

LEGISLATION UPDATE

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New Security Controls For Explosives and Ammonium Nitrate

To ensure public safety and security new laws to prevent unauthorised access to explosives and concentrated ammonium nitrate have commenced.

On 1 September 2005 the *Dangerous Goods Act 1975* was repealed and the following legislation commenced:

- *Explosives Act 2003* and the supporting *Explosives Regulation 2005*
OHS Amendment (Dangerous Goods) Act 2003 and the supporting *OHS Amendment (Dangerous Goods) Regulation 2005*

Under the *Explosives Act 2003*, a new licensing system has been introduced from 1 September 2005 for importers, manufacturers, transporters, suppliers, users and other classes of persons. WorkCover NSW will be the sole licence issuing authority.

The legislation provides that persons may only handle explosives and concentrated ammonium nitrate if they are working under a valid licence issued by WorkCover NSW. Moreover, persons may only have unsupervised access to explosives and/or concentrated ammonium nitrate if they hold an Unsupervised Handling Licence.

From 1 January 2006, it will be an offence to be in possession of concentrated ammonium nitrate without a valid licence.

Authorisations for shotfirers under the *Mines Inspection Act 1901* and the *Coal Mines Regulation Act 1982* are acceptable in place of a licence under the *Explosives Act 2003* until 1 September 2006. Persons who hold a current licence and/or permit will need to apply for a new licence issued under the *Explosives Act 2003*. Current licensees should apply for a new licence at least 3 months prior to 1st September 2006 or the expiry of their current licence, whichever occurs first.

Mining licence applicants will need to satisfy Department of Primary Industries (DPI) competence criteria prior to making an application for consideration by WorkCover (including a National Probity Assessment conducted by NSW Police). The general arrangement is that WorkCover will not issue licences for individuals relating to mines without the recommendation of the DPI.

The competence assessment processes for mining licences are being finalized and industry will be advised as soon as these are available. The processes will be very much based on those currently in use.

Supporting information can also be found at the WorkCover website (www.workcover.nsw.gov.au) or via the WorkCover information line on 13 10 50.

FOR FURTHER INFORMATION CONTACT YOUR LOCAL DEPARTMENT OF PRIMARY INDUSTRIES' OFFICE:

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