

# Submission to Review of Explosives Regulation 2021

## Proposal: Notifying employers and principal contractors

### Comment

To protect employers and principal contractors from prosecution if an irresponsible or unscrupulous employee fails to disclose a change in the status of their security clearance or licence, that an appropriate defence clause be included in the Regulation.

## Proposal: Exceptions from security clearances for NSW police officers

### Comment

I vigorously oppose this proposal. It seems to me this proposal is motivated more by the NSW government wishing to cut costs than to improve public safety:

*“Currently, security clearances cost \$175 for a 5-year authorisation. With over 17,000 NSW police officers the proposed amendments within Option 2 have the potential to greatly limit administrative costs for the Government in applying for and processing these licences.”*

Regulatory Impact Statement , page 11.

What is the point of having “**specialist police explosive technicians**” (RIS page 23) if general duties police officers, without security clearance, are permitted to handle and transport explosives?

Proposed clause 10(3) is nonsensical as it would allow general duties police officers to handle and transport **Division 1.1 explosives** i.e. substances and articles which have a mass explosion hazard (Australian Explosives Code).

Proposed clause 10(3) undermines the public safety provisions of clause 10(2) which requires natural persons handling explosives, who are unlicensed or do not hold security clearance, to be under the *immediate supervision* of ‘**Supervised Handlers**’.

The proposal to exempt police officers from the requirement to hold a security clearance, is inconsistent with the Regulatory Impact Statement on page 23 which states: *“Those wishing to apply for explosives licences – which enable a person to use, store, possess and sell explosives – cannot do so successfully without a security clearance.”* If this statement is correct, how then can a police officer who has been *exempted* from the requirement to hold a security clearance, possibly obtain a licence?

Handling and transportation of explosives should be left to **specialist police explosives technicians**, not general duties police officers, to do the job safely without risking or compromising public safety.

Finally, I note clause 12(1)(b) provides that security clearance may be issued only if it is satisfied that the person is a ‘fit and proper’ person. The risk of PTSD in Australian police is as high as 20% – far beyond the 1-3% prevalence expected in the general population.<sup>1</sup> If the proposal to exempt police officers from a security clearance check is adopted, I urge the Regulator to give very

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<sup>1</sup> Petra Skeffington (2017). *One in five police officers are at risk of PTSD – How do we respond.* [Australian Emergency Services Magazine, 6 January 2017](#)

Careful consideration of whether each individual police officer is a 'fit and proper' person on a case-by-case basis.

## **Proposal: Exceptions from security clearances for other activities**

### ***Exemptions for the use of low quantities of low-risk explosives (Clause 10)***

#### Comment

I have no objection to this proposal.

### ***Exemptions for the storage of ammunition for licensed firearms dealers (Clause 10)***

#### Comment

I have no objection to this proposal.

### ***Exemptions for the use of security sensitive ammonium nitrate within an educational context (Clause 10)***

#### Comment

I have no objection to this proposal.

## **Proposal: Research and Development projects**

### ***Allowing the storage of explosives during a permitted research and development (R&D) project (Clause 60)***

#### Comment

I have no objection to this proposal.

*Permitting the testing of research and development explosives by manufacturers at a customer site (Clause 60).*

#### Comment

I have no objection to this proposal.

## **Proposal: Storage of explosives**

### ***Removal of licence requirements for the low-quantity storage of explosives in all NSW Police stations (Clause 47)***

#### Comment

I do not support this proposal.

Police in rural areas are likely to come into contact with dangerous explosives (not sporting ammunition) from time to time. Police stations in rural centres are invariably in the middle of town with residential houses close by. While licensing of individual police stations may well be "**burdensome and unnecessary**" (RIS page 26) public safety should be paramount.

While the RIS states "*There are significant safety and security mechanisms already in effect in police stations*" it is difficult to believe the purported safety and security mechanisms would include protection against explosive detonation.

The requirement for police stations to be licensed should remain. Consider the consequences for nearby residences if a police station in a rural town storing seized gelignite, even if less than 10kg, should catch fire.

**7. Are there any reasons why police officers should not be exempt from a licence to store explosives for general duties in evidence handling in police stations? If so, what are they?**

*Answer:* As I stated previously, the risk of PTSD in Australian police is as high as 20% – far beyond the 1-3% prevalence expected in the general population.<sup>2</sup> I urge the Regulator to give very careful consideration to whether each individual police officer is a ‘fit and proper’ person to hold a licence on a case-by-case basis.

I remind the Regulator there have been numerous suicides by NSW police officers recently.<sup>3</sup> Unlicensed (unfettered) access to explosives might be seen by any police officer inclined to take their own life as more reliable than by gunshot.

