



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

Application for an explosives manufacture (mobile processing unit) licence

Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Explosives) Regulations 2007

ABN: 69 410 335 356

Applying for a licence

The Department 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:

- *Dangerous Goods Safety Act 2004* and regulations
- Australian Dangerous Goods Code, 7th edition
- Australian Explosives Code, 3rd edition
- Australian Explosives Industry Safety Group – Code of Practice – Mobile Processing Units, Edition 3 June 2014
- Australian Standard AS 2187.2.

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.

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.

The Explosives Manufacture (MPU) Licence is an umbrella licence issued for 5 years that covers explosives mixing vehicles and explosives drivers operating such vehicles.

There is no limit on the number of MPUs that may be included under this licence type and each vehicle must be a complying MPU.

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 person who transports a constituent of a bulk AN-based explosive in an MPU on a road, or a mine, and explosives manufacturers in MPU 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 granted to an individual, 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. A licence will only be issued to an individual if certain eligibility requirements are met and the Chief Officer is satisfied the applicant:

- is 21 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
- can answer a number of questions relating to their integrity.

Mobile processing units

An MPU must not be used to transport constituents of, or to manufacture an explosive unless –

- 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.

It is necessary for the applicant to demonstrate that all vehicles are subject to regular maintenance and inspection.

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 nominee of the Explosives Manufacture (MPU) Licence holder. 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 Dangerous Goods Driver Licence application form for further information.

It is a requirement that operators and drivers are trained in MPU operations. An overview of the MPU operator training is to be supplied to the Department of Mines, Industry Regulation and Safety.

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 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.

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
- 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 or security sensitive ammonium nitrate (SSAN) substances.

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
- 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
- is a secure nominee of the holder of such a licence and manufactures the explosive in the course of his or her duties
- 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 Sensitive Ammonium Nitrate) Regulations 2007
- Mines Safety and Inspection Regulations 1995

(downloads 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
- Guide for an explosives management plan (includes template)

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

- Code of Practice – Mobile Processing Units, Edition 3 June 2014, Australian Explosives Industry and Safety Group

(download available from www.aeig.org.au)

- Australian Standard AS 2187.2 *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 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) 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

- a statutory declaration from each partner stating:
 - the name of the partnership
 - the name, home address and contact details of all partners
 - 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 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 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 (MPU) 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
- 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 plan

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 Department website. 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
- assessment of the risks of sabotage, theft, or unexplained loss of or access by unauthorised persons to any explosives, security sensitive ammonium nitrate or dangerous goods possessed under the licence.

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. The processing time for compliant applications that do not need complex internal assessment is 20 business days.

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.

Contact details

Tel: (08) 6251 2300
 Email: cso@dmirs.wa.gov.au
 Website: www.dmirs.wa.gov.au for 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.

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.

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.*

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. Insurance

Have you obtained public liability insurance in accordance with Chapter 8 of the Australian Explosives Code 3rd Edition?

Yes No

6. Products

Description of explosives to be manufactured

Emulsions (UN0241 / UN0332) Water gel (UN0241) ANFO (UN0082) ANFO Blends (UN0241)

Other Please specify

7. Vehicle details

Location of vehicles

State wide Pilbara region Kimberley region Mid West Metro

Other Please specify

Number of vehicles

1 2-3 4-5 6-10 11-20 21-50 More than 50

Type of vehicles

Rigid truck Dog trailer Small trailer Underground charge unit

Other Please specify

For further information on the types of vehicles, please refer to the Main Roads website at www.mainroads.wa.gov.au

7. Vehicle details (continued)

Capacity of the vehicles (in tonnes)

1.5-5 5-10 10-20

Does the MPU vehicle comply with the AEISG MPU code of practice?

Yes No

Details of vehicle manufacturer(s)

8. Maintenance

Do you have a vehicle roadworthiness maintenance program in place?

Yes No

If Yes, briefly describe the vehicle roadworthiness maintenance program.

Do you have a MPU equipment maintenance program?

Yes No

If Yes, briefly describe the MPU equipment maintenance program.

9. Training

Describe the training program in place for the MPU operators.

Are the operators secure nominees of the licence holder?

Yes No

Do the operators have dangerous goods drivers licence (only applicable if vehicles are driven on public roads)?

Yes No

10. Explosives management plan (EMP)

An EMP must be lodged with this application. EMP should be prepared in accordance with regulation 161(3) of the Dangerous Goods Safety (Explosives) Regulations 2007. For guidance, refer to Sections A and C of the Guide for an explosives management plan at www.dmirs.wa.gov.au

11. 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 / /

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

- Completed and signed application form
- The original certified copy of certificate of incorporation (if applicable)
- 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
- A separate sheet briefly describing details of any relevant offence resulting in convictions, and/or changes pending (if applicable as per part 2)
- The original certified colour copy of an interstate recognised security clearance (if applicable as per part 4)
- A copy of an explosives management plan
- 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.

13. 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

14. 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