



Department of Local Government,
Industry Regulation and Safety
Dangerous Goods Safety

Application for an explosives transport 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 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 Safety Act 2004* and regulations
- Australian Dangerous Goods Code, 7th edition
- Australian Explosives Code, 3rd edition.

The Department has accredited a number of consultants who are approved to prepare and submit your application. 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.

The Explosives Transport Licence is an umbrella licence issued for 5 years that covers multiple vehicles used in the transport of explosives. There is no limit on the number of vehicles that may be included under this licence and the regulations do not require specific details of individual vehicles.

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 (e.g. shotfiring, fireworks contractor and transports the explosive in accordance with their licence. See transport of explosive guidance note for more details); or
- the prime contractor holds an equivalent licence to transport explosives issued in another State / Territory of Australia.

Who is a prime contractor?

A person is a prime contractor –

- 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.
- for the transport of an explosive by rail if the person undertakes to be responsible, or is responsible, for –
 - the transport of the explosive by rail; or
 - the condition of a rail wagon transporting the explosive by rail.
- 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.

General requirements

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
- has developed and can apply an Explosives Management Plan, including a security plan.

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 nominees.

All vehicles used in the transport of explosives must comply with the requirements of the Australian Explosives Code, 3rd 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 require that holders of an Explosives Transport Licence importing fireworks into Western Australia and must lodge with the Department 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 Department 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 a person 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 nominee.

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 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.

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 the Department in these circumstances. However, the Department will seek assurance from the licence issuing authority that the explosives management plan adequately addresses security matters for transport operations in Western Australia.

Reference material

Further information can be found at:

- *Dangerous Goods Safety Act 2004*
- Dangerous Goods Safety (Explosives) Regulations 2007 (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
- Fireworks (interstate import) notice
- Guide for an explosives management plan (includes template) (available from the Department website at www.lgirs.wa.gov.au)

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 risk substances 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 Transport 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 Transport 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 on the Departments website www.worksafe.wa.gov.au/security-clearances

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 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 EMP must be submitted with the application.

An approved EMP is available from the Department website. The EMP addresses 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 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 applications not submitted through an accredited dangerous goods consultant may take up to 90 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.

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.

Contact details

Phone: (08) 6251 2300

Email: cso@lgirs.wa.gov.au

Website: www.lgirs.wa.gov.au or fees, forms, FAQs, guidance material and publications.

Lodgement

The completed application form, together with relevant documents is to be emailed to: cso@lgirs.wa.gov.au

Or by mail to:

Department of Local Government, Industry Regulation and Safety

Dangerous Goods Licensing
Locked Bag 14
Cloisters Square
PERTH WA 6850

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.*



Department of Local Government,
Industry Regulation and Safety
Dangerous Goods Safety

Application no. (office use only)

Application for an explosives transport 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 if the applicant is 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. Vehicle location

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

Trading name

Unit no.

Street no.

Lot no.

Street

Type

 (e.g. St, Rd)

Town / suburb

Postcode

Phone

Facsimile

6. Insurance

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

Yes No

7. 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

 / /

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

- Completed and signed application forms
- 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 charges pending (if applicable as per part 2)
- The original certified colour copy of an interstate recognised security clearance (if applicable as per part 3)
- 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. Please post applications to the Department of Mines, Industry Regulation and Safety. The processing time for compliant applications that do not need complex internal assessment is 20 business days.

9. 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

10. Enquiry contact details

Business address

Department of Local Government, 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@lgirs.wa.gov.au

Postal address

Department of Local Government, Industry Regulation and
Safety

Dangerous Goods Licensing

Locked Bag 14

Cloisters Square

PERTH WA 6850