

Explosives Regulation in Australia

Discussion Paper
and
Consultation Regulation Impact Statement

July 2015

Explosives Regulation in Australia
Discussion Paper and Consultation Regulation Impact Statement

Safe Work Australia is an Australian Government statutory agency established in 2009. Safe Work Australia consists of representatives of the Commonwealth, state and territory governments, the Australian Council of Trade Unions, the Australian Chamber of Commerce and Industry and the Australian Industry Group.

Safe Work Australia works with the Commonwealth, state and territory governments to improve work health and safety and workers' compensation arrangements. Safe Work Australia is a national policy body, not a regulator of work health and safety. The Commonwealth, states and territories have responsibility for regulating and enforcing work health and safety laws in their jurisdiction.



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Overview

Currently each jurisdiction, that is states, territories and the Commonwealth, has its own system for regulating explosives. Variations exist among these systems, which may have an impact on how business is conducted in the explosives industry.

Safe Work Australia is conducting a public consultation process on behalf of states, territories and the Commonwealth to gather information about issues the differences in state and territory explosives legislation may raise for participants in the explosives industry and members of the public. As part of this information gathering, Safe Work Australia is also seeking evidence of the extent of these impacts on businesses and members of the public and, in the process, discover from respondents if there are ways by which to resolve issues raised by variability, including any areas where there may be clear benefits to be gained from regulatory reform.

This discussion paper has been prepared by the Agency supporting Safe Work Australia. The paper provides a guide for respondents by providing a brief summary of explosives regulation internationally and in Australia, an overview of some of the differences between state and territory regulatory systems and briefly canvasses some possible approaches which may assist in addressing negative impacts.

Questions are designed to elicit information from respondents on any issues they may encounter as a result of these variations and, if any, the nature and extent of the impact of these issues for them or their business. Respondents may answer some or all of the questions posed in this paper, or can raise a matter not explicitly addressed, as long as it is pertinent to explosives regulation.

In addition to being a discussion paper, this paper also satisfies the Office of Best Practice Regulation (OBPR) requirements for a Consultation Regulation Impact Statement.

Safe Work Australia welcomes submissions from explosives workers, businesses involved in the explosives industry, explosives regulators, government departments and members of the public.

Submissions are sought by **5.30 pm AEST, Thursday 10 September 2015**. Submissions can be made either online via [Safe Work Australia submissions website](#), by email to Explosives@swa.gov.au or by post to the Director, Explosives Policy Section, Safe Work Australia, GPO Box 641, Canberra ACT 2601 Location Code C220NB2.

1. Introduction

States, territories and the Commonwealth have separate systems for regulating explosives. Variations exist among these regulatory systems, which have generated some interest among jurisdictions. In 2004, the Council of Australian Governments (COAG) agreed to develop a nationally consistent approach to control access to ammonium nitrate. In 2008, the Productivity Commission conducted a review of the chemicals and plastics industry, which included the transport of explosives¹.

In December 2012, COAG agreed 'harmonising explosives regulation' should be progressed by the Select Council on Workplace Relations, where there are clear benefits to be derived. In March 2015, COAG noted a business case for developing nationally consistent explosives regulations and agreed that work health and safety ministers would continue to take forward this work through Safe Work Australia.

A Strategic Issues Group on Explosives was established by Safe Work Australia to progress this work, with members from each jurisdiction, the Australian Industry Group (Ai Group), the Australian Chamber of Commerce and Industry (ACCI) and the Australia Council of Trade Unions (ACTU).

This discussion paper has been prepared by the Agency supporting Safe Work Australia (the Agency) to seek respondents' comments on the type and extent of any impacts of this variation among explosives regulatory systems. In addition to being a discussion paper, it also satisfies the Office of Best Practice Regulation (OBPR) requirements for a Consultation Regulation Impact Statement.

1.1 Purpose of the Discussion Paper and Consultation Regulation Impact Statement

This discussion paper acknowledges that variations in explosives regulation among jurisdictions have an impact on businesses, workers, regulators, interest groups and law enforcement agencies. The paper is seeking information on the nature and extent of the impact of this variation from affected stakeholders and members of the public.

To assist respondents, questions are asked throughout the paper. While questions are designed to elicit feedback, comments are welcome on the issues these questions raise and any other aspects associated with the regulation of explosives. It would assist the Agency to understand the impact of variations between jurisdictions on stakeholders if, wherever possible, submissions could include supporting evidence and examples, including costs. The Agency is also interested in respondents' views on possible ways to ameliorate negative impacts, if any, for themselves or their business.

¹ Productivity Commission. 2008, July. [Research Report: Chemicals and Plastics Regulation](#).

To ensure there is clarity in terminology, this paper interprets COAG's reference to "explosives regulation" as meaning explosives *law* – guidance found in Acts, Regulations, Codes of Practice and all other supporting material.

1.2 Explosives consultation

In July 2008, a public consultation process helped inform the Productivity Commission's study into chemicals and plastics regulation in Australia. The Productivity Commission's study included the transport of explosives. Submissions were received from interested individuals, Commonwealth departments, Standards Australia, the Australian Explosives Transport Safety and Security Group and the Australian Explosives Industry Safety Group (AEISG) as well as members of the chemicals and plastics industries. At that time, the Productivity Commission flagged that further reviews would be necessary, including "undertaking an integrated review of explosives legislation, regulations and the Australian Explosives Code² to deliver national consistency"³.

In April 2009, following a decision by the former Workplace Relations Ministers' Council that Safe Work Australia should progress the development of nationally consistent explosives legislation, consultation with explosives regulators in each jurisdiction took place through the Strategic Issues Group on Work Health and Safety.

Between September 2010 and August 2011, WorkCover NSW, in partnership with Safe Work Australia, conducted focus groups with all jurisdictional explosives regulators and industry groups with the aim of identifying similarities, differences and possible gaps in explosives regulatory regimes.

In June 2012, the Productivity Commission published the Research Report: *COAG's Regulatory and Competition Reform Agenda: A high level assessment of the gains*, which included a chapter on explosives legislation⁴. The research paper concluded that "conducting a comprehensive review of explosives regulations and legislation with the aim of achieving better regulatory outcomes would appear to be the logical next reform step"⁵.

The focus of this consultation process is to gather information from industry and interested parties on the nature and extent of the impact of having multiple, variable systems for regulating explosives in states and territories. In the process, Safe Work Australia is also interested in respondents' views on whether any changes are needed to explosives regulation and, if so, what form such changes should take.

² Workplace Relations Minister's Council. 2009. *Australian Code for the Transport of Explosives by Road and Rail*. (3rd edition).

³ Productivity Commission. 2008, July. [Research Report: Chemicals and Plastics Regulation](#). p. xxxix.

⁴ Productivity Commission. 2012, June. [Research Paper: COAG's Regulatory and Competition Reform Agenda: A high level assessment of the gains](#). Chapter 11: Harmonisation of explosives legislation

⁵ Productivity Commission. 2012, June. [Research Paper: COAG's Regulatory and Competition Reform Agenda: A high level assessment of the gains](#). p. 63

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A range of strategies will be employed to bring the discussion paper to the attention of interested parties. Safe Work Australia will use its existing social media channels, Facebook and LinkedIn. The discussion paper will be published on the business.gov.au website which will also result in promotion of the submission process on the business.gov.au social media channels, Twitter and Facebook, as well as an alert being sent to a list of email subscribers to the site.

The following stakeholders will be sent a letter inviting them to participate in the consultation process:

- Australian Forum of Explosives Regulators
- Pyrotechnics Industry Association of Australia (PIAA)
- AEISG
- Plastics and Chemical Industries Association
- National Farmers Federation
- Environmental Protection Authority (NZ)
- Australian Security Research Centre
- Institute of Quarrying Australia
- Sporting Shooters Association of Australia
- Australian Munitions
- Pentarch Pty Ltd
- Thales Australia Holdings
- Mining and explosives services companies with a close interest in the issues, such as:
 - o BHP Billiton
 - o Rio Tinto
 - o Fortescue Metals
 - o Orica
 - o Downer EDI, and
 - o Dyno Nobel.

Electronic mail-outs will also be sent to several Safe Work Australia subscriber lists to promote the Consultation Regulation Impact Statement. These lists have over 10,000 subscribers.

Safe Work Australia will also engage work health and safety regulators, explosives regulators and social partners through:

- Safe Work Australia Members and the Strategic Issues Group on Explosives; both of which will encourage jurisdictions to publish links to the discussion paper and public comment web page, and
- Communications Reference Group; which will receive advance copies of media releases and promotional materials including website banners, suggested subscriber mail-outs and social media posts, to distribute to their networks and audiences.

Safe Work Australia will also work with national organisations, businesses and associations to promote the consultation process on their respective websites and through their contact lists.

1.3 Making a submission

Safe Work Australia welcomes submissions from explosives workers, businesses involved in the explosives industry, explosives regulators, government departments and members of the public.

Respondents may respond to some or all of the questions raised throughout this paper, or can raise a matter not explicitly addressed, as long as it is pertinent to explosives regulation.

Submissions are sought by **5.30 pm AEST, Thursday 10 September 2015**. Submissions can be made either online via [Safe Work Australia submissions website](#), by email to Explosives@swa.gov.au or by post to

The Director
Explosives Policy Section
Safe Work Australia
GPO Box 641
Canberra ACT 2601

Respondents may elect to have their submissions published online.

1.4 Next steps

The results of this consultation process, along with data and related research, are expected to help shape and inform policy options and assist the Agency to develop a Decision Regulation Impact Statement. The Decision Regulation Impact Statement will be published on the [Office of Best Practice Regulation \(OBPR\) website](#). The Decision Regulation Impact Statement will include a detailed analysis of the costs, benefits and risks associated with a range of options relating to explosives regulations in Australia.

2. Background

2.1 The Australian explosives industry

Australia primarily uses explosives for mining-related activities, especially blasting. Explosives are also used for quarrying, construction, demolition and defence purposes, as well as for agricultural blasting, rock breaking, industrial tools, life-saving devices, fireworks and special effects in the entertainment industry.

Some common examples of explosives and explosive articles include blasting explosives, primers and boosters, detonating cords, detonators, black powder, smokeless powder (propellants), fireworks, distress flares, fuses, safety cartridges (small arms ammunition) and rail track signals.

Annually the explosives manufacturing industry generates approximately \$3.5 billion in revenue and, in 2013-14, employed almost 4200 people.⁶ Most explosives manufacturers and suppliers operate nationally within Australia across state and territory borders.

The explosives manufacturing industry in Australia is highly concentrated and is primarily represented by two large companies: Orica Limited (with 46% of the market share) and Incitec Pivot Limited (with 21% of the market share).⁷ Australian explosives production is mainly focused on commercial explosives, including ammonium nitrate based explosives, initiating systems, propellants, pyrotechnic products (fireworks and flares) and blasting accessories. Some explosives are manufactured for defence purposes, with Thales Australia Holdings being the primary manufacturer.

In addition to locally manufactured products, \$144 million worth of explosives were imported into Australia in 2013-14. The value of domestically produced exports was significantly lower at \$36 million.⁸

Sectors affected by explosives regulation include the mining and quarrying industry; ports; road, rail, air and maritime transport; engineering and construction; ammunition manufacture and retailing; fireworks and pyrotechnic displays; shooting and safety equipment.

2.2 Explosives regulation internationally

International regulatory systems that govern explosives vary. The systems in four countries – the United States, Canada, United Kingdom and New Zealand – are outlined briefly below. The United States and New Zealand each have a single national system. In the United Kingdom and Canada, the administration of explosives regulation is shared between national bodies and local level authorities.

⁶ Richardson, A. 2014 IBISWorld Industry Report C1892 Explosives Manufacturing in Australia

⁷ Richardson, A. 2014 IBISWorld Industry Report C1892 Explosives Manufacturing in Australia

⁸ Richardson, A. 2014 IBISWorld Industry Report C1892 Explosives Manufacturing in Australia

United States of America

The United States of America regulates explosives nationally through the *Federal Explosives Law and Regulations 2012*. The law and regulations are administered by the Department of Justice's law enforcement agency, the Bureau of Alcohol, Tobacco, Firearms and Explosives (the ATF). The ATF has primary responsibility for administering and enforcing provisions of Federal laws relating to explosives.

