



## New requirements for Plastic Explosives

From 25 August 2007, new restrictions will apply to the possession, manufacture, trafficking in, and import and export of plastic explosives.

The new restrictions have been introduced by the *Law and Justice Legislation Amendment (Marking of Plastic Explosives) Act 2007* (the Act), which implements obligations under the United Nations Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal 1991).

The main provisions of the Act may be found in Division 72 of the *Criminal Code Act 1995* (the Criminal Code).

Further details of the regulation of plastic explosives may be obtained from the Australian Government Attorney-General's Department at <[www.ag.gov.au](http://www.ag.gov.au)>

### What are the new restrictions on plastic explosives?

From 25 August 2007 it will be an offence, unless authorised by the Minister, to traffic in, import, export, manufacture or possess plastic explosives which are not 'marked' with one of four prescribed chemical detection agents. Plastic explosives not 'marked' with one of the prescribed detection agents are known as 'unmarked' plastic explosives. The new restrictions are provided for in the Act which amends the Criminal Code. For 'marking' requirements, refer to section 72.34.

### What is a 'plastic explosive' under Marplex?

A plastic explosive is defined under the Act as an explosive product (including an explosive product in flexible or elastic sheet form) that is:

- (a) formulated with:
  - (i) one or more high explosives which in their pure form have a vapour pressure less than 10<sup>-4</sup> Pa at a temperature of 25°C, and
  - (ii) a binder material
- (b) as a mixture, malleable or flexible at normal room temperature.

The Act also defines 'high explosive' as *an explosive with a velocity of detonation that is greater than the velocity of sound in the explosive (typically greater than 340 metres per second) and includes the following:*

- cyclotetramethylenetetranitramine (HMX)
- pentaerythritol tetranitrate (PETN)
- cyclotrimethylenetrinitramine (RDX)

The following explosives do not fall within the definition of 'plastic explosive' within the Act:

- explosives with a water gel base
- ammonium nitrate-based explosives
- detonation cords
- explosives described as Explosives Blasting Types A, B, C and E and classified in the *United Nations Recommendations on the Transport of Dangerous Goods – Model Regulations* (commonly known as the UN Model Code).

## What are the prescribed chemicals used to 'mark' a plastic explosive?

The chemical detection agents, and the minimum concentrations prescribed under the Act and the Convention, are as follows:

- EGDN (Ethylene glycol dinitrate) 0.2% by mass
- DMNB (2,3-Dimethyl-2,3-dinitrobutane) 1.0% by mass
- p-MNT (para-Mononitrotoluene) 0.5% by mass.

An 'unmarked' plastic explosive is one which does not contain the minimum concentration of one of the prescribed chemical agents or one that is 10 years older. The minimum concentration of one of the prescribed chemical agents must be homogeneously distributed throughout the plastic explosive.

## Can I still manufacture, traffic in, possess, import or export unmarked plastic explosives?

Persons or corporations wishing to manufacture, possess, traffic in, import or export unmarked plastic explosives must apply for an authorisation from the Australian Government Attorney-General.

The Australian Government Attorney-General will only give a written authorisation where the unmarked plastic explosive is to be used:

- by Australian manufacturers for a 6 month period until 25 February 2008
- by users of existing stocks of unmarked plastic explosive until 25 August 2010
- for research purposes, etc
- for defence or police purposes.

More detail is provided below.

Access the application form for authorisation from the Minister with respect to unmarked plastic explosives at <[www.ag.gov.au](http://www.ag.gov.au)>

## What are the new requirements for importing or exporting plastic explosives?

From 25 August 2007, Customs regulations will prohibit the import or export of plastic explosives without a Permit.

If you intend to import or export a plastic explosive you will be required to submit a request for approval and provide a Manufacturers Certificate as evidence of the plastic explosive being marked or unmarked.

The Manufacturers Certificate requires details of the manufacturer, particulars of the marked plastic explosive (including the date of manufacture), whether the plastic explosive contains a chemical detection agent, and details of the Australian State or Territory Permit or Licence.

