

AMMONIUM NITRATE GUIDANCE NOTE No. 1

TRANSPORT

1. PURPOSE

On 25 June 2004 the Council of Australian Governments (COAG) agreed to a national licensing system to limit access to security sensitive ammonium nitrate (SSAN). Each state and territory will introduce legislation and/or regulations to give effect to the COAG agreement. While these guidance notes give an outline of national standards, precedence should be given to the specific requirements of state or territory legislation.

2. SCOPE

These guidance notes are designed for businesses that transport SSAN. This may include manufacturers, the mining industry, agricultural and mining suppliers, importers and exporters. Primary producers who transport SSAN only in quantities under 5 tonnes should consult Guidance Note No.3: Agricultural Use.

A transport licence is not required to transport less than 20 kg of SSAN.

These guidance notes address security issues. Transport of SSAN must also meet safety requirements outlined in the Australian Dangerous Goods Code or Occupational Health and Safety requirements, as appropriate. You should also take note of relevant material safety data sheets.

These guidelines refer principally to transport by road and rail. For transport by sea, Australian flagged ships are likely to have a security plan under the Commonwealth *Maritime Transport Security Act 2003* (MTSA) and foreign flagged ships should have a security plan under the International Ship and Port Facility Security Code and Safety of Life at Sea Convention.

3. DEFINITIONS

Security sensitive ammonium nitrate (SSAN) means—
ammonium nitrate, ammonium nitrate emulsions and ammonium nitrate mixtures containing greater than 45% ammonium nitrate, excluding solutions and excluding class 1 explosives.

NOTE: This includes substances such as calcium ammonium nitrate that are not classified as dangerous goods and dangerous goods with UN numbers 1942, 2067, 2068, 2069, 2070, 2071, 2072, 3375 and 3139 where applicable. Explosives of Class 1 are excluded.

Secure means secure from—

- a. detectable theft;
- b. unexplained loss;
- c. sabotage; or
- d. unauthorised access.

Security risk means risk of—

- a. theft of SSAN; or
- b. unexplained loss of SSAN; or
- c. possible sabotage of SSAN; or
- d. unauthorized access to SSAN.

Security plan means –
a plan that has been put in place to effectively minimize all security risks relevant to the transport of SSAN.

The authority holder, or licence holder means –
the person who has applied for and received a licence from a regulatory authority to transport SSAN. This person will have undergone police and PMV checking.

Regulatory Authority means -
in each state or territory the regulatory authority is the authority that issues the licence or permit.

An authorised person means -
a person (in addition to the authority holder) who is named in the security plan and authorised by the regulatory authority under that plan to have unsupervised access to SSAN. This person will have undergone police and PMV checking.

Secure location means –
for road transport: a secure (e.g. fenced and entry controlled) place where facilities and a management structure exists which ensures accountability for both documenting and receiving or dispatching known quantities of SSAN.
for rail transport: rail consignments on a wagon between start and end of journey with all access points to the rail car, container, tank or vessel locked or effectively sealed with substantial tamperproof seals.

Non-stop journey means -
journeys from one designated secure location to another during which there are no stops and in which an authorised person (usually the driver) keeps the SSAN under constant surveillance.

Long haul journey means -
all journeys that do not meet the criteria of non-stop journeys, inasmuch as they require significant stationary periods during which the SSAN is not under constant surveillance.
Journeys which include a meal or rest/sleep break when the SSAN is not under constant surveillance will be regarded as long haul journeys.

Sub-contractor means –
a person or company that sub-contracts to a licensed transporter and operates under that licensed transporter's security plan

Supervised access means –
where access to SSAN by a worker occurs under the supervision of an authority holder or authorised person, or when working in a defined supervised area as detailed in the security plan.

Unsupervised access means –
access to SSAN when no other person with authorised access is present or has control over the SSAN.

Supervised area means –
an area described in the security plan that has been specifically set aside and identified as a supervised area with appropriate controls and duties delegated to personnel operating in that area.

Constant surveillance means –
the presence of an alert and authorised person, or the continuous monitoring by video or electronic surveillance.

PMV (politically motivated violence) check means -
a security assessment in respect of a person, issued by ASIO.

Explained loss means -
any documented loss caused by such things as product density changes, spillage, calibration variances, effects of humidity etc.

Unexplained loss means -
any documented loss that cannot be explained.

4. REQUIREMENTS

To obtain a licence to transport SSAN, a security plan must be submitted to the regulatory authority for approval.

The security plan will begin with a security risk assessment, to provide information to the regulatory authority about current security measures and about the risk of theft, unexplained loss, sabotage and unauthorised access.