The United States uses a licensing system to regulate the manufacture, import and sale of explosives. In addition there is a permit system for the transport and use of explosives. A separate agency, the Federal Explosives Licensing Centre, is responsible for processing applications and issuing licences and permits. Applications include extensive security and background checks, with applicants also being personally interviewed by the ATF. The ATF also plays a role in educating the explosives industry and ensuring compliance with storage and security requirements.

Canada

Canada has federal legislation to regulate the import, export, transport, manufacture and storage of explosives: the *Explosives Act* and the *Explosives Regulation 2013*. The Canadian system includes licences, certificates and permits to regulate explosives. A federal agency, the Explosives Safety and Security Branch (ESSB) in Natural Resources Canada, administers the Act and Regulations. The main priority of ESSB is the safety and security of the public and workers involved in the explosives industry in Canada. In the ESSB, the Explosives Regulatory Division (ERD) provides services and support to manufacturers, transporters, importers, sellers and users of explosives. The ERD has headquarters in the capital Ottawa and regional offices for Eastern, Central, Western and Pacific regions

In addition to the national system, the provinces have some regulatory responsibility for the use of explosives, some storage activities, some low-hazard explosives, pyrotechnic devices, sporting ammunition and fireworks.

United Kingdom

The United Kingdom regulates explosives at a national level under the *Explosives Act 1875* and the *Explosives Regulations 2014*. The Regulations include requirements for the authorisation, safety, security and sale of explosives. Licenses are required for the manufacture, storage and handling of explosives. The Regulations are supported by technical guidance documents on safety and security provisions.

The United Kingdom's work health and safety agency, the Health and Safety Executive (HSE), is primarily responsible for administering the explosives regulations. A specific Explosives Inspectorate within that agency issues licences for manufacturing and for larger storage sites, enforces legislation for these sites and enforces legislation for the classification and transport of explosives. For some quantities of explosives the local licensing authority is responsible for granting licences and enforcing regulations. In metropolitan counties in England the relevant Fire and Rescue Service is the local licensing authority. In other parts of England, the local licensing and enforcing authority is the trading standards department of the local authority or local council. In Scotland and Wales, the enforcing authority is the local council. The HSE Inspectorate works in partnership with these other enforcing authorities to enforce explosive legislation.

New Zealand

New Zealand regulates explosives nationally. The use and storage of explosives, including pyrotechnics, are regulated under the *Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001*. Controls on explosives and approvals for various classifications of explosives are established in the *Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003*. For most explosives and pyrotechnics, a Controlled Substance Licence is required for possession.

On behalf of New Zealand's Environmental Protection Authority, WorkSafe NZ carries out certain hazardous substance functions under the *Hazardous Substance and New Organisms Act*. This includes issuing controlled substance licences, approval of codes of practice and development of guidance materials.

International supporting material

There are a number of international documents which provide guidance on the regulation of explosives. Several of these documents are described below:

The United Nations' *Recommendations on the Transport of Dangerous Goods: Model Regulations*⁹ (UNMR) has been developed by the United Nations Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods. The UNMR covers principles of classification, definition of classes, lists of principal substances, general packing requirements, testing procedures and marking, labelling and placarding for dangerous goods, including explosives. The UNMR is addressed to governments and international organisations concerned with the regulation of dangerous goods. It does not apply to the bulk transport of dangerous goods by water, which is subject to special international or national regulations. First published in 1956, the UNMR is amended every two years.

The *Globally Harmonized System of Classification and Labelling of Chemicals*¹⁰ (GHS) cover all hazardous chemicals, including explosives. The GHS includes harmonised criteria for classifying all chemicals according to their health, environment and physical hazards and harmonised communication requirements, including labels and safety data sheets. The target audience for the GHS includes workers, consumers, transport workers and emergency responders. First published in 2003, the GHS is amended every two years.

A corollary document to both the UNMR and the GHS is the United Nations *Recommendation on the Transport of Dangerous Goods: Manual of Tests and Criteria*¹¹ (Manual of Tests). The Manual of Tests contains criteria, test methods and procedures to be used to classify dangerous goods for the UNMR, as well as of chemicals presenting physical hazards in the GHS. First published in 1984, the Manual of Tests is regularly amended.

The *Australian Code for the Transport of Dangerous Goods by Road and Rail*, edition 7.3 (Australian Dangerous Goods Code) references the UNMR, GHS and Manual of Tests. The

⁹ United Nations. 2013. *Recommendations on the Transport of Dangerous Goods: Model Regulations*. (18th edition). [Volume 1](#), [Volume 2](#)

¹⁰ United Nations. 2013. [Globally Harmonized System of Classification and Labelling of Chemicals](#). (5th edition).

¹¹ United Nations. 2009. [Recommendations on the Transport of Dangerous Goods: Manual of Tests and Criteria](#). (5th edition).

Australian Code for the Transport of Explosives by Road and Rail, third edition (Australian Explosives Code) references the UNMR and Manual of Tests.

2.3 Explosives regulation in Australia

Commonwealth explosives legislation only covers explosives in the Commonwealth domain. This includes explosives in the possession or control of the Commonwealth, as well as the explosives of other countries' visiting armed forces. They are used mainly by Defence but also include those of other Commonwealth agencies. The application of state and territory legislation to Commonwealth explosives is determined by each state and territory.

Each state and territory jurisdiction has its own regulatory system governing explosives. Given the hazardous nature of the industry, each regulatory system can be extensive with the aim of controlling access to explosives. In 2009, it was estimated there were over 4000 pages of regulation governing explosives across Australia.¹²

Many jurisdictions have explosive-specific acts and regulations, although Victoria, Western Australia, the Australian Capital Territory and the Northern Territory address explosives in their dangerous goods legislation. Administrative oversight of explosives regulation lies primarily with work health and safety regulators, with the exception of Western Australia and Queensland where this responsibility lies within their mining portfolios.

In developing their legislation, most jurisdictions followed the United Kingdom's *Explosives Act 1875*. This delivered some commonalities in the scope and impact of each jurisdiction's regulatory approach. The application of the Australian Explosives Code also provides for similarities across most jurisdictions in regulations applied to transporting explosives.

However, in developing their own regulatory systems, jurisdictions have also been responsive to stakeholders and key industries in their jurisdiction. For example, in Queensland and Western Australia explosives regulation reflects the significant use of explosives in the mining industry, while New South Wales and other states and territories have developed an explosives regime with a strong work health and safety focus.

The development of different regulatory frameworks in each jurisdiction has produced systems which address similar activities, such as licensing, authorisations, transporting, selling, importing, exporting, manufacturing and using explosives, but can impose different requirements for each activity.

The discussion paper is seeking comment on the issues different requirements may raise for businesses and workers in the explosives industry, explosives regulators, government departments and members of the public.

¹² Australian Industry Group, 2009, Explosives Legislation Factsheet

3. Variations in regulatory systems

Since the existing regulatory landscape for explosives varies significantly across jurisdictions, businesses operating in multiple jurisdictions have to comply with different requirements set by each of the jurisdictions in which they operate. These different requirements may impose financial and administrative burdens. There is little clear idea of the full regulatory imposition on business represented by regulatory variations.

By way of example, this section concentrates on three areas where variation among states and territories is evident: the definition of 'explosives', licensing arrangements and notification requirements.

3.1 Definitions of explosives

States and territories currently use varying definitions of explosives in their legislation. In practical terms all jurisdictions legislate for *most* explosives. However, not all states and territories legislate for *all* explosives. Some define explosives by listing a range of substances. Others equate explosives with all Class 1 Dangerous Goods as categorised by the UN Model Regulations. Although the Northern Territory *Dangerous Goods Regulations 2012* define explosives as Class 1 substances, the remaining jurisdictions go further. Tasmania and Western Australia refer to substances listed in the Australian Explosives Code, while New South Wales, South Australia and the Australian Capital Territory include anything considered to have an explosive effect. The Western Australian, Australian Capital Territory and Victorian legislation provides scope for other substances to be 'prescribed as explosives'. **Appendix A** "Definitions of explosives in each jurisdiction" provides a table noting differences in definitions between jurisdictions.

Notwithstanding any potential for confusion, differing definitions of what is an explosive might lead to a situation where some explosives are uncontrolled in some jurisdictions, with the effect of undermining tight security controls imposed on the same explosives by other jurisdictions.

A related issue is the reference in legislation to definitions that are contained in supporting documents, such as the Australian Explosives Code and Australian Dangerous Goods Code. In some jurisdictions, a particular edition of these two codes may be referenced. In others, these codes may be referenced as amended from time to time. The difference between relevant editions could create confusion as to which edition of a Code applies in a jurisdiction. An additional complication is the lack of a consistent process in place to regularly update these Codes in accordance with changing United Nations (UN) requirements. This means the definitions in these Codes may differ over time from those currently in place in the UN requirements.

Variations in explosives definitions across states and territories may have an impact on businesses. However, the extent of this impact on businesses is currently unknown.

Questions
<p>3.1 If you or your business operates in multiple states or territories, what has been your experience in complying with explosives definitions in each state or territory?</p> <ul style="list-style-type: none">• Do differences between definitions raise any issues for you or your business?• If so, how would you characterise the nature and extent of the impact of these issues, including any effects on staff time and on costs?• Are there ways to resolve issues raised for you or your business by the variability in definitions?• If so, what would those ways be?
<p>3.2 In your experience, do differences in explosives definitions among jurisdictions undermine safety and security controls on explosives?</p> <ul style="list-style-type: none">• If so, do you consider this to pose a security risk?• If so, how might such a risk be managed?

3.2 Licensing arrangements

Jurisdictions' licensing arrangements are intended to ensure explosives are used safely and for legitimate purposes by authorised people, under regulatory oversight. Occupation-based licences may be issued to individuals including shotfirers, pyrotechnicians and explosives drivers. Activity-based licences may be issued to businesses and individuals undertaking activities like manufacturing or storing explosives.

Across the states and territories, there are a broad range of licensing categories imposing different conditions on licence holders. For example, licensing of some activities, such as explosives manufacture, storage and transport, can vary in terms of duration of licences (between three to five years), quantity of explosives (net explosives quantity or total explosives quantity) and differences in explosives driver training. **Appendix B** "Overview of key features of licensing systems" provides an overview of the categories and key features of state and territory licensing systems, illustrating areas of variability between jurisdictions.

Differences in licensing arrangements across jurisdictions may have implications for businesses, but particular issues and their impact on businesses are not known.

Question
<p>3.3 If you or your business operates in multiple states or territories, what has been your experience in complying with licensing requirements in each state or territory?</p> <ul style="list-style-type: none">• Do differences between licensing arrangements raise any issues for you or your business?• If so, how would you characterise the nature and extent of the impact of these issues, including any effects on staff time and on costs?• Are there ways to resolve issues raised for you or your business by the differences between licensing arrangements?• If so, what would those ways be?

In most jurisdictions, shotfirers, pyrotechnicians and explosives drivers are individually licensed. In 2009 a Ministerial Declaration under the Commonwealth's *Mutual Recognition Act 1992* declared explosives transport drivers, shotfirers and pyrotechnicians as occupations for which

an equivalent licence can be sought interstate. This facilitates holders of these licences to have an existing licence recognised in other jurisdictions on lodging an application and paying a fee.

However, mutual recognition is not automatic. Each jurisdiction has discretion over whether it recognises an existing licence. Jurisdictional differences in security checking and competency requirements could be factors inhibiting cross-jurisdictional recognition.

The Productivity Commission is conducting a review of the operation of the Mutual Recognition Agreement and the Trans-Tasman Mutual Recognition Agreement, with a final report expected in September 2015¹³. As part of the review the Commission will assess the coverage, efficiency and effectiveness of existing mutual recognition schemes and recommend ways to further improve inter-jurisdictional movement of skilled workers.

