



9 December 2010

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National Transport Commission
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ALC Response to NTC Review of the 7th Edition of the Australian Dangerous Goods Code

Dear Nick

The Australian Logistics Council is pleased to provide comment on the NTC Review of the 7th Edition of the Australian Dangerous Goods (ADG7) Code.

By way of background, ALC is the peak national body representing the major and national companies participating in the Australian freight transport and logistics supply chain. The aim of ALC is to influence national transport and infrastructure regulation and policy to ensure Australia has safe, secure, reliable, sustainable and internationally competitive supply chains.

ALC members report that in excess of 90% of containers being transported by road are a continuation of a sea cargo journey. These containers must comply with the terms of the International Maritime Dangerous Goods (IMDG) Code.

ALC notes that the introduction to ADG7 indicates that the Australian Transport Council (ATC) has at its long term strategy, alignment of domestic land transport requirements as closely as possible with international requirements.

The IMDG Code is updated every two years with a transition period of one year prior to becoming compulsory. The next IMDG release is January 2011. ALC members report an additional 16 UN numbers are being created as part of the release which could mean an increase in differences between the contents of the IMDG and the Australian Dangerous Goods Code.

ALC notes that page 16 of the COAG *Best Practice Regulation – A Guide for Ministerial Councils and National Standard Setting Bodies* suggests that wherever possible, regulatory measures or standards should be compatible with relevant international or internationally accepted standards or practices in order to minimise the impediments to trade.

ALC urges NTC to ensure that any substantial differences between international and national documentation (such as for instance, in the treatment of the movement of limited quantities of goods) is reduced, preferably by picking up changes to international standards as soon as possible (including perhaps by incorporating the IMDG as amended from time to time, into Australian legislation), and that any domestic variations from international instruments be clearly identified and justified.

ALC also notes that ADG7 is presented as 'Model' legislation, to be picked up by Australian jurisdictions according to its drafting protocols.

ALC would prefer the ADG Code be prepared using the 'applied legislation model' in which one jurisdiction makes the Code, with the other jurisdictions then subsequently 'applying' the first jurisdiction's legislation, in the same way as the Heavy Vehicle Law consolidation is proposed to be implemented.

Under such an arrangement, one national law would apply for the application of the Australian Dangerous Goods Code. One organisation would be responsible for the management of the Code and the supporting regulations, with the result that interstate variations would be eliminated.

You would be aware that COAG has agreed to establish national rail and marine safety regulators, as well as a national heavy vehicle regulator, by January 2013. These are to be established using 'national' or 'applied' legislation because 'model' legislation has a poor history of achieving national consistency in the transport and logistics industry.

For example, state and territory regulations concerning licences for drivers and vehicles differ from state to state:

- Victoria – Duration of both drivers and vehicles licences is 5 years with no age restrictions.
- ACT – Duration of both drivers and vehicles licenses is 5 years with no age restrictions.
- NSW - Duration of both drivers and vehicles licenses is 5 years with no age restrictions.
- South Australia – Duration of both drivers and vehicles licences is 3 years with no age restrictions.
- Western Australia - Duration of both drivers and vehicles licences is 3 years with no age restrictions.
- Queensland – Duration for drivers is 5 years with no age restrictions with the duration for vehicles stated as per entry on licence.
- Tasmania – Still operating as per ADG 6 that is 3 years with an age restriction of 21.
- Northern Territory - Still operating as per ADG 6 that is 3 years with an age restriction of 21.

The above inconsistencies create issues for national carriers.

Finally, an ALC member makes the following observations:

1. Part 14 of the Western Australia Dangerous Goods Safety (Road and Rail Transport of non-explosives) Regulation 2007 sets out the requirement for prime contractors to either be approved responders or have a contract in place with an approved emergency response company to attend to emergencies involving dangerous goods of a specified quantity.

Although regulations for all other States and Territories require prime contractors and consignors to have emergency plans which include the capability to supply information and equipment to control a situation and recover equipment, contracts are not applicable.

2. ADG 6 Chapter14 Emergencies set out the requirements for drivers if involved in emergencies and added further duties for the prime contractors and consignors into the Road Regulations. ADG 7 removed information that appeared in Chapter 14 and explains in Part 7 "Introductory note" that this information is not covered by this Code as it is addressed by the Regulations.
3. Australian Special Provisions, AU01 has created concerns where goods of UN3077 and UN3082 in packaging not exceeding 500kg (L) are imported as *classified dangerous goods* however are not subject to ADG7 when moved throughout Australia. These items should be subject to the ADG Code for all movements.

ALC agrees with these observations.

Please do not hesitate to contact me via email michael.kilgariff@austlogistics.com.au or on (02) 6260 3274 should you wish to discuss this matter.

Yours sincerely



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