The security plan will provide information to the regulatory authority about how you will meet security requirements. The minimum security requirements are:

- i. precautions to ensure the SSAN is secure for the duration of the entire journey;
 - a. As a minimum, SSAN must be transported in a locked or sealed container or vessel or be under constant surveillance by an authorised person;
 - b. Where possible, quality security locks should be used. However, in the case of bulka bags or other instances where locks are not practical, substantial tamper-proof seals can be used as an alternative;
- ii. procedures for checking and authorising persons;
- iii. designation of a responsible person/security manager to maintain the security plan. In the case of a company or other entity, training, audits and ongoing maintenance of the plan must be confirmed regularly by the owners and senior officers;
- iv. record keeping to reconcile any stored, incoming and outgoing quantities of SSAN and to ensure that SSAN is obtained from an authorised person and supplied to an authorised person; and
- v. procedures for reporting to authorities any loss, theft, attempted theft or any other security incident involving SSAN.

In cases where a sub-contractor operates under the licensed transporter's security plan, the licensed transporter must clearly identify all parties involved in the security plan.

In all cases, the driver of any consignment of SSAN must operate under a security plan.

- The driver of a road vehicle will usually be an authorised person (unless an authorised person is also present during the entire journey) and must have undergone police and PMV checking.
- The driver of a rail engine will not usually have unsupervised access to SSAN and therefore will not need to be an authorised person (refer definitions).

5. THE SECURITY PLAN

Security risk assessment

A security risk assessment is a necessary preamble to developing a security plan. The assessment will describe existing security measures and examine the level and type of security risks to your particular business. In clarifying those risks it is necessary to consider outside threats and also the security risk from staff or contractors who have access to your vehicles and SSAN. The risk assessment will document the transport routes to be used and consider the security risks relevant to these routes. You should consider whether current security arrangements leave the SSAN vulnerable to theft or sabotage, and consider security improvements to manage the assessed risk. Security assessments should be reviewed periodically, particularly after a security incident.

Security Plan

The security plan will describe how you will meet the minimum requirements and any other security measures to be introduced.

The security plan will have four main elements:

- personnel management;
- site security;
- load security; and
- procedures.

Personnel management

Minimum requirement 1: List of authorised persons

The security plan must contain a list of all those who will have unsupervised access to SSAN. This will include the licence applicant, and will usually include all drivers of road vehicles. These people will be required to undertake a police and PMV check and, after clearance by the regulatory authority, will be authorised to have unsupervised access to SSAN.

Minimum requirement 2: Staff Recruitment

The security plan should include the provision for adding new workers to the list of authorised persons. Should the licence holder wish to add new workers to the list these persons will be required to undertake a police and PMV check and, when cleared, can be added to the security plan in the form of a dated amendment to the list of authorised persons.

The security plan must also detail the checks that will be made to confirm the identity of new workers who will have unsupervised access to SSAN. Identification must be confirmed using the 100 points identification system*, and checks should also be made with the applicant's referees and previous employers.

Minimum requirement 3: Maintaining the security plan

The security plan must include the nomination of a responsible person/security manager to implement and maintain the security plan, including the instruction of workers in the relevant access controls, recording procedures and reporting of security incidents.

Site Security

Minimum requirement 4: Transport must be from one secure location to another

The licensed transporter must ensure that any site used for loading or temporarily storing SSAN during the loading or transport process is secure. A secure location is one that is identified in the security plan and includes an area that has, as a minimum, security perimeter fencing, lockable gates and access controls.

- The level of security required will be determined by such issues as the period and frequency of SSAN storage at the site, the amount of SSAN held at the site, and the population density in the area around the site.
- Constant surveillance may be necessary at locations identified as high risk.

Load security

Minimum requirement 5: Details of your secure transportation arrangements

The security plan must contain details of your secure transportation arrangements, including the usual route travelled.

At all times SSAN must be transported under lock and key *or* be under constant surveillance (refer definition) *or* be sealed with substantial tamper-proof seals.

* The 100 point identification system is generally used by financial institutions to confirm identity. A summary is at http://www.aussiemigrant.com/your_finances/f.htm

This means that SSAN will usually be transported in either a locked vessel, freight container, explosives magazine or tank (in the case of Ammonium Nitrate emulsions) or be under constant surveillance when the freight container, magazine or tank is unlocked. For bulka bags, substantial tamper-proof seals may suffice.

- Locks must be quality security locks. They must be of sufficient security rating to ensure they can only be opened with a designated key or by breaking. A suitable padlock should be pick protected and shackle protected (e.g. concealed shackle using case hardened steel body with raised shoulders) and not be re-keyable. A padlock should also be bolt cutter resistant and have protection against the lock being drilled out. Further information regarding padlock specifications and locksets for doors in buildings can be found in Australian Standards AS 4154.4 – 2002 and AS 4154.2 – 1993.
- Seals must be numbered and tamper-proof so as to assist in the detection of theft or attempted theft. They must be robust enough to withstand accidental snapping or breaking.

The security plan should take account of the variations in journeys and type of vehicles, such as:

- long haul journeys;
 - during meal breaks on long haul road journeys, the truck and load should be in a position that allows constant surveillance to be maintained;
 - After any break in a journey, the authorised person must inspect the load and ensure that all covers, seals or locks are intact.
- Non-stop journeys;
- transport using enclosed (pan) trucks;
- transport using prime movers with open trailer(s);
- prime movers with containerised consignments;
- prime movers with enclosed lockable trailers; and
- all of the above with tanks (conveying emulsions).