Individuals, such as shotfirers, explosives transport drivers and pyrotechnicians, who wish to work across state and territory borders would need to apply and pay to be assessed under mutual recognition provisions in other jurisdictions. The implications, however, for individuals or businesses of seeking mutual recognition for these occupations are not known.

Question
<p>3.4 If you or your business operates in multiple states or territories, what has been your experience of the recognition of occupation-based licences in each state or territory?</p> <ul style="list-style-type: none">• Does your experience raise any issues for you or your business?• If so, how would you characterise the nature and extent of the impact of these issues, including any effects on staff time and on costs?• Are there ways to resolve these issues for you or your business?• If so, what would those ways be?
<p>3.5 Should occupations be individually licenced, or should they operate instead under the authority of the activity licence held by a business. What is your view on such a licencing arrangement?</p> <ul style="list-style-type: none">• What would be the effect of such a licencing arrangement on you or your business, particularly in relation to its practicality, compliance burden and associated costs to activity licence holders and occupations?

3.3 Notification requirements

All jurisdictions have work health and safety laws which require incident notifications to be made to the regulator. These notifications relate to incidents which have resulted in death, injury or which might indicate a significant risk of these occurrences. In addition to personal injury notifications, explosives regulations also require incident notifications for theft and loss of explosives and property damage.

Beyond these requirements, states and territories have various notification requirements. While all but one of the jurisdictions require the regulator to be notified of the import of explosives, only two jurisdictions require regulators to be notified about the transport of explosives by boat.

Appendix C outlines notification requirements across the jurisdictions.

¹³ Productivity Commission. 2015. [Mutual Recognition Schemes](#).

Extensive and duplicate notification requirements may impose regulatory and cost burdens on both businesses and regulators. However, the extent of the impact of the current notification system on businesses is currently unknown.

Question

- 3.6 If you or your business operates in multiple states or territories, what has been your experience in complying with notification requirements in each state or territory?
- Do differences between notification requirements raise any issues for you or your business?
 - If so, how would you characterise the nature and extent of the impact of these issues, including any effects on staff time and on costs?
 - Are there ways to resolve issues raised for you or your business by the differences between notification requirements?
 - If so, what would those ways be?

3.4 Other aspects of explosives regulation

The examples in the subsections above are meant to be illustrative of regulatory differences between states and territories. These examples are not meant to be exclusive or exhaustive. There may be a range of other issues affecting you or your business that you would like to identify. By way of an example, each jurisdiction's explosives regulatory framework is administered and enforced by its own regulatory body. Having to deal with different regulatory bodies may impose financial and administrative burdens. If so, you may wish to identify any of these burdens and provide information regarding their impacts on your business.

Safe Work Australia is seeking views on all aspects of explosives regulation which may create issues for you or your business in terms of compliance, cost and staff time.

Question

- 3.7 If you or your business operates in multiple states or territories, what has been your experience in complying with explosives regulation in each state or territory?
- Do differences between jurisdictions have an impact on your business?
 - If so, what issues does this impact have for you or your business?
 - How would you characterise the nature and extent of the impact on you or your business, including any effects on staff time and on costs?
 - In your opinion, are there possible ways by which the issues may be ameliorated which would have clear benefits for the explosives industry?

4. Future policy

The Decision Regulation Impact Statement will provide an analysis of comments received as part of this consultation process, including future policy options for regulatory reform which may be forthcoming from submissions. The analysis in this consultation RIS at this stage has not been able to adequately address the nature or magnitude of the problem. As discussed in earlier sections of the RIS, it is possible that businesses operating in multiple states or territories could be affected by the jurisdictional variations that exist in explosives regulations and definitions. During consultation the Agency is seeking information from stakeholders on the nature and extent of the problem.

The overarching objective of the RIS remains the COAG agreement of December 2012 that 'harmonising explosives regulation should be progressed by the Select Council on Workplace Relations, where there are clear benefits to be derived'.

Without foreclosing the results of this consultation process, the Agency is seeking comments in general on possible approaches to explosives reform other than the status quo, should submissions propose changes to current arrangements. As an illustration, three possible alternative approaches are discussed below.

If submissions were to consider extensive reforms to explosives regulation and clear benefits for such reforms for the explosives industry were identified, a nationally consistent explosives regulatory framework may be appropriate. A nationally consistent explosives regulatory framework could require development of a comprehensive framework, for example: a national definition of explosives, a national licensing system, or a national process for notification. Such a nationally consistent explosives regulatory framework could be developed for enactment by each jurisdiction.

If submissions were to identify key areas where there would be clear benefits for reform, then components of the existing jurisdictional systems could be made nationally consistent in those areas. For instance there could be agreement to implement a national licensing system, while other areas might remain unchanged in each state's and territory's explosives regulation. A framework for selected elements for nationally consistent explosives regulation could be developed for enactment by each jurisdiction.

If submissions were to comment on multiple ways by which the issues raised by jurisdictional differences could be resolved, then a combination of approaches, both regulatory and non-regulatory, may be appropriate to ameliorate these issues. Non-regulatory approaches might include education campaigns, non-mandatory codes of practice providing guidance to industry, or other forms of supporting material. Non-regulatory approaches could be employed alongside regulatory changes, if regulatory reform was also considered appropriate to provide clear benefits to the explosives industry.

The approaches discussed above provide illustrations of three approaches to reform, but are not exclusive or exhaustive.

The Agency is seeking comments on these or any other approaches which might be suitable, should submissions propose changes to the regulation of explosives. These comments will

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assist the Agency in preparing the Decision Regulation Impact Statement in relation to benefits and risks associated with any options relating to explosives regulation.

Question

- 4.1 If your submission is proposing changes to the regulation of explosives in order to resolve any of the issues you have identified for you or your business, please
- describe how such changes might be enacted for the explosives industry and
 - identify what benefits there might be for the industry in making these changes?

5. The form of laws to deliver reform

Should the analysis of submissions indicate that nationally consistent explosives regulation should be considered as a method which would provide clear benefits to the explosives industry in alleviating problems identified in submissions, the Agency is also seeking comment on ways nationally consistent regulation could be given effect. Comments received will assist the Agency in formulating options in the Decision Regulation Impact Statement, should nationally consistent explosives regulation be found to be a relevant option for consideration.

Commonwealth legislation

The Australian Constitution gives the Commonwealth the power to make laws on any matter referred, or given, to it by the states.¹⁴ The Commonwealth can also make laws for territories.¹⁵ States have previously referred their powers to the Commonwealth in a range of areas, including industrial relations, incorporation, counter terrorism and de facto relationship laws.

A referral of power for explosives would provide the Commonwealth with the legal authority to make explosives laws. The Commonwealth would only make laws for the states which referred their power. Any state that chose not to refer would continue to maintain its own explosives legislation.

Commonwealth legislation to regulate explosives would deliver consistency across all the jurisdictions which refer power, both at enactment and over time. However, if a state chose not to refer their power, consistency would not be achieved across the whole of Australia.

National applied laws

National applied laws involve legislation being enacted in one jurisdiction and applied in others. Once enacted in all jurisdictions, national applied laws can ensure consistency because amendments in the original jurisdictions automatically apply to participating jurisdictions.

Nationally applied laws have been used in air navigation, civil aviation and human embryo research.

National model law

Under a model law approach, legislation is developed by one jurisdiction and is then used as a model by others to draft and enact their own legislation. Consistency can be delivered by a model law approach when all jurisdictions pass identical pieces of legislation. However, consistency is not guaranteed by this approach since jurisdictions have the opportunity to incorporate necessary local variations in their legislation. Typically this is done to ensure the model legislation operates properly with other local laws, for example the local criminal law. Were consistency to be achieved at the time of enactment, this consistency across jurisdictions may not be maintained over time. Individual jurisdictions could make their own amendments or choose not to update their own legislation in response to changes made to the model law.

¹⁴ Section 51(xxxvii) *Commonwealth of Australia Constitution Act*

¹⁵ Section 122 *Commonwealth of Australia Constitution Act*

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A model law approach has been used to develop the legislation covering the registration of births, deaths and marriages. The model work health and safety laws are a variation on the model law approach. In this case, Safe Work Australia developed the initial “model” which has been enacted in most jurisdictions.

Question

- 5.1 Should nationally consistent explosives regulation be a finding of the discussion paper process, what is your preferred form of laws to give effect to this finding? Why?
- Would your preferred form of laws provide clear benefits to the explosives industry?
 - If so, in what way?

6. Recap of questions

For ease of reference, the discussion questions appearing throughout this paper are listed below. Written submissions do not need to address each question.

Questions
<p>3.1 If you or your business operates in multiple states or territories, what has been your experience in complying with explosives definitions in each state or territory?</p> <ul style="list-style-type: none"> • Do differences between definitions raise any issues for you or your business? • If so, how would you characterise the nature and extent of the impact of these issues, including any effects on staff time and on costs? • Are there ways to resolve issues raised for you or your business by the variability in definitions? • If so, what would those ways be?
<p>3.2 In your experience, do differences in explosives definitions among jurisdictions undermine safety and security controls on explosives?</p> <ul style="list-style-type: none"> • If so, do you consider this to pose a security risk? • If so, how might such a risk be managed?
<p>3.3 If you or your business operates in multiple states or territories, what has been your experience in complying with licensing requirements in each state or territory?</p> <ul style="list-style-type: none"> • Do differences between licensing arrangements raise any issues for you or your business? • If so, how would you characterise the nature and extent of the impact of these issues, including any effects on staff time and on costs? • Are there ways to resolve issues raised for you or your business by the differences between licensing arrangements? • If so, what would those ways be?
<p>3.4 If you or your business operates in multiple states or territories, what has been your experience of the recognition of occupation-based licences in each state or territory?</p> <ul style="list-style-type: none"> • Does your experience raise any issues for you or your business? • If so, how would you characterise the nature and extent of the impact of these issues, including any effects on staff time and on costs? • Are there ways to resolve these issues for you or your business? • If so, what would those ways be?
<p>3.5 Should occupations be individually licenced, or should they operate instead under the authority of the activity licence held by a business. What is your view on such a licencing arrangement?</p> <ul style="list-style-type: none"> • What would be the effect of such a licencing arrangement on you or your business, particularly in relation to its practicality, compliance burden and associated costs to activity licence holders and occupations?
<p>3.6 If you or your business operates in multiple states or territories, what has been your experience in complying with notification requirements in each state or territory?</p> <ul style="list-style-type: none"> • Do differences between notification requirements raise any issues for you or your business? • If so, how would you characterise the nature and extent of the impact of these

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Questions
<p>issues, including any effects on staff time and on costs?</p> <ul style="list-style-type: none">• Are there ways to resolve issues raised for you or your business by the differences between notification requirements?• If so, what would those ways be?
<p>3.7 If you or your business operates in multiple states or territories, what has been your experience in complying with explosives regulation in each state or territory?</p> <ul style="list-style-type: none">• Do differences between jurisdictions have an impact on your business?• If so, what issues does this impact have for you or your business?• How would you characterise the nature and extent of the impact on you or your business, including any effects on staff time and on costs?• In your opinion, are there possible ways by which the issues may be ameliorated which would have clear benefits for the explosives industry?
<p>4.1 If your submission is proposing changes to the regulation of explosives in order to resolve any of the issues you have identified for you or your business, please</p> <ul style="list-style-type: none">• describe how such changes might be enacted for the explosives industry and• identify what benefits there might be for the industry in making these changes?
<p>5.1 Should nationally consistent explosives regulation be a finding of the discussion paper process, what is your preferred form of laws to give effect to this finding? Why?</p> <ul style="list-style-type: none">• Would your preferred form of laws provide clear benefits to the explosives industry?• If so, in what way?

