

Security-Sensitive Dangerous Substances **Information Sheet** **Ammonium Nitrate and Explosives**

September 2008

Information for industry sectors handling AN and Explosives

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| <input type="checkbox"/> Mining | <input type="checkbox"/> Shot-firing | <input type="checkbox"/> Manufacturing |
| <input type="checkbox"/> Importing | <input type="checkbox"/> Exporting | <input type="checkbox"/> Transporting |
| <input type="checkbox"/> Purchasing | <input type="checkbox"/> Selling | <input type="checkbox"/> Distribution |

Background

In June 2004, the Commonwealth Government and all States and Territories agreed to a set of National Principles for the Regulation and Control of Ammonium Nitrate. These principles are now reflected in Tasmania under the *Security-sensitive Dangerous Substances Act 2005*.

Ammonium nitrate was the first substance scheduled as security-sensitive.

The principles also included a requirement that, in light of the measures introduced for security-sensitive ammonium nitrate (SSAN), States and Territories should review their explosives regulations to ensure explosives are managed under an equivalent security framework; and in particular, should implement security checking for people with unsupervised access to explosives.

Consequently, in June 2008, an amendment was passed by the Tasmanian Parliament to also include certain explosives as a security-sensitive dangerous substance.

What does the SSDS Act do?

The SSDS Act establishes a permit system that regulates security/access and supply-chain accountability of security-sensitive dangerous substances.

Under the Act a permit is required to carry out certain restricted activities (such as manufacture, storage, transport, use, sell, purchase and import).

In order to obtain an SSDS Permit to undertake any of these 'restricted activities', an applicant must meet the following four requirements:

SSDS Information

1. demonstrate a legitimate need – the applicant must clearly show why they need to undertake the restricted activity;
2. agree to undergo background checks (National Police Certificate and Politically Motivated Violence checks);
3. agree that any person employed by the permit applicant who has unsupervised access to a security-sensitive dangerous substance also be subject to background checks; and
4. submit a security plan for approval that satisfies minimum-security requirements.

The effect of recent amendments on mining and other industry sectors

The addition of explosives to the SSDS Act simplifies existing licensing arrangements for operators, by replacing the existing set of non-competency based licences under one SSDS permit.

Currently, under the Dangerous Goods (General) Regulations there are five separate licences required for handling explosives, issued on an annual basis: keeper's licence, importer's licence, exporter's licence, manufacturer's licence and a seller's licence. These licences will be abolished and be covered by endorsements under a single SSDS Permit (typically issued on a three year basis).

Shot-firer permits and dangerous goods bulk driver licences (risk category 3 - drivers), which are competency based, remain in place.

Mine / quarry sites

Mine sites with operations dependant on explosives for mineral extraction will require an SSDS Permit and Security Plan.

Any worker employed under the SSDS Permit holder and who has unsupervised access to the explosives must pass background checks, possess a responsible worker identification card and be listed on the security plan.

Any drill and blast contractor engaged at the mine site must either possess their own SSDS Permit or work under the site/prime contractor's SSDS permit.

Some quarry operations may not require an SSDS Permit where explosives are not directly controlled by the quarry manager or stored on site. However, all activities with explosives must be undertaken by contractors or persons who possess their own SSDS Permit and approved security plan.

Where any confusion exists on whether an SSDS permit is required, you should contact Workplace Standards Tasmania's SSDS Unit.

SSDS Information

Shot-firers

Adding explosives to the SSDS Act will require all shot-firers to obtain an SSDS permit, by satisfying the four requirements outlined above, or by ensuring that they are nominated as a 'responsible worker' under their employer's SSDS permit.

The SSDS permit will not replace the competency-based shot-firer's permit; rather, the SSDS Permit will provide an authority to purchase, possess and use explosives.

A shot-firer's permit alone will no longer be an authority to purchase, possess or use explosives. The appropriate safety standards and regulations will continue to apply under relevant legislation covering explosives, including: compliance with AS 2187:1998, *Explosives - Storage, transport and use* and the Australian Explosives Code (AE Code).

Typically, a shot-firer who works as a miner would be listed as a responsible worker on the companies SSDS permit, particularly if working unsupervised.