Minimum requirement 6: Road vehicles left unattended in transit

When SSAN is left unattended for extended periods, such as road train aggregation yards and sites, it must be left in a secure location and the load must be locked down with quality security locks or substantial numbered seals that will easily detect any tampering.

During short breaks, such as meal breaks, the truck and load should be in a position that allows constant surveillance to be maintained.

After any break in a journey, the authorised person must inspect the load and ensure that all covers, seals or locks are intact.

Minimum requirement 7: Rail transport

The transport of SSAN by rail must be in locked and sealed containerised units or in locked rail cars with substantial seals.

- Wherever possible, the doors of containers should be placed facing each other.
- All openings to these containers are to be sealed with substantial tamperproof seals that will require forceful breakage with bolt cutters to enter the container.
- Rail consignments of SSAN must have a schedule whereby the location of the wagon is continually monitored. This schedule is to be checked for the duration of the transport by a responsible person designated by the operator.

For rail transport where the containers, tanks or vessels are continually locked and/or sealed as prescribed and are transported in accordance with the rail transport schedule and procedures, the presence of an authorised person is not required for the duration of the journey. However, an authorised person must be present at dispatch and receipt of the SSAN, and if containers need to be opened en route or if the SSAN is transported in open rail wagons.

- In the case of rail transport, containers, tanks or vessels that are continually locked or sealed with substantial tamper-proof seals or locks will be deemed to meet the requirements of a secure location. These containers are to be received, loaded, transported and delivered in a manner clearly detailed in the rail transport regulations and procedures.

Procedures

Minimum requirement 8: Access Control Procedures

- a. **Authorised persons:** Persons having unsupervised access to consignments of SSAN must be clearly identified in the security plan (refer minimum requirement 1). These people are required to undergo police and PMV checking, and once cleared, will be authorised for unsupervised access to SSAN. They may supervise the access of others to SSAN.
- b. **Locking and sealing procedures:** Locking and sealing authorities and procedures must be well defined in the security plan and checks put in place to monitor their effectiveness.
- c. **Key plan:** A key plan should exist that identifies who has access to keys and where the keys are securely kept. The key plan is a confidential document and its contents must be restricted to those managing the keys and/or the security plan.

Minimum requirement 9: Monitoring of the consignment's location while in transit

The security plan must include a system to monitor the location of the consignment and instruction of workers in emergency procedures.

- This might entail the installation of duress alarms and Global Positioning Systems with tamper alarms.
- For rail transport, monitoring of the consignment's location is satisfied by compliance with planned and monitored set schedules.

Minimum requirement 10: Record keeping and inventory/consignment procedures

Records must be kept for a minimum of five years, with systems and procedures in place to record:

- a. that SSAN is supplied by authorised persons and only delivered to authorised persons;
 - where persons are authorised to pick up or receive deliveries on behalf of a third party, photo identification and written authority must accompany the receiver of these consignments;
- b. that vehicles conveying SSAN are suitable to meet security requirements (i.e. vehicles on which seals can be fitted to detect removal of product) and protocols are in place to refuse loading of any vehicle not equipped for that purpose;
- c. details of consignments, including:
 - i. seal numbers, and any changes in seals necessary for part-load deliveries. Seals should be numbered and robust enough to withstand accidental snapping or breaking;
 - ii. accurate weight measurement or other reconciliation (e.g. number of bags) of all SSAN at loading and unloading;
 - iii. confirmation on a load-by-load basis that the load was/was not delivered with seals/locks intact; and
 - iv. a system to ensure that product returns of both merchantable quality and spillage recovery are accurately documented and appropriately accounted for;
- d. security incidents, including thefts, attempted thefts, sabotage or attempted sabotage, break ins, attempted break-ins, unexplained losses or any other security incidents:
 - these incidents, including any unexplained loss, must be recorded, investigated, and reported immediately to the police and the regulatory authority; and
- e. explained losses:
 - i. a means of reconciling the loss must be in place, and these reconciliations must be checked and countersigned by persons responsible and appointed to do so by both the consignor and receiver:
 - it is accepted that significant monthly discrepancies can and do occur. It is essential that the consignor, consignee and the transporter fully agree and sign off on all reconciliations; and
 - ii. any product unaccounted for must be followed up and reported.

Additional control measures to be considered

The above minimum requirements may need to be complemented with additional measures, depending on the security risk. While theft of part of a load is one risk, consideration should also be given to the risk of the vehicle itself being stolen or commandeered. Additional measures to manage this risk could include improved cabin security and procedures, and advanced communication systems to monitor the movement of vehicles.

(On the other hand, the minimum requirements may not be required in certain circumstances when equivalent security outcomes can be achieved by alternate measures. In this case the security plan must justify the departure from the above minimum requirements. Non-stop journeys may be one such instance, where the vehicle and load are under constant surveillance by the driver or another authorised person so that locks or seals are not required to manage the risk of theft.)

You should consider any measures that would usefully improve the security of your business.

The information contained in this document is provided to offer guidance. It is not to be taken as a statement of law and must not be construed to waive or modify any legal obligations.