Closing date for submissions: **5.30 pm AEST, Thursday 10 September 2015.**

Appendix A: Definitions of explosives in each jurisdiction

Definition of Explosives	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	Cth
<i>class 1 dangerous goods (ADG / AE Code)¹</i>	✓	x	x	✓	x	✓	✓	✓	x
<i>goods too dangerous to be transported</i>	✓ ²	✓	✓	✓	✓	✓	✓	✓ ³	✓
<i>relevant test series of the UN Test Manual</i>	x	x	✓	✓	✓ ⁴	x	✓	x	x
<i>descriptive definition (aligned with UN Model Regulations)⁵</i>	x	✓	✓	x	✓	x	x	x	✓
Additional substances or articles covered under legislation	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	Cth
<i>security sensitive ammonium nitrate</i>	✓	x	✓	✓	✓	✓	✓	✓	✓
<i>explosive precursors</i>	✓	x	✓	x	✓ ⁶	x	x	x	x
<i>desensitised explosives</i>	✓ ⁷	x	✓ ⁸	x	✓ ⁹	✓ ¹⁰	x	x	✓ ¹¹
<i>ammunition</i>	✓	✓	✓	✓	✓	x	x	x	x
<i>home-made explosives</i>	✓	✓	✓	x	✓	x	x	x	✓
<i>discretion of Chief Officer¹²</i>	x	x	✓	✓	x	x	x	x	x
<i>discretion of Minister¹³</i>	x	x	x	x	x	x	✓	x	x
<i>declaration by Governor</i>	x	✓ ¹⁴	x	x	✓ ¹⁵	x	x	x	x

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NOTES

1. Chapter 2.1 of the *Australian Dangerous Goods Code* (7th Edition), details several divisions outlining the various substances and articles that are deemed to be 'explosives' and classified as 'Class 1' etc., based on the criteria of the UN Model Regulations which itself refers to the UN Manual of Test Criteria with regards to the classification criteria and testing methods.
2. i.e. goods too dangerous to transport *that have an explosive or pyrotechnic effect*.
Appendix 1, Appendix 2 and Addendum 1 to Appendix 2 under the *Australian Explosives Code* (3rd Edition) detail the various substances and articles that are deemed to be 'explosives' and classified as 'Class 1' etc., based on the criteria of the UN Model Regulations which itself refers to the UN Manual of Test Criteria with regards to the classification criteria and testing methods.
3. This coverage is implied. See *Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Regulations* (NT).
4. This is indirectly covered via section 6(3) of South Australia *Explosives Act 1936*, where IMDG Code requirements and definitions made for explosives under the Marine Board and Navigation Act 1881.
5. These jurisdictions provide a broader definition of what the relevant legislation considers to be an 'explosive' (compared to the other jurisdictions which refer to Class 1 dangerous goods etc.). For example, the relevant legislation in Queensland describes an explosive as '(a) a substance or a thing containing a substance, manufactured or used with a view to produce – (i) a practical effect by explosion; or (ii) a pyrotechnic effect; and (b) a substance or thing declared under a regulation to be an explosive. Examples include ammunition, detonators, gunpowder, nitro-glycerine, and pyrotechnics (include fireworks).'
6. See section 4(a) and 4(b) of relevant Act: 'every other substance, whether similar to those abovementioned or not, used or manufactured with a view to produce a practical effect by explosion or pyrotechnic effect' and 'every adaption or preparation of explosive.' This provision suggests that desensitised explosives could be included in South Australian legislation.
7. See regulation 4(c) of relevant Regulation: 'articles or substances that when mixed can produce an explosive effect.' This provision suggests that desensitised explosives could be included in New South Wales' legislation.
8. See Schedule 2 of relevant Act: 'a substance or a thing containing a substance, manufactured or used with a view to produce a practical effect by explosion or a pyrotechnic effect...' This provision suggests that desensitised explosives could be included in Queensland's legislation.
9. See section 4(a) and 4(b) of relevant Act: 'every other substance, whether similar to those abovementioned or not, used or manufactured with a view to produce a practical effect by explosion or pyrotechnic effect' and 'every adaption or preparation of explosive.' This provision suggests that desensitised explosives could be included in South Australian legislation.
10. Tasmanian legislation applies to desensitised explosives only so far as they are listed in the AE Code, appendices 1 or 2.
11. See section 5(a) of relevant Act: 'substances or articles capable of producing an explosive, incendiary or pyrotechnic effect.' This provision suggests that desensitised explosives could be included under Cth legislation.
12. The definition of 'explosives' covers any substance or article declared by the Chief Officer under the regulations to be an explosive (no criteria on how this can be determined is provided). Note: For Queensland this refers to Chief Inspector.

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13. The definition of an 'explosive' covers any substance or article declared by the Minister to be an explosive (no criteria on how this can be determined is provided).
14. Governor in Council may declare a substance or article to be a dangerous good for the purposes of the Act under section 9B (1).
15. Governor may declare that any substance which appears to be especially dangerous to life or property by reason of its explosive properties or any component of any such substance shall be deemed to be an explosive within the meaning of the Act.

Appendix B: Overview of key features of licensing systems

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
Legislation examined	<p><i>Explosives Act 2003</i></p> <p><i>Explosives Regulations 2013</i></p> <p><i>Mutual Recognition 'Ministerial Orders' under the Mutual Recognition Act (other jurisdictions also in this order)</i></p>	<p><i>Dangerous Goods Act 1985</i></p> <p><i>Dangerous Goods (Explosives) Regulations 2011</i></p> <p><i>Dangerous Goods (HCDG*) Regulations 2005</i></p> <p><i>*high consequence dangerous goods</i></p>	<p><i>Explosives Act 1999</i></p> <p><i>Explosives Regulations 2003</i></p>	<p><i>Dangerous Goods Safety Act 2004</i></p> <p><i>Dangerous Goods Safety (Explosives) Regulations 2007</i></p> <p><i>Dangerous Goods Safety (Security Risk Substances) Regulations 2007</i></p>	<p><i>Explosives Act 1936</i></p> <p><i>Explosives Regulations 2011</i></p> <p><i>Explosives (Fireworks) Regulations 2001</i></p> <p><i>Explosives (Security Sensitive Substances) Regulations 2006</i></p> <p><i>Dangerous Substances Act 1979</i></p> <p><i>Dangerous Substances (Dangerous Goods Transport) Regulations 2008</i></p> <p><i>Dangerous Substances Regulations 2002</i></p>	<p><i>Explosives Act 2012</i></p> <p><i>Explosives Regulations 2012</i></p> <p><i>Security Sensitive Dangerous Substances Act 2005</i></p> <p><i>Dangerous Goods (Road and Rail Transport) Regulations 2010</i></p>	<p><i>Dangerous Substances Act 2004</i></p> <p><i>Dangerous Substances (Explosives) Regulations 2004</i></p> <p><i>Dangerous Substances (General) Regulation 2004</i></p>	<p><i>Dangerous Goods Act 2012</i></p> <p><i>Dangerous Goods Regulations 2014</i></p> <p><i>Transport of Dangerous Goods by Road and Rail (National Uniform Legislation) Regulations</i></p>
<i>Licensee</i>								
Person	Y -Natural person must hold security clearance [r18].	Y -An applicant under the Regulations who is a natural person must be at	Y -Regulations and Act all refer to 'an appropriate person' [Division 4 in Regs; s15 in	Y -A person must hold a licence or permit to be in possession of authorised	Y -All regulations refer to 'person' except r14.06 which refers to a natural person	Y -Regulations refer to a person [Explosives Regulations, Part 8 & Part 11,	Y -Licence applicants can be a suitable person or a corporation [r40A].	Y -Regulations refer to 'a person' in Requirement for Licences [Subdiv 1].

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	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
	-Does not apply to a single use fireworks licence [r18(3)].	least 18 years of age [r174(2)]. -Explosives licences are issued by the Victorian WorkCover Authority under s21 of the Dangerous Goods Act 1985. -The Victorian WorkCover Authority may refuse to issue or renew a licence if the applicant is not a suitable person Dangerous Goods Act 1985 [s21(6)(b)].	Act]. -Applicants for authorities can be an individual person or a corporation [Act s15(3)(a) and (b)]. -Authorities (which include licences and permits) are issued to a person under s13 of the Act.	explosives [r47]. -Only individuals can apply for an explosives driver licence, shotfiring licence, fireworks operator licence, pyrotechnics (special use) licence [r157(2)].	who is required to be a fit and proper person and is over 18 years of age [Explosives Regulations, Explosives (Security Sensitive Substances Regulations r26(1), Dangerous Substances, (Dangerous Goods Transport) Regulations all regulations for penalties refer to a natural person, [r37]. Dangerous Substances Regulations 2002 keep licences are issued to a person [under DS Act, s14].	Security Sensitive Dangerous Substance Act – Part 2 and Dangerous Goods (Road and Rail Transport) Regulations Part 18.	-Licences are issued to suitable persons under Chapter 4 of the Act.	
Body corporate (with nominated person)	Y -A corporation may be granted a licence to handle explosives or explosive precursors and must nominate a	Y -A body corporate must give the Authority written notice of the names and contact details of all directors and persons	Y -Applicants for authorities can be an individual person or a corporation [Act s15(3)(a) and (b)].	Y -Licence applications by partnerships and body corporates [r157(5)], with a qualified officer [r165].	Y -Body corporates are specifically excluded to apply for or be issued a blaster's licence [r14A.03(2)]. -Directors of a	Y - Some Security sensitive dangerous substances permits may be held by an individual or a	Y -Licence applicants can be a suitable person or a corporation [r40A].	Y -Manager of the body corporate is the relevant person in relation to a licence application [r5H(7)].

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	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
	responsible person for the corporation [r19].	concerned in the management of the body corporate, including one or more who are to be the contact person for dealings with the Authority [r201(1)].		-Body corporates or partnerships can apply for fireworks contractor licences [r157(6)(b)].	<p>body corporate may hold a pyrotechnic displays business licence [Fireworks Regs, r18] or sales business licence [Fireworks Regs, r23].</p> <p>-Body corporates may apply for security sensitive substances licences [Security Sensitive Regs, r27(1)(d)].</p> <p>Permit to acquire and use model rocket engine may be issued to Incorporated Associations or specified educational programs. [r14.09 A and r14.09B]</p> <p>Body Corporates may apply for DS keep licence - refer to penalty [s14] of DS Act.</p>	<p>body corporate.</p> <p>Dangerous goods vehicle licences may be held by an individual or a body corporate.</p> <p>A dangerous goods driver licence can only be held by an individual.</p> <p>A fireworks display permit may be held by an individual or a body corporate with a nominated responsible adult.</p> <p>A shot-firing permit can only be held by an individual (an adult).</p>		
<i>Activity or substance</i>								

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	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
<i>licensed</i>								
Use/handle	<p>Y</p> <p>-Blasting explosives user's licence [r28].</p> <p>Other licences also permit use:</p> <p>Pyrotechnician's licence [r29]</p> <p>Fireworks (single use) licence [r30]</p> <p>Licence to use SSDS [r31]</p>	<p>Y</p> <p>-Licence to use blasting explosives (also covers storage of limited quantities of blasting explosives) [r125(1) and (2)]</p>	<p>Y</p> <p>-Licence to use explosives [r29].</p> <p>-Shotfirer's licence [r30].</p>	<p>Y</p> <p>Shotfirer's licence [r125(2)(a)(i)].</p>	<p>Y</p> <p>-Blasters' licence [r14A.02].</p> <p>-Licence to mix and use AN [r4.02] in the form provided in Schedule K [r4.05(a)].</p> <p>-Permit to acquire and use model rocket engine may be issued to Incorporated Associations or specified educational programs. [r14.09 A and r14.09B]</p> <p>-Authority to load or unload explosives at public wharf or landing place without written consent of the Minister of Transport [r7.13 (20a)]</p> <p>-Authority to carry explosives in a</p>	<p>Y</p> <p>-Shotfiring permit required [r45].</p> <p>-Permits to handle unauthorised explosives [r21].</p> <p>-Security Sensitive Dangerous Substances (SSDS) Act requires SSDS permit to use security sensitive dangerous substances (including SSAN, blasting explosives and Type 3 fireworks) [Act s8 and Div 1 and Div 2].</p>	<p>Y</p> <p>-Shotfirer's licence to use an explosive or manufacture ANFO [r180(1)] and Blasting permit to use an explosive [r180(2)].</p> <p>-Shotfirer licences licensed under Chapter 4 of the Act with application details in r185.</p> <p>-Blasting permits are licensed under Chapter 4 of the Act with application details in r188.</p>	<p>Y</p> <p>-Person must have a licence to possess explosives [r5D].</p> <p>-A shotfirer's certificate is required to use blasting explosives [r132].</p>

