

FACT SHEET

SECURITY-SENSITIVE DANGEROUS SUBSTANCES AMENDMENT BILL 2008

The Security-sensitive Dangerous Substances Amendment Bill 2008 seeks to add certain explosive to the schedule of security-sensitive dangerous substances contained in the Security-sensitive Dangerous Substances Act 2005 (SSDS Act). The Bill also makes a number of other minor amendments to the Act.

In June 2004 the Australian Government and all states and territories agreed to a set of national principles for the regulation and control of ammonium nitrate. These principles increased security-based controls for ammonium nitrate due to the significant risks associated with its use as an explosive.

The agreed principles included a requirement that, in light of the measures introduced for security sensitive ammonium nitrate (SSAN) being more stringent in some cases than those for the control of explosives, states and territories should review their explosives regulations.

The Bill represents the outcome of that review.

Those explosives that pose a significant security risk due to their explosion hazard will be scheduled as a security-sensitive dangerous substance under the SSDS Act. Explosives that do not become security sensitive dangerous substances, such as small fireworks and emergency warning flares, will continue to be regulated under existing Dangerous Goods legislation.

Once scheduled, any person seeking to use, store, transport, manufacture, import or export explosives will be required to either hold an SSDS permit or be identified as a responsible worker under an SSDS permit.

To secure a SSDS permit, a person must:

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

The SSDS permit for explosives will replace all existing non-competency based permits (sellers licence, keepers licence, manufacturer licence, import and export licence). It will not,

however, replace existing competency based permits (e.g. shot-firers licences, bulk drivers licence).

In order to schedule explosives under the SSDS Act, it was necessary to make some minor amendments to its structure to allow specific controls to be placed on specific security-sensitive dangerous substances.

Specifically, the Bill changes the structure of the Act to allow for a definition of 'legitimate need' and thresholds for transport and research or education to be set for each individual substance. This supports the original intent of the Act.

For explosives, the proposed definition of 'legitimate need' is '...for or in connection with the carrying on of a business or employment.'

There are no allowable quantities for the transport of security-sensitive explosives without a permit or for the storage and use of small-quantities of explosives for research or education purposes.

The Bill also expands the discretion of the Director of Industry Safety to refuse or cancel an SSDS permit on the basis that the individual is subject to a restrictive personal order, such as a family violence order or a restraint order.

The Bill amends the SSDS Act so that it applies to the Crown with the exception of authorized officers acting in the course of their duties. Authorised officers include police officers, emergency service officers, a person acting on behalf of an emergency service, defence personnel and Commonwealth employees operating in the course of Commonwealth duty