***Clarify that licence holders are able to store 12kg of propellant powder at a single residential address (Clause 50)***

***Comment***

I vigorously oppose the proposal in clause 50(3). This is clearly a blatant, politically motivated move to impose yet further restrictions on licenced firearm owners, while at the same time removing requirements for police officers to hold security clearance and save the government money. The NSW government’s duplicity is obvious and is highly objectionable.

There are often multiple licensed firearm owners living in the same residence e.g. father and son(s). If both the father and son shoot different calibre firearms, and reload their own ammunition, each calibre will require a different type of propellant powder. Thus, there is a legitimate need for the current 12Kg limit per person to be removed altogether.

The new proposal to limit the quantity of propellant powder to 12Kg per household is especially unrealistic when the supply of powder from the USA is erratic and unreliable. Firearm owners are forced to ‘buy-up’ when stock is available or risk having no supply at all for long periods.

If adopted, clause 50(3) would have a substantial detrimental impact on **elite sports shooters** who use large quantities of ammunition (and powder) in training and practice for shooting competitions. Similarly, it would have detrimental impacts on **professional shooters** who shoot pests and harvest kangaroos for a living.

The claim of “unsafe accumulation of propellant powder” (RIS page 27) is specious and politically motivated by persons opposed to firearms, including within government.

There is **NO** so called “legislative gap” (RIS page 27).

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<sup>2</sup> Petra Skeffington (2017). *One in five police officers are at risk of PTSD – How do we respond.* [Australian Emergency Services Magazine, 6 January 2017](#)

<sup>3</sup> Fergus Hunter (2020). *Policeman dies in suicide at NSW Police headquarters in Sydney.* [Sydney Morning Herald 30 November 2020](#)

The Regulator should be more concerned about the risk posed by all the petrol-engined Toyota Prado's with full 180 litre fuel tanks parked in Sydney's North Shore garages than about **"large quantities of propellant powder"** (RIS page 27). This scar mongering is highly offensive.

The video [\*'Sporting Ammunition and the Firefighter'\*](#) produced by the Sporting Arms and Ammunition Manufacturers Institute (SAAMI) shows the very low risk posed by even very large quantities of sporting ammunition and propellant powder. I encourage the Regulator to watch it.

## Proposal: Emergency plans

### Comment

I have no comment on this proposal.

## Proposal: Transporting explosives

### ***Prohibition on the transport of all loads of HD 1.1, 1.2 and 1.5 explosives in road tunnels***

### Comment

I strongly oppose this proposal. I am very concerned that some categories of *Sporting Ammunition; Cartridges for Weapons - blank; Nitrocellulose; Propellants (single base); and Black Powder* that are routinely used by sporting shooters, hunters, military enthusiasts, firearm dealers, vertebrate pest controllers, antique firearm/muzzleloading clubs, primary producers, RSL Clubs, theatrical armourers, the film and television industry and athletics clubs etc. would be captured in HD 1.1, 1.2 and 1.5 explosives.

It is virtually impossible to drive around Sydney, and increasingly in other urban areas such as the Blue Mountains, without having to drive through a tunnel. If adopted, this proposal would severely curtail the legitimate activities undertaken by these individuals and groups and would result in additional costs to avoid driving in road tunnels.

The excerpts below from the the *Australian Code for the Transport of Explosives by Road and Rail, 3<sup>rd</sup> Edition 2009*, show the extent of the ammunition and propellant powders that would potentially be affected by this proposal.

Name and description	Class	UN No	Subrisk
BLACK POWDER, COMPRESSED	1.1D	0028	
BLACK POWDER, granular or as a meal	1.1D	0027	
BLACK POWDER, IN PELLETS	1.1D	0028	
CARTRIDGES FOR WEAPONS, BLANK	1.1C	0326	
	1.2C	0413	
	1.3C	0327	
	1.4C	0338	
	1.4S	0014	
CARTRIDGES FOR WEAPONS, INERT PROJECTILE	1.2C	0328	
	1.3C	0417	
	1.4C	0339	
	1.4S	0012	

*Table continues next page...*

Name and description	Class	UN No	Subrisk
NITROCELLULOSE, dry or wetted with less than 25% water (or alcohol), by mass	1.1D	0340	
NITROCELLULOSE, unmodified or plasticized with less than 18% plasticizing substance, by mass	1.1D	0341	
POWDER, SMOKELESS	1.1C 1.3C	0160 0161	
PROPELLANT, SOLID	1.1C 1.3C 1.4C	0498 0499 0501	
Propellant with a single base, ) see	1.1C	0160	
Propellant with a double base, )	1.3C	0161	
Propellant with a triple base, )			

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