The Manufacturers Certificate form is available from:

- <[www.ag.gov.au](http://www.ag.gov.au)>
- <[www.defence.gov.au/strategy/deco](http://www.defence.gov.au/strategy/deco)> , or
- <[www.customs.gov.au](http://www.customs.gov.au)>

A marked plastic explosive must not be more than 10 years old (from the date of manufacture).

## Importing marked plastic explosives

To **import marked plastic explosive** you will need to complete the following documents:

- an Application for Permission to Import Marked Plastic Explosives, and
- a Manufacturers Certificate.

Both forms are available at <[www.ag.gov.au](http://www.ag.gov.au)> **It is recommended you complete and submit both forms at least 6 weeks before the goods' expected arrival in Australia.**

You will need a Permit or Licence from your State or Territory to import marked plastic explosives and the number must be recorded on the Application for Permission to Import Marked Plastic Explosives form.

The Australian Government Attorney-General's Department will issue you with a permit number for the import of the marked plastic explosives which you must present to the Australian Customs Service at the time of lodging an import declaration.

**Note:**

All plastic explosives are a prohibited import under the *Customs (Prohibited Import) Regulations 1956*. The import of marked plastic explosives is prohibited without a permit obtained from the Attorney General's Department.

## Exporting marked plastic explosives

If you intend to export a marked plastic explosive you must obtain a permit from the Defence Export Control Office within the Department of Defence. To obtain this permit you must forward a completed Manufacturers Certificate and a completed Export Application form to the Defence Export Control Office within the Department of Defence.

**Note:**

All plastic explosives are a prohibited export under the *Customs (Prohibited Export) Regulations 1958*.

The Defence Export Control Office can be contacted at:

Department of Defence  
R1-1-A038  
Russell Offices  
CANBERRA ACT 2600  
Phone: 1800 66 10 66  
Facsimile: +61 2 6265 4583  
E-mail: [deco@defence.gov.au](mailto:deco@defence.gov.au)  
Website: [www.defence.gov.au/strategy/deco](http://www.defence.gov.au/strategy/deco)

## Importing unmarked plastic explosives

To **import unmarked plastic explosives** you will need to complete the following documents:

- an Application for authorisation to either manufacture, possess, traffic in, import or export unmarked plastic explosives (from the Australian Government Attorney-General)
- an Application for Permission to Import Plastic Explosives, and
- a Manufacturers Certificate.

They are available at [www.ag.gov.au](http://www.ag.gov.au)

**It is recommended you complete and submit them at least 6 weeks before the goods' expected arrival in Australia.**

You will need a Permit or Licence from your State or Territory to import unmarked plastic explosives and the number must be recorded on the Application for Permission to Import Unmarked Plastic Explosives form.

The Australian Government Attorney-General's Department will issue you with a permit number for the import of unmarked plastic explosives which you must present to the Australian Customs Service at the time of lodging an import declaration.

**Note:**

All unmarked plastic explosives are a prohibited import under the *Customs (Prohibited Import) Regulations 1956*. The import of unmarked plastic explosives is prohibited without a permit and an authorisation obtained from the Australian Government Attorney-General's Department.

## Exporting unmarked plastic explosives

For the **export of unmarked plastic explosives** you will need to obtain permission from the Defence Export Control Office within the Department of Defence as well as a written authorisation to export unmarked plastic explosives from the Australian Government Attorney-General.

Plastic explosives are a prohibited export under *Customs (Prohibited Export) Regulations 1958*.

The Defence Export Control Office can be contacted at:

Department of Defence  
R1-1-A038  
Russell Offices  
CANBERRA ACT 2600  
Phone: 1800 66 10 66  
Facsimile: +61 2 6265 4583  
E-mail: [deco@defence.gov.au](mailto:deco@defence.gov.au)  
Web-site: [www.defence.gov.au/strategy/deco](http://www.defence.gov.au/strategy/deco)

For export approval and information on the requirements for supporting documentation, go to [www.defence.gov.au/strategy/deco](http://www.defence.gov.au/strategy/deco)

For a written authorisation to export unmarked plastic explosives, go to [www.ag.gov.au](http://www.ag.gov.au)

## New requirements for Australian manufacturers of plastic explosives

If you are an Australian manufacturer of plastic explosives, you must comply with the following requirements for manufacturing and possessing plastic explosives from 25 August 2007. There are also new requirements to package plastic explosives within 24 hours of manufacture.