Transporters, Manufacturers, Importers/Exporter, Sellers, Distributors & Keepers

Operators who manufacture, import, export, sell, distribute and keep explosives, currently hold relevant licenses under the *Dangerous Goods Act 1998*; i.e. keeper's, seller's and manufacturer's licences. These licences will expire when replaced by corresponding endorsements under an SSDS Permit.

Any worker employed by the SSDS Permit holder who has unsupervised access to an SSDS must pass background checks, possess a responsible worker identification card and be listed on the security plan (Existing SSDS Permit holders will be familiar with this process).

Operators undertaking one or several restricted activities must apply for that particular endorsement to be placed on their SSDS permit. The application must be supported by appropriate risk assessments and an approved security plan.

The requirements, such as risk assessments and security plans under the SSDS Act will, in some cases, not require a separate application, as some operators already possess an SSDS permit for SSAN and maintain relatively high standards of security for explosives (i.e. secure magazines restricted access, record keeping, and safety management systems).

However in these circumstances it will be necessary to submit an amendment to the existing SSDS Permit to accurately reflect all activities involved with security-sensitive explosives (SSE).

SSDS Information

Transport Operators

The addition of explosives to the SSDS Act will strengthen security provisions and compliment existing requirements under the AE Code.

Operators must obtain an SSDS Permit and develop security plans specific to transport activities and the associated risks during the transport of explosives.

All drivers, storemen, supervisors and other employees who work unsupervised during the transport and loading of explosives must have a responsible worker identification card. Vehicle and load security and typical routes must be outlined in the security plan.

Drivers will still require a 'dangerous goods (bulk driver's licence') where explosives are conveyed in risk category 3 quantities to comply with dangerous goods transport legislation.

Compliance with Relevant Standards

Compliance with relevant safety standards: for example, compliance with the ADG code, the AE Code and AS2187, will continue to apply for the transport, handling and storage of explosives;

Note: It is not the intention to include the incidental transport of explosives associated with handling and purchasing undertaken by smaller operators under the 'transport' endorsement.

Security Plans

Guidance for risk assessments and security plans is provided by the SSDS Unit. Some flexibility is provided for small-scale operators handling explosives, to reflect the lower level of threat associated with their activity.

Additional reference material from SSDS Unit

- Security Planning guidance form for small-scale users
- Risk Assessment and Security Plan form (S02 form)

Audits

Permit holders should anticipate at least one audit during the three year permit period. Any non-compliance matters may result in:

- A direction issued to take appropriate corrective action; and/or
- significant penalties (fines); and/or
- the cancellation or suspension of the SSDS Permit or 'responsible worker' status.

SSDS Information

A note on 'Exemption Certificates'

Under the SSDS Act, an organisation or individual may apply for an 'exemption certificate' to handle up to of 3 kg of SSAN, which is specifically used for educational, research purposes or in analytical laboratories. This exemption provision does **not** apply to security-sensitive explosives (SSE).

Transition period (Addition of explosives under the SSDS Act)

Workplace Standards Tasmania has announced that a six month transition period for industry to better understand the new laws will start from 30 September 2008. The SSDS amendment Act 2008 will commence in full from 30 March 2009.

Definitions

AE Code Australian Explosive Code
ADG Code Australian Dangerous Goods Code
SSDS Act *Security-sensitive Dangerous Substances Act 2005*
SSAN **Security-sensitive Ammonium Nitrate**
 Typically a mixture or emulsion that contains more than 45% ammonium nitrate.

SSE **Security-sensitive Explosives**
 Typically blasting explosives, detonators, type 3 fireworks and propellant powders in excess of 5 kg.

Restricted Activity (SSAN or SSE)

Manufacturing, importing, exporting, buying, selling, supplying, storing, transporting, using or disposing.

Supervised and unsupervised access

An individual is deemed to be supervised by a responsible worker while they have access to an SSDS if at the time they are in the presence of the responsible worker; or when in a place where the handling or removal of the SSDS is controlled by the responsible worker.

For Further information contact the SSDS Unit on 6233 8275

SSDS Unit – Workplace Standards Tasmania
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This document is for guidance only - The definitive statutory requirements are contained under the *Security-sensitive Dangerous Substances Act 2005*, the *Dangerous Goods Act 1998* and referred documents.



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