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	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
					<p>prohibited area, within a port, land, ship tranship and handling explosives require consent from Minister for Transport etc. [r 8.03, 8.04, 8.05,8.08, 8.11, 8.14]</p> <p>-Special provisions relating to packing and carriage of explosives on railway or tramway as approved by the State Transport Authority or the manager of tramway or railway [r7.18(a)]</p> <p>-Filling of safety cartridges for sale. [r 5.02 and s8 & s49 of Act]</p>			
Manufacture	<p>Y -Licence to manufacture [r22]. Blasting licence also permits</p>	<p>Y -Licence authorising the manufacture of explosives [r36(1)].</p>	<p>Y -Licence to manufacture explosives [r24]. -Can only supply to a person</p>	<p>Y -Explosives manufacture licence [r64]. -Explosives manufacture</p>	<p>Y -Licence for factory to manufacture explosives [r3.01] in the form provided in</p>	<p>Y -SSDS Act requires SSDS permit to manufacture security sensitive explosives [Act</p>	<p>Y -Authority to manufacture explosives [r48]. -Manufacturing</p>	<p>Y -A person must not manufacture explosives except under and in accordance with the terms and</p>

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	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
	limited manufacture [r28]	(Licence to manufacture at a factory may also cover storage, sale and import r36(2)).	authorised to possess explosives [r71].	(MPU) licence authorises manufacture of bulk AN-based explosives without needing a manufacturing licence [r65(2) and r102]. -A shotfirer's licence authorises holder to manufacture ANFO without needing a manufacturing licence [r65]. -Fireworks licence holders can manufacture fireworks for theatrical entertainment without needing a manufacturing licence [r66].	Schedule I [r3.06(b)]. -Licence to mix and use AN [r4.02] in the form provided in Schedule K [r4.05(a)]. -Filling of safety cartridges for sale [r 5.02 and s8 & s49 of Act].	s8]. -No general manufacturing licence under Explosives Regulation.	licences are licensed under Chapter 4 of the Act with application details in r51.	conditions of a licence [r3(1)]. -A licence includes a shotfirer's certificate which authorises the manufacture of AN explosive mixtures [r73(2)].
Import	Y -Licence to import [r23]. Licence to manufacture also permits import [r22]	Y -Licence to import explosives [r166(1)] but does not apply to importing safety cartridges for holders of firearms licence	Y -Licence to import explosives [r22(1)]. -Permit to import explosives [r23(1)].	Y -Licence to import [r57(1)].	Y -Licence to import explosives (other than security sensitive substances) [r13.02(a)] in the form provided in Schedule C	Y -SSDS Act requires SSDS permit to import security sensitive explosives [Act s8]. -No general	Y -Authority to import explosives [r90] unless they are explosives for which no import licence is required (for example, distress signals,	Y -Approval by and notification to the Competent Authority is required [r5C and r84(2)]. This is a

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	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
		[r166(2)].			[r13.08]. Permit to import security sensitive substances (Security Sensitive Substances Regulations r9(a) and r20).	import licence needed, but notification to the Secretary of the Department is required [r38].	safety cartridges) [r91]. -Import licences are licensed under Chapter 4 of the Act with application details in r194.	Certificate of approval.
Store	Y -Licence to store [r27]. Other licences also permit storage: Manufacture Import Supply Transport Blasting Pyrotechnician Fireworks (single use) SSDS.	Y -Licence to store explosives of a type and quantity [r61(1)] which may also authorise the licensee to sell or import those explosives [r61(2)]. -Certain licensees are exempt from the requirement to hold a licence to store [r61(3)]. -Licensees may hold a licence to store explosives at a medium scale facility [Division 5] or to store explosives above prescribed quantities	Y -Licence to store explosives [r26] -Permit to store explosives [r27].	Y -Explosives storage licence [r76]. -Other licence types have limited storage authorisation [Part 9 Div 4].	Y -Licence to keep explosives on premises [r10.02] in the form provided in Schedule Q [r10.05]. -Private magazine licence [r11.02] in the form provided in Schedule S [r11.04] and s21 of Act] -Portable magazine licence. [r11.06] -Underground magazine licence. [r14.08 & s23] -Keep in Government magazine.	Y -SSDS Act requires SSDS permit to store security sensitive explosives [Act s8]. -No general storage licence under Explosives Regulation. Note the licensing requirements for MHFs under the Work Health and Safety Regulations apply to the storage of large quantities of explosives.	Y -Authority to store explosives [r125]. -Storage licences are licensed under Chapter 4 of the Act with application details in r128.	Y -Licence to store explosives [r4(1) and (2)]. -Storage of shop goods fireworks also requires a licence [r5].

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	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
		[Division 6].			<p>[s20, s23 of Act]</p> <p>SSAN storage licence under the Explosives Act (SSAN Regulations r9).</p> <p>-For desensitised explosives or precursors. An alternative mechanism to licence is available under the Dangerous Substances Regulations 2002. However, it is currently limited to Class 3 and 6 substances only. [see r41, r60 and s15 of Act].</p>			
Supply (sale)	<p>Y</p> <p>-Licence to supply [r24].can only supply to licenced persons or companies [r75(1)].</p> <p>- Records of sales to be kept [r75(2)-(3)].</p>	<p>Y</p> <p>-Licence to sell explosives [r98(1)] which also authorises storage, transport and import of those explosives [r98(3) and (4)].</p> <p>-Can only sell to licensed buyers</p>	<p>Y</p> <p>-Licence to sell explosives [r25] and to whom they may be sold [r75].</p> <p>-Restrictions on sales of security sensitive explosives, including SSAN, to new clients:</p>	<p>Y</p> <p>-Explosives supply licence [r112].</p> <p>-Other licence types have limited supply authorisations [r113-116].</p> <p>-Supply to</p>	<p>Y</p> <p>-Permit to sell explosives (other than fireworks or security sensitive substances) [r14.01] in the form provided in Schedule E [r14.07].</p> <p>-Pyrotechnic</p>	<p>Y</p> <p>- SSDS Act requires SSDS permit to sell security sensitive explosives [Act s8].</p> <p>-Explosives regulations focus on responsibilities for sale of</p>	<p>Y</p> <p>-Authority to supply explosives or general use fireworks [r166].</p> <p>-Supply licences are licensed under chapter 4 of the Act with application details</p>	<p>Y</p> <p>-A licence for the sale of explosives (other than safety cartridges, distress signals or propellant for fire arms) is required [r5B].</p> <p>-Can only sell to authorised buyers</p>

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	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
	<p>Other licences also permit supply:</p> <p>Manufacture Import</p>	<p>[r103(1)] and satisfies the seller that the person can transport the explosives as required [r103(2)].</p> <p>- Records of sales to be kept [r104].</p> <p>-Sale of consumer fireworks, distress signals, cartridge ammunition, or industrial safety cartridges or propellants or primers held under a firearm's licence [r103] and consumer fireworks, distress signals, cartridge ammunition, or industrial safety cartridges [r104].</p>	<p>identity information to be collected and provided to regulator ahead of sale [r78B(3)] which may take place with the chief inspector's validation of the new client's identity and client's licence [r78B(6)].</p> <p>-Restrictions on sales to existing clients: new licences to be checked with regulator ahead of sale [r78C(5)]</p> <p>-records kept of all sales [r79A].</p> <p>-Requirement for notification of suspicious purchases of security sensitive explosives, including SSAN [r78A].</p>	<p>unauthorised people is prohibited [r117].</p> <p>-All sales records to be kept [r119].</p>	<p>sales business licence [r23 Fireworks regs].</p> <p>-A permit is required to sell or supply security sensitive substances [Security Sensitive Regs, r9].</p> <p>-Permit to purchase required to sell (supply) explosives [r14.01(a) of Explosives Regulations].</p>	<p>explosives, including fireworks:</p> <p>-General explosives not to be sold in public places [r28].</p> <p>-Not to sell defective explosives [r36].</p> <p>-Only pyrotechnicians (i.e. holder of a shotfirer's permit endorsed for pyrotechnics) can sell Type 2 or Type 3 fireworks [r97].</p> <p>-Sales records to be kept [r41].</p>	<p>in r169.</p> <p>-Supply can only be to authorised people [r174].</p> <p>-Records of sales to be kept [r176].</p>	<p>[r129].</p> <p>-A person is exempt from needing a licence to sell explosives in respect of a single sale [r130].</p> <p>-Records of sales to be kept [r128].</p>
Transport	Y -Licence for transport by	Y -Licence to drive a vehicle	Y -Licence to transport	Y -Explosives transport licence	Y -Licence to carry explosives [r7.02]	Y -SSDS Act requires SSDS	Y -Authority to carry explosives (for an	Y -Endnotes of regs reference

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	<p>vehicle [r25] or vessel [r26].</p> <p>Other licences also permit limited transport:</p> <p>BEUL Pyrotechnician Fireworks (single use) SSDS.</p> <p>Licence to transport is for transporting explosives not driving of vehicle and is issued to an enterprise not an individual.</p>	<p>Transporting Explosives [r109].</p> <p>-Licence to transport explosives by road (individual vehicle licence) [r108].</p> <p>-Licence to transport explosives by rail [r108(2)].</p> <p>Notifications required if intend to transport by boat [r111].</p>	<p>explosives [r28].</p>	<p>by road, rail and water [r97(2)] -Explosives driver licence [r97(3)].</p> <p>Other licence types have limited transport authorisations [r98-102].</p>	<p>in the form provided in Schedule N [r7.04(3)] (licence is for owner of the transport vehicle). This covers vehicle, ship/boat and rail.</p> <p>-Permit for ship or boat carrying explosives within a port [r8.04].</p>	<p>permit to transport security sensitive explosives [Act s8 in conjunction with Schedule 1].</p> <p>-Dangerous Goods (Road and Rail Transport) Act 2010 requires drivers and vehicles carrying dangerous goods (including explosives) to be licensed [s4].</p>	<p>individual) [r100].</p> <p>-Authority to carry explosives by rail (for an individual) [r101].</p> <p>-Carrying licences are licensed under Chapter 4 of the Act with application details in r105.</p> <p>-Authority to drive a vehicle carrying explosives [r107].</p> <p>-Carrying licences are licensed under Chapter 4 of the Act with application details for explosives driving licences in r111.</p>	<p>Transport of Dangerous Goods by Road or Rail (National Uniform Legislation) Regulations which have a dangerous goods drivers Licence for road [Transport Regs, r156 and r169].</p>
Dispose	<p>Y</p> <p>-Very limited disposal is permitted by blasting user's licence [r28(1)(e) and r97].</p> <p>A licence to</p>	<p>Y</p> <p>-Only those licensed to use certain explosives may dispose of explosives [r162].</p>	<p>N</p> <p>-However, chief inspector may dispose of explosives in storage if fee is not paid [r108(d)].</p> <p>Note: Use licences include</p>	<p>Y</p> <p>-Explosives must only be disposed by persons licensed to use the explosive [r154].</p>	<p>Limited</p> <p>-Blaster's licence has the condition that the licensee only use or dispose of blasting explosives specified in the licence</p>	<p>Y</p> <p>-SSDS Act requires SSDS permit to dispose of security sensitive explosives [Act s8].</p> <p>-No general</p>	<p>Y</p> <p>-Explosives must only be disposed by persons licensed to handle explosives [r252].</p> <p>Notification should be provided to the</p>	<p>N</p> <p>-Not in Regs, but Act allows a Competent Authority or a relevant officer to dispose or destroy dangerous goods if necessary in the</p>

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	manufacture endorsed for disposal is required to perform disposal.		disposal.		[r14A.04(2)(a)] -A permit is required for the disposal of security sensitive substances [Security Sensitive Regs r9] with records of disposal retained [Security Sensitive Regs r23].	disposal license under Explosives Regulations.	Regulator.	public interest or safety of a person [Act, s21(1)(a)].
Export	Y -Covered by licence to supply [r24] and licence to manufacture [r22].	N	Y -Licence to export explosives [r22(2)]. -Permit to export explosives [r23(2)]	Y -Licence to export [r57(2)].	Y -Authority to load or unload explosives at public wharf or landing place without written consent of the Minister of Transport [r7.13 (20a)]. -Authority to carry explosives in a prohibited area, within a port, land, ship tranship and handling explosives require consent from Minister for Transport etc. [r 8.03, 8.04,	Y -SSDS Act requires SSDS permit to export security sensitive explosives [Act s8]. -No general export licence needed under the Explosives Regulations, but notification is required [r39(3)] and records kept [r39].	N	Y -Approval by and notification to the Competent Authority for certain explosives [r5C and r84(2)]. This is a Certificate of approval.

