag 100
 East Perth WA 6892

or handed in person at:

Level 1, 303 Sevenoaks Street
 Cannington WA 6107

Business hours: 8.30 am to 4.30 pm

Notes:

- *Licences cannot be issued over the counter.*
- *Please refer to the schedule of fees and charges on the Department website for the current fee applicable to this application for licence.*



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Application no. (office use only)

Application for an explosives manufacture licence

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

ABN: 69 410 335 356

1. Application type (you must tick one of the boxes)

New licence Amendments to an existing licence Transfer of a licence (can only be done by licence holder)

Indicate licence number

Briefly describe amendment or transfer requirements

2. Applicant details

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

Body corporate Partnership Trust Individual

Proof of entity documents are required to be lodged with the application. Refer to information section of application form.

Full legal name (as shown on the proof of entity document)

ABN **AND/OR** ACN

Registered business (trading name) (if different to the legal name)

Contact details

Business street address (mandatory)

Unit no. Street no. Lot no. Street Type

Town / suburb State Postcode

Phone Email

Postal address (complete if different from above)

Unit no. Street no. Lot no. Street Type

Town / suburb State Postcode

Phone Email

3. Relevant offence

The following questions must be answered by the applicant if an individual.

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.

4. Security clearance details

Completion of this section is mandatory where the applicant is an individual.

WA Dangerous Goods Security Card number Expiry date / /

OR

Recognised security clearance from another State / Territory of Australia

Licence / permit description

Licence / permit number

Expiry date / / State issued

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

5. Location of manufacturing plant

Trading name (if different from applicant name)

Site address

Unit no. Street no. Lot no. Street Type (e.g. St, Rd)

Town / suburb State 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

Mine site tenement number (if applicable)

Is the site a potential major hazard facility? Yes No

6. 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	Maximum quantity (kL/tonnes)	UN number

(if insufficient space, please add a separate sheet)

Proper shipping name	Maximum quantities explosives held on site at any time (KL/tonnes)	UN number

7. Explosives management plan (EMP)

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

8. Applicant's declaration (where the intended licence holder is not an individual, this declaration must be signed by a person within the business / firm who has authority to sign)

I declare the information provided in this application and the documents provided in support of it, are true and correct. I understand that providing false or misleading information in an application is an offence.

Name Position

Signature of applicant Date / /

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

- Completed and signed application form
- For proposed developments on a SEF – a covering letter to the Chief Officer requesting lease of land and tenure for plant and magazine sites
- A copy of technical documents, specifications and drawings relating to the operation of the plant and manufacture of the explosives
- If a body corporate, an original certified copy of certificate of incorporation
- If a partnership, the following:
 - the original 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, the following:
 - the original certified copy of a document which states the name of the trust
 - full name, home address and contact details of at least one of the trustees
 - if the nominated trustee is a body corporate or partnership, the documents required are the same as advised for such entities
- If an individual, a colour copy of the applicant's current motor driver's licence
- If applicable, a separate sheet briefly describing details of any relevant offence resulting in convictions, and/or charges pending (as per part 3)
- The original certified colour copy of an interstate recognised security clearance (if applicable as per part 4)
- A copy of the explosives management plan incorporating detailed site plan
- Payment of the licence fee

Incomplete applications cannot be processed and will be returned.

Licences cannot be issued over the counter. Please post applications to the Department of Mines, Industry Regulation and Safety.

10. Payment

Payment must be made by Visa or Mastercard credit cards. You will be contacted by telephone for payment on the telephone number provided in your application.

If a person other than yourself is to pay for this application, please provide relevant contact details below. **Incomplete information may delay the processing of your application.**

Payment contact details

Payer name *(must be completed even if a company is paying)*

Payer company *(if a third party company is paying)*

Payer daytime phone number

Payer mobile number

Payer email address

11. Enquiry contact details

Business address

Department of Mines, Industry Regulation and Safety
Dangerous Goods Licensing
Level 1, 303 Sevenoaks Street (entrance on Grose Avenue)
Cannington WA 6107

Business hours: 8.30 am to 4.30 pm

Phone: (08) 6251 2300

Email: cso@dmirs.wa.gov.au

Postal address

Department of Mines, Industry Regulation and Safety
Dangerous Goods Licensing
Locked Bag 100
East Perth WA 6892