



Australian Explosives Industry and Safety Group Inc.

ABN 95 177 668 265

Member Companies

Applied Explosives Technology Pty Ltd
Australian Explosive Technologies Group Pty Ltd
Davey Bickford Australia Pty Ltd
Downer EDI Mining-Blasting Services Pty Ltd
Dyno Nobel Asia Pacific Pty Ltd
JOHNEX explosives

Maxam Australia Pty Ltd
Nitro Sibir Australia Pty Ltd
Orica Australia Pty Ltd
Platinum Blasting Services
Redbull Powder Company Ltd
Thales Limited

13 October 2017

Committee Secretary

Infrastructure, Planning and Natural Resources committee

Parliament House

George Street

Brisbane QLD 4000

Dear Sir/Madam,

RE: LAND, EXPLOSIVES AND OTHER LEGISLATION AMENDMENT BILL 2017

The Australian Explosives Industry and Safety Group (AEISG) is an incorporated association of all significant explosives manufacturers and suppliers in Australasia, with a primary role of improving safety, security and regulation of explosives. As such, AEISG welcomes the invitation from by the Committee to provide a written submission on the above referenced Bill.

Explosives in Australia and elsewhere, have long been subject to tight legislative controls for community safety and security reasons. These are acknowledged, accepted, understood and fully supported by our industry. Unfortunately, in Australia, such legislative controls are implemented and administered at a state/territory jurisdictional level with an ever-increasing divergence in scope, consistency, effectiveness and relevance to contemporary industry practices. Indeed, the effectiveness of the Queensland explosives legislation is significantly undermined or compromised by the lack of similar or consistent requirements in neighbouring jurisdictions.

AEISG, on behalf of the explosives industry in Australia, will continue to push for explosives legislation to be developed and enacted at a national level, as in all other developed countries around the world, even if it continued to be administered and monitored at a jurisdictional level. Such a move is essential in ensuring national security from the risks posed by explosives.

With respect to the current Bill, AEISG has been involved in discussions with the Explosives Inspectorate on the proposed changes to the Explosives Act 1999 and the subordinate Explosives Regulations 2017 and has had the opportunity to comment on same. As indicated previously, the explosives industry supports moves to improve security requirements for explosives, but questions the effectiveness if not mirrored in the legislative requirements of neighbouring jurisdictions. The additional administrative burden placed on both the regulator and the industry by the proposed security requirements in Queensland will, in effect, result in minimal improvement when viewed nationally.

AEISG will not repeat all the issues raised with the Department of Natural Resources and Mines in the development of the proposed changes to the explosives legislation, and will in general support the provisions as outlined in the Bill, with the following specific comments or questions.

- Clause 24: In section 12C (3), there is reference to the chief inspector providing the applicant with ‘an information notice’ for a decision to refuse a security clearance. AEISG is unsure as to what such a ‘notice’ includes, as it doesn’t appear to be defined, and whether such a ‘notice’ is subject to appeal.
- Clause 53: In section 51A additional regulation making powers are provided for the recognition of laws of other jurisdictions.
AEISG fully supports such provisions as it aligns with recommendations coming from a national Strategic Issues Group on explosives, under Safe Work Australia, which will be considered by national Workplace Health and Safety Ministers soon. However, AEISG is concerned that the provision as outlined in section 51A is restricted to ‘transporting explosives’, when the national recommendations from Safe Work Australia include other explosives activities, such as import/export, sale, use and manufacturing explosives by a mobile processing unit.
AEISG believed the scope of section 51A (1)(a) should be broadened by removal of the word ‘transporting’. In this way, there will be scope for regulations to recognise the laws of other jurisdictions about explosives generally.
- Clause 75: Insertion of new pt6, div 2A
This Bill provides for a new range of ‘Authorised officers’ under the Explosives Act 1999, i.e. in addition to Inspectors of Explosives already appointed with specific functions and powers under Division 2 of Part 6 of the Explosives Act 1999.
Further, the functions of these ‘Authorised officers’ as outlined in the proposed section 105F included in this Bill, are essentially the same as those of Inspectors (also outlined in this Bill in Clause 65).
AEISG has previously advised that it sees no justification for an additional range of ‘officers’ under explosives legislation, i.e. other than Inspectors, and while the proposed legislation outlines the functions of ‘Authorised officers’, it does not appear to outline their powers which will lead to confusion in relation to administration of the legislation.
- Clause 83: New section 126 D providing for the chief inspector to issue safety and security alerts. While AEISG and the explosives industry welcomes any advice on safety and security in relation to explosives, such alerts have been issued for decades and are advisory in nature (refer proposed section 126D (2)). AEISG does not believe additional legislative provisions are necessary to provide information.
- Clause 82: Section 126C (2)(c) is proposed to be amended to include ‘authorised officers’. This section refers to enforcing the Act.
However, as indicated previously, it is unclear what powers ‘authorised officers’ have to enforce the Act (other than delegated power given to the authorised

officer by the chief inspector under the proposed section 130 (refer Clause 84 of the Bill)).

Clause 87: It is proposed to amend section 133 to include reference to 'authorised officer' or 'authorised officer's power', however as indicated previously the powers of such 'authorised officers' are unclear.

Clause 107: Insertion of new pt3, div 5A

In the proposed section 46A (1), the requirements for a safety and security management system is applied to the holder of an authority with '1 or more employees'.

While AEISG fully supports the need for, and benefits of, safety and security management systems, the need for a comprehensive and documented system is onerous and of doubtful significance to a one-person business.

AEISG believes the reference should be to '2 or more employees'.

On behalf of the explosives industry, AEISG provides this submission on the referenced Bill for consideration by the Committee, and would be prepared to provide further information or clarification on any issue if required.

Yours sincerely

R A (Bob) Sheridan
Chief Executive Officer
AEISG