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					8.05,8.08, 8.11, 8.14]. -Permit to export security sensitive substances [Security Sensitive Substances Regulations r9(a) and r20.]			
Precursor	Y -Precursors are covered under broad explosives Act/Regs. But is a specific licence – licence to use security sensitive dangerous substances – to purchase, possess, use, store, transport, and dispose of specified substance [r31].	Y -Separate regulations for Security Sensitive (SS) substances, called ‘high consequence dangerous goods’(HCDG). -Licences are required for import, export, manufacture, store, sell, supply, use, handling, transfer, transport and disposal of HCDGs [r201(1) HCDG Regs]. -In addition, a licence to use blasting explosives can be endorsed to allow	Y -Covered under broad explosives Act/Regs. SSAN and precursors are declared to be explosives in the appropriate UN classification [r6(1)]. -Also see section above on sales of security sensitive explosives for requirements around sale of security sensitive explosives, including SSAN above.	Y -Separate regulations for security sensitive (SS) substances. The licences for SS substances are the same as broader explosives licences, but are SS specific’ for import/export, manufacture, storage, transport, supply, shotfirer and fertiliser use. [Security Risk Substances Regs, r12].	Y -Separate regulations for security sensitive (SS) substances that make broader explosives licences applicable to SS substances [Security Sensitive Substances Regs Part 4].This means there are licences to manufacture, transport and store SS substances. There are also permits for the sale, supply, purchase, acquisition and disposal of SS	Y - Security Sensitive Dangerous Substances Act 2005. -Permit is required to use, store, purchase, manufacture, sell and import SS substances under the SSDS Act [refer restricted activity in s3].	Y -A person is authorised to manufacture ANFO if the person has a shotfirer licence or is supervised by a person with a shotfirer licence [r180(1)]. -Separate regulations for SS substances that make broader explosives licences applicable to SS substances. Means there are licences to manufacture, import, transport (road and rail), store, supply and	N -No specific licence, AN explosive mixture is covered under the licence to manufacture [r73(2)].

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		manufacture of ANFO to a maximum amount for personal use [r200].			<p>substances [Security Sensitive Substances Regs Part 4].</p> <p>-The Explosives Regs do have provision for AN mixing licence [r4.02].</p> <p>-Security checks are needed for SS substances [r26(5)(a)].</p> <p>-For new precursors. An alternative mechanism to licence is available under the Dangerous Substances legislation. However, it is currently limited to Classes 3, 6 and 8 substances only for storage component. [see r41, r60 and s15 of Act].</p>		use SS substances. [r406-463 General Regs].	
<i>Licence terms</i>								
	5 years unless	5 years for all	3 years for	5 years [r167].	3 years for:	3 years for	3 years maximum	Business licence

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	<p>cancelled earlier or otherwise stated for all according to licencing guides available on the WorkCover NSW website.</p> <p>-Legally, the duration of licences may be variable. The Act says a licence remains in force for the period specified in the licence or until cancelled, if no such period is specified. (s16(1)).</p>	[r189(b)].	<p>fireworks contractor or operator licences [r21(a)].</p> <p>5 years for others [r21(b)].</p> <p>Note: These are the maximum terms of a licence.</p>		<p>Blasters' licence [14A.04(1)].</p> <p>-SSAN licences [Security Sensitive Regs, r12(2)].</p> <p>12 months for: -Licence for factory to manufacture [r3.06(e)].</p> <p>-Licence to mix and use AN [r4.05(g)].</p> <p>-Licence to carry explosives in vehicles [r7.04(5)].</p> <p>-Licence to keep explosives on premises [r10.06(c)].</p> <p>-Magazine licence [r11.04(7)].</p> <p>-Licence to import explosives [r13.09(c)].</p> <p>-Permit to sell explosives [r14.05(1)].</p>	<p>shotfirer's permit [r47(1)(b)].</p> <p>Fireworks display permits are for a specified event only.</p> <p>-SSDS permits can be short term (up to 12 months) [Act s19(3)] or long term (3 years) [Act s19(2)].</p> <p>Dangerous goods driver and vehicle licences are valid for no more than five years.</p>	<p>or any shorter period prescribed by regulation (Act s 54(2)).</p>	<p>- 3 years</p> <p>Shotfirer – 3 years</p> <p>Drivers licence – 5 years</p> <p>Vehicle licence – 3 years</p>

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					<p>-Pyrotechnician's licence [Fireworks Regs, r11(1)].</p> <p>- Pyrotechnic display business licence [Fireworks Regs, r20(1)].</p> <p>-Pyrotechnic sales business licence [Fireworks Regs, r25(1)].</p> <p>DG transport licence is up to 3 years.</p> <p>Dangerous Substances licence for storage is 1 year.</p>			
<i>Mutual recognition</i>								
	<p>Y</p> <p>-By application a person who holds a recognised interstate licence is deemed to hold a local licence equivalent to the recognised licence [s4(1).</p>	<p>Y</p> <p>-Manufacture licences recognised [r36(3)(b)].</p> <p>-Vehicle licences for transporting explosives recognised [r108].</p> <p>-Driver's licences</p>	<p>Limited</p> <p>-Fireworks Contractor Licence recognises licences and experience from interstate [r36].</p> <p>Shotfirers and pyrotechnicians recognised under</p>	<p>Y</p> <p>-Recognise security clearances (including as licences as proxy for security clearance) for first 3 months residing in WA [r16(3)].</p> <p>-Automatic mutual</p>	<p>-Not clear from Regs or Act, but SafeWork SA publication, Guide for applicants: Dangerous goods vehicle licence, indicates interstate dangerous goods vehicle licences are recognised (p.</p>	<p>Y</p> <p>-Interstate shotfirer's permits recognised – have a certificate of recognition. [r44(b)] and [r54 and r55].</p> <p>-SSDS Act has provision for mutual</p>	<p>Y</p> <p>-Regs recognise interstate licences to carry explosives by road or rail [r99].</p> <p>-Authority to carry explosives by road [r100(1)(b) and (2)(b)].</p>	<p>Y</p> <p>-Not specified in the Regs or the Act, but the Worksafe NT website states that NT recognises current licences issued by other states (excepting shotfirer) and that</p>

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	-Mutual Recognition (Automatic Licensed Occupations Recognition) Act].	from interstate recognised as evidence of competency [r180]. -Interstate security checks recognised [r201(3)].	the mutual recognition scheme - Mutual Recognition (Queensland) Act 1992.	recognition of interstate transport licences [r97(4)].	3). -The SafeWork SA Licence Recognition web page does not include explosives licences in those listed for mutual recognition. However, SA did sign to the IGA for mutual recognition of occupational licences extending to shotfirer licence and pyrotechnician's licences.	recognition if the regulator is satisfied that the other permits correspond to SSDS permits [SSDS Act, s 23].	-Authority to carry explosives by rail [r101(1)(b) and (2)(b)]. -Authority to drive vehicles carrying explosives [r107(1)(a)].	workers moving to the NT can use their interstate licences until they expire (thereafter they need an NT licence).
<i>Competency requirements</i>								
	Y [Part 3, r19(4)(d)] applies to the competency of the nominated responsible person for corporation licences. -Also, for blasting users	Y -General competency standards [r176]. -Training or competency check for blasting explosives licences [r188(1)(b)]. - Pyrotechnician	Y -Shotfirer's licence is only valid if applicant has current competency check [r30(2)-(3) and r35(1)(c)], with provision for an examination to be set [r35(2)]. -Fireworks	Y -Competency requirements for driver, shotfirer, firework operator and pyrotechnics (special use) licences [r157(3)]. -Competency evidence requirements [r159].	Y -Blasters' licence requires qualifications and experience [r14A.03(5)]. -Pyrotechnician's licence requires experience and completion of appropriate training	Y -Shotfirer must have completed [r45(5)(a)] or be doing [r44(c)] appropriate training. -Shotfirer training, includes certificate of accreditation, [Part 9 of the	Y -Applications for licence to drive a vehicle carrying explosives to provide evidence of appropriate training and experience [r111(f)and (g)] or passed an approved course [r112(2)].	Y -Applicants for shotfirer's certificate should have sound knowledge and practical ability. [r133(3)(c) and (e)].

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	<p>licence [r38(b)] and pyrotechnicians and single use fireworks [r39(b)].</p> <p>Driver competency requirements are found under r94 and Section 8.4.3 of the Australian Explosives Code.</p>	<p>licences [r187(2)(b)].</p> <p>-Driving licences. [r180(2)(b) and (c)].</p>	<p>Contractor and Fireworks Operators are assessed as competent by an RTO within two years of the licence applications or when demonstrates skills to the necessary standard [r36(1)(d) and r37(1)(c)].</p> <p>Competency requirements included as a condition of licence [r 114 and r 116].</p> <p>Competence required for explosives transported under s50(3) of the Act [r117].</p> <p>Requirement for holders of particular authorities authorising use [r 121].</p>		<p>[Fireworks Regs, r10(a) and (b) and r12(1)].</p> <p>-DG driver licence require person to have undertaken an approved DG driver training course. [r19(3)(b)].</p>	<p>Regs].</p>	<p>-Shotfirers need to prove training and experience [r186(2)(b)].</p> <p>-Fireworks display operators also need to have done training/achieved competency [r305(2)(b)].</p> <p>-Fireworks display permit applicants who do not hold a display operator licence need to provide details of having undertaken and passed training [r307(2)(c)].</p>	

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			<p>Competency requirements included as a condition of licence - fireworks operator [r 146]</p> <p>Competency requirements included as a condition of licence for safety at a fireworks display- fireworks operator and fireworks contractor [r 136].</p>					
<i>Security assessment</i>								
<p>Probity (fit and proper) check</p>	<p>Y</p> <p>-In the Act, in relation to reports to regulatory authorities by the Police Commissioner, s13(1)(c) and for cancellation of licences s21(b) and in the Regs, specifically for single use fireworks licence (r39(2)(b)).</p>	<p>Y</p> <p>-In terms of a licensee's ongoing suitability [r190(1)(d)(ii)].</p>	<p>Y</p> <p>-Act provides for chief inspector to inquire about a person's appropriateness for authorities [s15].</p> <p>-Shotfirer licence [r35(1)(f)], Fireworks Contractor Licence [r36(1)(e)].</p> <p>-Fireworks</p>	<p>Y</p> <p>-Commissioner of Police may object to person having a security card [r19].</p> <p>-Disclosure of relevant offences of those pending [157(4)].</p>	<p>Y</p> <p>-Blasters' licence requires fit and proper person [r14A.03(6)(b)].</p> <p>Holder of permit to sell explosives to be fit and proper person [r14.06]</p> <p>-Grant of pyrotechnician licence [Fireworks Regs, r10(d)].</p>	<p>Y</p> <p>-Schedule 4 of the Explosives regs provides criteria for fit and proper person or an SSDS permit may be relied upon to satisfy the criteria.</p> <p>-Schedule 4 is specifically referred to in relation to shotfirer permits [r45(6)(c)].</p>	<p>Y</p> <p>-Act requires director-general to have regard to whether a person is a suitable person to be issued or continue to hold a licence [Act, s49].</p> <p>-Police checks are required for blasting permits [r188].</p>	<p>Y</p> <p>-Licences require certificate from Commissioner of Police covering criminal history for fireworks licence [r5H(5)].</p> <p>Criminal history checks required for 'person' licences.</p>