### New authorisation requirements for Australian manufacturers of unmarked plastic explosives

Australian manufacturers may apply for an authorisation to manufacture unmarked plastic explosives until 25 February 2008.

If you intend to manufacture plastic explosives after 25 August 2007, and you do not intend to 'mark' the plastic explosives with one of the prescribed chemical detection agents, you will need to apply for an authorisation to manufacture, possess or traffic in the unmarked plastic explosive.

To apply for an authorisation go to [www.ag.gov.au](http://www.ag.gov.au)

#### Note:

Information on 'marking' requirements and prescribed chemical detection agents is referred to below. Alternatively, see section 72.34 of the Act or the Criminal Code.

## Special packaging will be required for Australian-made plastic explosives

In addition to the current labelling specifications required under Australian Standards (DEF(AUST)5615), the UN Recommendations on the Transport of Dangerous Goods, and the Australian Explosives Code, plastic explosives manufactured in Australia will require special packaging from 25 August 2007.

The requirements are that within 24 hours of manufacture the plastic explosive is packaged with the following words written on the outer side of the wrapper:

- 'PLASTIC EXPLOSIVE'
- the date of manufacture
- the prescribed type of plastic explosive, if applicable, and
- if marked, the name, and the concentration, of the detection agent .

There is a penalty of 2 years imprisonment for breach of this provision.

## New requirements for existing users of unmarked plastic explosives

These requirements apply to commercial users, explosive regulators, non-military and non police users etc.

From 25 August 2007 an existing user must apply for authorisation from the Australian Government Attorney-General to possess, traffic in, import or export unmarked plastic explosives.

The authorisation will be issued subject to the condition that unmarked plastic explosive will not exist, or will be made permanently ineffective by 25 August 2010.

An authorisation may also be subject to other conditions and restrictions.

To apply for an authorisation go to <[www.ag.gov.au](http://www.ag.gov.au)>

## New requirements for use of unmarked plastic explosives for research purposes, etc

**These requirements apply to the trafficking in, import, export, possession or manufacture of unmarked plastic explosives used exclusively for:**

- research, development or testing of new or modified explosives
- the development or testing of explosives detection equipment, and
- training in explosives detection or for forensic science purposes

or

- an explosive device that was manufactured exclusively for defence purposes, and the unmarked plastic explosive is an integral part of the explosive device,

or

- an explosive device manufactured exclusively for defence purposes where the unmarked plastic explosive will, within 3 years from 25 August 2007, become an integral part of the explosive device.

## New requirements for use of unmarked plastic explosives for defence and/or police purposes

**These requirements apply to the trafficking in, and import, export or possession of, unmarked plastic explosives manufactured before or after 25 August 2007 that are used exclusively for:**

- use by the Australian Defence Force
- use, in Australia, by a visiting force (within the meaning of the *Defence (Visiting Forces) Act 1963*, or
- use by the Australian Federal Police or the police force or police service of a State or Territory.

The Minister is able to issue an authorisation until 25 August 2022. This 15 year exemption is consistent with our Convention obligations.

## What if the Minister refuses to grant an authorisation?

An application may be made to the Administrative Appeals Tribunal for review of the Minister's decision.

## What should I do if I no longer want to use my stock of plastic explosives or have discovered plastic explosives in my possession?

A person may surrender a plastic explosive to the Commonwealth under arrangements made with the Australian Government Attorney-General's Department. If you have a stock of plastic explosives you no longer wish to hold, please contact the Security Law Branch of the Australian Government Attorney-General's Department.