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			<p>Operator licence [r37(1)(e)] are limited to 'appropriate persons'.</p> <p>-Persons for other authorities are also to be appropriate persons [r38(1)(d)].</p>		<p>-Pyrotechnic display business licence [Fireworks Regs, r19(c)].</p> <p>-Exempt display permit [Fireworks Regs, r22(4)(c)(iv)].</p> <p>-Pyrotechnic sales business licence [Fireworks Regs, r24(b)], requires applicant to be fit and proper person.</p> <p>-DG driver licence does not have a security check component but covers medical fitness and probity for road traffic related offences only [r19].</p>	Fit and proper person criteria are also provided in s13 and s14 of the SSDS Act.		
Security check	<p>Y</p> <p>-A security clearance is a prerequisite to obtaining a licence [s10A] with the exception of single use fireworks permit</p>	<p>Y</p> <p>-ASIO security check needed to apply for a licence [r202, r205 and r206].</p> <p>-Security check also needed for HCDGs</p>	<p>Y</p> <p>-Act provides for the Chief Inspector to make reasonable security checks to establish the appropriateness of a person or whether the</p>	<p>Y</p> <p>-Valid security cards have security clearance under the Regs [r16].</p> <p>-Security clearance required for</p>	<p>Y</p> <p>-No specific requirements for security check for explosives licences in Explosives Regs, only probity check for blasters' licence [r14A.03</p>	<p>Y</p> <p>-Schedule 4 to the Regs includes reference to particular offences [Schedule 4 item (2)(g) and (h)], as does the SSDS Act.</p>	<p>Y</p> <p>-Security check needed to determine suitability of a person to hold a licence [r40A] with security definitions referencing ASIO</p>	<p>Limited</p> <p>-No specific requirement for security checks in Act or Regs, but Regs include provision for disqualifying offences occurring in the</p>

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	holders. Clearance is also required for unsupervised access to explosives or precursors [r9]. -Clearance is not required when individual is under immediate supervision [r10] or handling for single use fireworks event [r10(1) and r34].	[r205(2)(b) HCDG Regs] unless a security check has already been conducted under the Dangerous Goods (Explosives) Regulations [r205(3) HCDG Regs].	person continues to be appropriate [s15].	licence holders [r164(2)(c)(ii)]. -Licence holders may only provide unsupervised access to explosives to people with security clearance [r23(2)(a)]. -Strong emphasis on security [r16-22].	(6)(b)] and for licence for mixing AN [r4.04]. -Security checks needed for security sensitive licences/permits including SSAN [Security Sensitive Regs, r16]. -See probity check above for relevance to fireworks.	-Shotfirer's permits can be cancelled 'in the interests of state security' [r53(2)(b)].	checks [r22A] – covers both the applicant and close associates. -Security checks for security sensitive substances, including SSAN, appear in the General Regs [r404(a) General regs].	NT or outside the NT [r2A].
Duration of security clearance	Y -5 years [Act, s16(3)] or unless cancelled sooner.	N -No end point -Security check needed for initial application and licence renewals; not required where a security check under the HCDG Regulations or equivalent legislation has been done by a corresponding Authority [r208(4)].	N Ongoing. - Section 15 provides for the ability of the Chief Inspector to undertake checks to establish whether a person continues to be appropriate.	Y -Security cards valid for 5 years [r20(6)].	Y -Duration of SSAN licence [r12].	N	N	N
<i>Fireworks</i>								
Use/handle	Y	N	Limited	Limited	Y	Y	Y	Y

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- general public	<p>-Single use licence [r30] available for experienced and competent applicants.</p> <p>Single use competency requirements are outlined in r39(2).</p> <p>Application requirements are outlined in r33.</p>		<p>-Specifically prohibited [r132] unless unrestricted fireworks are used in a display [r129(2)].</p>	<p>-A person using a firework which is not an authorised explosive must hold a test permit authorising the person to use it [r26, r27 and r137].</p>	<p>-Exempt display permit is available for public or community purposes under certain circumstances [Fireworks Regs, r22].</p>	<p>-Type 1 fireworks are exempt explosives and the Explosives regs do not apply [4(1)]. Type 1 fireworks are those fireworks intended for use inside domestic premises and listed in Schedule 5. A person does not have to be a pyrotechnician to use them [r86(1) Note 1].</p> <p>-Type 2 and Type 3 fireworks displays are not to be held without a permit [r4 and r87].</p> <p>-A fireworks display permit authorises a single fireworks display [r89(2)(a)].</p>	<p>-Handling of general use fireworks is allowed under the Act with no restrictions apart from general safety duties under the Act [note to r100(1)(d)].</p> <p>-General use fireworks are identified in r259.</p> <p>-Chapter 3 of the Explosives Regs does not apply to general fireworks [r262].</p> <p>-A person must use a general firework in accordance with written instructions [r263].</p>	<p>-Members of the public can purchase and use 'shop goods' fireworks during the retail purchase approved period [r139-140] and do not need a licence.</p> <p>This is on 1 July.</p> <p>-At other times there are permits for fireworks displays [r141] and permits to handle special effects [r143].</p>
Use/handle - pyrotechnician	<p>Y</p> <p>-Pyrotechnician licence [r29].</p>	<p>Y</p> <p>-Pyrotechnician licence [r143].</p>	<p>Y</p> <p>-Fireworks operator licence [r32].</p> <p>-Fireworks</p>	<p>Y</p> <p>-Fireworks operator licence [r138(2)].</p> <p>-Fireworks</p>	<p>Y</p> <p>-Pyrotechnician licence [Fireworks Regs, r9].</p> <p>- Pyrotechnic</p>	<p>Y</p> <p>-Pyrotechnician licence is a type of shotfirer's permit [r84] and is required to prime</p>	<p>Y</p> <p>-Fireworks display operator licence or permit is required to use controlled</p>	<p>Y</p> <p>- Permit for fireworks display [r141].</p>

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			contractor licence [r31].	contractor licence [r138(2)(b)(i)]. -Pyrotechnics special use licence [r138(2)(b)(iii)].	display business licence [Fireworks Regs, r18]. -Pyrotechnic sales business licence [Fireworks Regs, r23].	and fire Type 3 and theatrical fireworks.	fireworks [r100].	
To hold a display	N -No specific licence to hold a display, but to use display fireworks a person must possess either: -Single use licence [r30] or -Pyrotechnician licence [r29(a)].	N -Requirement for notification [r146].	N -Notification of display to inspector [r141] and to emergency services [r142] needed. Fireworks contractor's obligations about safety of display [r140]. Notice from fireworks contractor to inspector after fireworks display [r143].	Y -Fireworks event permit [r138(2)(a)(i)].	Y -Requirement is for notification [Fireworks Regs, r13 and Schedule 2, item 3]. To conduct a firework display: -Pyrotechnician licence [Fireworks Regs, r9]. OR - Pyrotechnic display business licence [Fireworks Regs, r18]. OR -Exempt display permit [Fireworks Regs, r22].	Y -A permit is required to display Type 2 (can be displayed by an adult) and Type 3 (must be pyrotechnician) fireworks – Type 1 is exempt [r86 - 88].	Y -Fireworks display permit [r307], available to fireworks display operator licence holders [r307(1)] or to an applicant without a display operator licence but who supplies certain information [r308(2)].	Y -A permit for fireworks display [r142].

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Appendix C: Notification requirements

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Legislation examined	<p><i>Explosives Act 2003</i></p> <p><i>Explosives Regulations 2013</i></p> <p><i>Work Health and Safety Act 2011</i></p>	<p><i>Dangerous Goods (Explosives) Regulations 2011</i></p> <p><i>Dangerous Goods (HCDG) Regulations 2005</i></p> <p><i>Occupational Health and Safety Act 2004</i></p>	<p><i>Explosives Act 1999</i></p> <p><i>Explosives Regulations 2003</i></p> <p><i>Work Health and Safety Act 2011</i></p>	<p><i>Dangerous Goods Safety (Explosives) Regulations 2007</i></p> <p><i>Dangerous Goods Safety (Security Risk Substances) Regulations 2007</i></p> <p><i>Occupational Safety and Health Act 1984</i></p>	<p><i>Explosives Act 1936</i></p> <p><i>Explosives Regulations 2011</i></p> <p><i>Explosives (Fireworks) Regulations 2001</i></p> <p><i>Explosives (Security Sensitive Substances) Regulations 2006</i></p> <p><i>Dangerous Substances Act 1979</i></p> <p><i>Dangerous Substances (Dangerous Goods Transport) Regulations 2008</i></p> <p><i>Dangerous Substances Regulations 2002</i></p> <p><i>Work Health and Safety Act 2012</i></p>	<p><i>Explosives Act 2012</i></p> <p><i>Explosives Regulations 2012</i></p> <p><i>Security Sensitive Dangerous Substances Act 2005</i></p> <p><i>Work Health and Safety Act 2012</i></p>	<p><i>Dangerous Substances (Explosives) Regulations 2004</i></p> <p><i>Dangerous Substances (General) Regulation 2004</i></p> <p><i>Work Health and Safety Act 2011</i></p>	<p><i>Dangerous Goods Regulations 2014</i></p> <p><i>Dangerous Goods Act 2012</i></p> <p><i>Work Health and Safety (National Uniform Legislation) Act 2011</i></p>
Use	Y -Blasting explosive notification	Y -Notice to be given of intention to demolish a	Y -Notice to be given of proposed blasting, other than	N	Y Duties to notify can be placed as licence conditions.	N -No notification needed – but shotfirer's	N -No notification needed – blasting permits	N -No notification needed – but shotfirer's

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	required at least 5 days prior as per condition 90 [s14(2)] of Blasting Licence. Except Mine sites and ag users on their own property.	building or structure with explosives [r139].	at a mine or explosives factory [r128(1)].		[s48A].	permit is required (which have been treated as a 'licence') [r45] -Regulator MAY require notification of blasting plans [r78].	required instead (which has been treated as a 'licence').	certificate required (which has been treated as a 'licence') [r133].
Fireworks/ Pyrotechnics display	Y -Require notification of display at least 7 days prior as per condition 94 [s14(2)] of Blasting Licence.	Y -Pyrotechnicians to notify of intended use of fireworks [r146]. Notification is to the regulator, fire authority and local council.	Y -Notice of a fireworks display to regulator [r141] and emergency services [r142]. -Notice after fireworks display (including malfunctions and incidents) [r143]. -Fireworks contractor must give notice to display host [r140].	N	Y -Notification of fireworks displays and special effects displays [r13] Duties to notify can be placed as licence conditions [s48A].	Y -Fireworks display permits required (which have been treated as 'licences') [r87]. -Permit holder must give 7 days' notice of the display to various people and authorities [Sch 7].	Y -Permit for fireworks display instead of notification (see licenses). -Notice of the display to be placed in the newspaper [r316]. -Notice is to be provided to police, fire and emergency services [r317]. -A report after the display is to be provided to the regulator [r325].	Y -Permit for fireworks display [r141].
<i>Moving explosives</i>								

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Import	Y -Notify ahead of importing explosives or precursors [r81].	N	Y -Notify intention to import [r50].	Y -Interstate import of fireworks notice [r55]. -Notify import of explosives [r58, 59(1)].	Y -Notice of intention to import explosives [r13.02 and Sch A] covers interstate and overseas imports. (also Schedule O for ship/boat [r8.03 & r8.04]). -Notice is required for SSAN import under [r20(2)] of <i>Explosives (Security Sensitive Substances) Regulations 2006</i> -Duties to notify can be placed as licence conditions. [s48A].	Y -Notify intention to import [r38(3)].	Y -Notify intention to import [r96].	Y -Notify intention to import explosives [r5C].
Export	Y -Notice to be given ahead of exporting explosives or precursors [r80].	N	Y -Notify intention to export [r50].	Y -Notify export of explosives [r58, 59(2)].	Y -Notice is required for SSAN export under [r20(2)] of <i>Explosives (Security Sensitive Substances) Regulations 2006</i>	Y -Notify intention to export [r39(3)].	N	Y -Notify intention to export explosives [r5C].

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					<p>-Explosives other than SSAN, notice is via Schedule O permission for shipping or transshipping explosives [r8.03 and r8.04].</p> <p>Duties to notify can be placed as licence conditions. [s48A].</p>			
Transport	<p>N</p> <p>-NSW does not require transport notification. R82 provides that explosives must not be removed from a port without written approval from WorkCover. We give this approval in the form of our acknowledgement of import notification.</p>	<p>Y</p> <p>-Notify regulator of transport explosives by boat [r111] Notification to port manager before entering a port with a boat carrying explosives [r168].</p>	<p>N</p> <p>-Port masters MAY notify the thresholds of explosives that may be brought through their ports (explosives limits document) [r61].</p>	N	<p>Limited</p> <p>- Govt magazine keeper to have prior notice of carriage [r7.19] or removal [r7.20] of explosives.</p> <p>-Notify intention to have a boat/ship in port with explosives (precursor to a permit being generated) [r8.03].</p> <p>-A range transport actions can be done with prior approval, i.e. - carry explosives in a vehicle with passengers [r7.06], or after</p>	N	N	N

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					<p>sunset [r7.11]. But they are approval provisions rather than notification provisions.</p> <p>-Duties to notify can be placed as licence conditions. [s48A].</p> <p>-For DG transport refer to [r142, r143, r144, r145].</p>			
<i>Supply</i>								
General sales notifications	<p>N</p> <p>-But sales records must be retained [r76] and made available for inspection when directed [r77]</p>	N	<p>Y</p> <p>-Monthly sales record to regulator [r79A].</p> <p>-New purchasers of security sensitive explosives notified to validate their details [r78B].</p> <p>-Notify to validate new licences of existing purchasers of security sensitive explosives [r78C].</p> <p>-Notice of sale of explosives held at government magazine [r111].</p>	N	<p>Y</p> <p>Duties to notify can be placed as licence conditions. [s48A].</p>	N	N	N
Consignment	Y	N	N	N	Y	N	N	N

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notices	-A licence holder must notify the consignee of the type and quantity of explosives or precursors to be sent [r79(2)(b)] The consignee then informs the licence holder that they are prepared to receive the explosives [r79(2)(c)].				-Duties to notify can be placed as licence conditions. [s48A].			
Storage								
Location	Y -Blasting explosives user's licence holder to notify where explosives are stored, if not stored in location specified on licence [r28(2)(b)].	Y -Licence holder who are authorised to store 'above prescribed quantities' must notify fire authorities [r96].	Y -Notification required of any material changes to storage facilities or surrounds [r97]. Notification requirements for authority holder [r41], Government Magazines – request to store explosives [r103].	N	Y -Duties to notify can be placed as licence conditions. [s48A].	N	Y -Notice to fire authorities [r134].	N
Temporary storage	Y -Blasting explosives user's licence holder to notify where explosives are	N	N	Y -Notify temporary storage or handling of dangerous	Y -Duties to notify can be placed as licence conditions. [s48A].	N	N	N

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	stored if not stored in location specified on licence [r28(2)(b)].			goods.				
Manufacture								
Location	Y Must notify of any change.	Y -Explosive manufacturing licence holder must notify fire authorities of their licence/premises/site plans where explosives will be manufactured [r41].	Y -Notify change of location of premises [r41(1)].	N	Y -Duties to notify can be placed as licence conditions. [s48A].	N	Y -Explosive manufacturing licence holder must notify fire authorities of their licence/premises/site plans where explosives will be manufactured [r60].	N
Change of premises/equipment	Y Must notify of any change and supply manufacturing safety plan if requested	Y -Notify disposal and transfer of registration of vehicles licenced to carry explosives [r199].	Y -Notify new equipment or vehicles, or change of location of equipment [r41(1)].	N	Y -Duties to notify can be placed as licence conditions. [s48A].	N	N	N
Factory modifications	Y Must notify of any change	Y -Notify intended amendments to licenced premises [r194].	Y -Notify change of construction of existing premises or construction of new premises [r41(1)].	Y -Notify development [r181].	Y -No changes without approval [r3.08]. -Duties to notify can be placed as licence conditions. [s48A].	N	Y -Notify intended factory modifications [r62].	N
Security								
Theft,	Y	Y	Y	Y	Y	Y	Y	Y

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attempted theft, unexplained loss	-Notify loss or theft of explosives or precursors, or attempted theft or suspicious incident [r102].	-Notify theft, loss or attempted theft [r26].	-Notify explosives incidents, including lost or stolen explosives [s. 55]. -Notify any discrepancies in explosives storage inventories identified in regular stocktakes [r96(4)].	-Theft, attempted theft, unexplained loss [r44(2)(c)]. -Loss identified in stocktake to be notified [r92(4)]. -Explosives management plan to require notifications of losses [r161].	-All theft/loss/ unauthorised interference with explosives to be notified [r9.03]. -Reporting of theft, loss, unauthorised interference of explosives from vehicle, boat or ship [r7.22]. -Reporting of theft or loss from storage [r10.24]. -Reporting of theft or loss from magazine [r11.26]. Duties to notify can be placed as licence conditions. [s48A].	-For security sensitive dangerous substances, which includes security sensitive explosives [s50 of the SSDS Act]	-Notify loss or theft, or attempted theft [r25].	-Notify theft, loss or unauthorised interference [r24].
Suspicious action/ person/ purchase	Y -Notification of suspicious incidents required by r102(1)(c)	N	Y -Requirement to report suspect or unusual request to purchase security sensitive explosives [r78A].	N	Y Duties to notify can be placed as licence conditions. [s48A]. -Reporting of theft, loss or unauthorised interference with explosives from	N	N	N

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					vehicle, ship or boat [r3.30, r7.22, r10.24, r11.26].			
Security plans	Y -A security plan MAY be required to be lodged with regulator [r35]. -Required for all premise-based licences.	Y -A security plan MAY be required to be lodged with regulator [s21A].	Y -Security plans to be lodged [r79B(4)] Any revisions to be notified [r79B(5)].	Y -Plans required with licence application (including security plans and emergency management plans) [Sch 10].	Y -Security management plan for licences (security sensitive substances) [r15] Duties to notify can be placed as licence conditions. [s48A].	N -Limited to security sensitive dangerous substances - security plans required for SSDS permits [s9 SSDS Act].	N	N
Safety								
Incidents - death, injury, property damage	Y -Notify serious incidents (uncontrolled explosion, fire, death, serious injury, substantial damage to property) [r103]. -Also WHS requirement to notify regulator of deaths, injury or dangerous incident [s38 WHS Act].	Y -Notify injury, property damage and dangerous incidents [r25]. -Also WHS requirement to notify regulator of deaths, injury or dangerous incident [s38 OHS Act].	Y -Notify explosives incident and any loss of life, personal injury or property damage caused by the incident. -Manager of government magazines to notify: • any incidents [r100] • dangerous situations or incidents when stored [r112(1)(b)] or in transport [r119(1)(b)]	Y -Reportable situation – incident involving explosive [r44(2)(a)]. -Requirement to notify authorities of dangerous situation [r109]. -Requirement to notify regulator of dangerous situation [r109(5)]. -Requirement to provide a <u>report</u> to regulator re	Y -No requirements in Explosives Regulations. -Duties to notify can be placed as licence conditions. [s48A]. -WHS requirement to notify regulator of deaths, injury or dangerous incident [s38 WHS Act]. -Accidents for activities controlled under the Dangerous	Y -s28 of the Explosives Act 2012 states an occupier of an explosives location must notify the authority of an explosives emergency and of any resulting serious harm. -Also WHS requirement to notify regulator of deaths, injury or dangerous incident [s38 WHS Act].	Y -Notification of explosive incidents [r24]. -Also WHS requirement to notify regulator of deaths, injury or dangerous incident [s38 WHS Act].	Y -No requirement in Dangerous Goods Reg, though is provision for Competent Authority to inquire about 'dangerous occurrences' and compel people to provide information [r27] -Also WHS requirement to notify regulator of deaths, injury or dangerous incident [s38

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			<p>-Notice of fireworks incident [r138]</p> <p>-Also WHS requirement to notify regulator of deaths, injury or dangerous incident [s38 WHS Act].</p>	<p>dangerous situation and preventing its reoccurrence [r109(6-7)] .</p> <p>-Also WHS requirement to notify regulator of deaths, injury or dangerous incident [s23I-K WHS Act].</p>	<p>Substances Regulation 2002 [r8].</p>			<p>WHS Act].</p>
Explosive malfunction	<p>Y</p> <p>Serious incidents requiring notification include “an uncontrolled explosion” [r103(2)(a)]</p>	N	N	<p>Y</p> <p>-Explosive malfunction that is not a misfire to be notified [r44(2)(b)].</p>	<p>Y</p> <p>-Duties to notify can be placed as licence conditions. [s48A].</p>	<p>Y</p> <p>-Authorised officers must be notified of defective explosives [r37(3)(d)].</p>	N	N
Safety reports	<p>Y</p> <p>-Safety management plans may be required to be lodged with regulator [r36].</p>	N	<p>Y</p> <p>-Safety and health census provided to regulator quarterly [r146C].</p>	<p>Y</p> <p>-Is provision that plans may be required (safety plans, emergency management plans and security plans) [Sch 10].</p>	<p>Y</p> <p>-Duties to notify can be placed as licence conditions. [s48A].</p> <p>-For DG transport refer to [r148]</p> <p>-For accidents under the Dangerous Substances Regulation 2002 refer to r8].</p>	N	N	N
Updating								

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<i>information</i>								
Change of details	<p>Y</p> <p>-A corporation must notify if their nominated 'responsible person' ceases to be engaged by the corporation [r19(10)].</p> <p>Change of address, employer, or other details within 14 days per Licence Condition 64 [s14(2)].</p>	N	N	<p>N</p> <p>-No general requirement in those terms – is a correction of wrong information notification [r179].</p> <p>-Is an update of details notification in relation to explosive management plans [r194].</p>	<p>Y</p> <p>-For DG transport Licence. Required to notify in writing if information has changed that was given in licence application. [r39]</p>	<p>Y</p> <p>-Under SSDS Act [s30] permit holder must notify the regulator of any change in permit particulars.</p>	<p>Y</p> <p>-Notifications required for change of name of people covered under licences for supply licences [r170(g)] and shotfirer's licences [r187(1)(f)].</p>	N
Change of circumstance (i.e. convictions)	N	<p>Y</p> <p>-All licensees must advise change of any circumstances affecting the accuracy of information in a licence [r193].</p> <p>-Explosive manufacturing licence holder must notify fire authorities if licence is suspended or revoked [r41(2)].</p> <p>-Licence holder</p>	<p>Y</p> <p>-Notify a change in circumstance, including conviction of an offence [r40].</p>	<p>Y</p> <p>-Notify certain convictions or charges [r180].</p>	<p>Y</p> <p>-Duties to notify can be placed as licence conditions. [s48A].</p> <p>-For DG transport Licence. Required to notify in writing if information has changed that was given in licence application (e.g. change of medical condition, loss or suspension of road transport dept driver licence) [r39].</p>	N	<p>Y</p> <p>-Explosive manufacturing licence holder must notify fire authorities if their licence is suspended or revoked [r60(2)].</p> <p>-Explosive storage licence holder must notify fire authorities if their licence is suspended or revoked [r134(2)].</p>	N

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		authorised to store 'above prescribed quantities' must notify fire authorities if licence is suspended or revoked [r96].						