This form has been provided to assist stakeholder in making a submission on the Draft Code for the land transport of dangerous goods – Consultation Regulatory Impact Statement (C-RIS)

Submissions close on Tuesday 10 December 2024.

**Details of person submitting comments**

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| **Name:** | Michael Eggett | | | |
| **Email:** | Mike.eggett@boc.com | | **Mobile** (optional): | 0421 098 029 |
| If you are submitting comments on behalf of an association or organisation, please provide the following details. | | | | |
| **Organisation name:** | | BOC Limited | | |

C-RIS questions. Please enter your comments in the row below each question.

***Note:*** *you are not required to answer every question.*

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| 5.4.6.1: Administrative controls – key changes | |
|  | How will including information in the Code, that is currently only found in the regulations, help your organisation? |
| It will simplify internal communication and support embedding the requirements into the organisation structure. | |
|  | Should the dangerous goods safety advisor role be made mandatory? |
| I believe the requirement is important but perhaps impractical to have an advisor at every depot. Perhaps mirror the IMDGC and require trained representatives to represent each layer of the transport process – consignor, loader / packer, despatch / transported and overall compliance. | |

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| 5.4.7.1: Security requirements – key changes | |
|  | We seek to understand to what extent transport providers already have measures in place to ensure the security of dangerous goods and costs associated with this. In particular:   * Do you have a security plan in place for dangerous goods of security concern? If so, what costs are associated with the development and implementation of this per annum?   What, if any, additional costs would be expected from complying with these security Provisions? |
| We do have security plans as we handle high risk products such as drug precursors. | |
|  | Do you consider the thresholds for high consequence dangerous goods, which would require the preparation of a security plan, are appropriate?  If not, please explain why? |
| I think thresholds are adequate. I would like to see requirements clarified so that they can be embedded into business. | |

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| 5.6.2.2.1: Special provisions that provide full or partial exemptions | |
| For each concessional exemption applicable to your organisation (please include the special Provision number(s) in your response). | |
|  | How many consignments of impacted goods do you consign per annum, on average? |
| A significant number | |
|  | Can you provide an estimate of the annual savings in dangerous goods surcharges these concessions would provide your business? |
| Not able to quantify benefits or declare them in this form. | |

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| 5.6.2.5.1: Australian specific special provisions | |
| For all changes proposed for AU special provisions: | |
|  | Are there any impacts you believe have not been identified and addressed? |
| Back ground colour of EIP should be aligned internationally to facilitate import / export. | |
|  | If so, please indicate the applicable special Provision number(s) and the associated impact(s). |
| 5.1.3.2.2.3 Background colour is white (indicating mandatory sign). Internationally it is “orange” – requires frequent changes of EIP. | |
| For AU01 | |
|  | If your operations are impacted by the changes made to AU01, what industry do you operate in and what articles would be impacted? |
|  | |
|  | If any, what operational implications would there be for your industry? |
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|  | How many large capacity consignment/packages would this change impact per year? What proportion of total consignments does this represent? |
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|  | If possible, please provide an estimate of the additional costs associated with this change, including packaging, preparation of transport documentation, and marking and labelling costs. |
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| 5.7.1.1: Packing instructions | |
| For all proposed new or amended packing instructions applicable to your organisation (please include the provision number(s) in your response): | |
|  | If your operations are impacted by these changes, what industry does your business operate in? |
| Minimal impact and support the changes | |
|  | What are the implications on your operations? |
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|  | What is the volume of goods impacted by these changes? |
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|  | Are there any additional or reduced costs associated with the proposed new or amended provisions? |
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| 5.7.2.1: Use of portable tanks and MEGCs | |
| If you transport dangerous in tube-vehicles: | |
|  | Will the proposed new provisions for tube-vehicles have any impacts on your operations? |
| We move hydrogen and helium in tube tanks – mainly these are also MECG’s. Need to be absolutely clear the differentiation between MEGC and bundles of cylinders. This impacts transport requirement and placarding, training and registration of vehicles | |
|  | What is the volume of goods impacted by these changes? |
| 60 plus vehicles plus the main fleet transporting “bundles” as packaged gas. | |
|  | Are there any additional or reduced costs associated with the proposed new or amended provisions? |
| Uncertain | |

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| **5.7.3: Vacuum-operated waste trucks (vacuum tankers) and mobile explosives manufacturing units (MPUs)** | |
|  | Do you have any concerns with the inclusion of vacuum waste tankers directly in the ADG? |
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| **5.8.1.1: Consignment procedures** | |
|  | If the requirement for placards to be reflective is retained, what do you believe would be an appropriate transition time for compliance? 12 months |
|  | Are there any additional impacts/benefits from the removal of EIPs from IBCs that have not been considered? |
|  | What are the additional costs associated with the requirement to carry ‘Instructions in Writing? Expect to be significant due to the number of carriers and vehicles involved. |
|  | Do you have any comments or concerns with any of the changes to Part 5 of the Code? |
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| **5.9.1.1: Desing and construction of containment systems** | |
|  | If you design, manufacture or use tanks and tank vehicles, do you foresee using the ADR-style tank designs in your operations? |
| I anticipate we will as part of a global business. Limited onshore manufacturing is already resulting in more imported tanks. | |
|  | If you use segregation devices in your transport operations, do you consider that the updated requirements for segregation devices, or packagings used for segregation will affect your operations? |
| Minimal impact. Main current concern is with the minor notes in the segregation table which are inconsistent where transport of cylinders and drums can require in a separate trip to move the oxidiser or toxic product – this is mainly interstate so expensive transport. | |
|  | If yes to Q25 or Q26, please provide information |
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|  | Do you have any comments or concerns with any of the changes to Part 6 of the Code? |
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| **5.10.1.2.1: Provisions concerning carriage of packages** | |
| For all V codes proposed: | |
|  | Are there any implications on your operations?   * If so, please indicate the applicable V code(s) and the associated impact(s). |
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|  | Are there any additional or reduced costs associated with the proposed new or amended provisions?   * If so, please indicate the applicable V code(s) and the associated increase or reduction in costs. |
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| **5.10.2.1.1: Provisions concerning loading, unloading and handling** | |
| **For all CV codes proposed:** | |
|  | Are there any implications on your operations?   * If so, please indicate the applicable CV code(s) and the associated impact(s). |
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|  | Are there any additional or reduced costs associated with the proposed new or amended provisions?   * If so, please indicate the applicable CV code(s) and the associated increase or reduction in costs. |
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| **5.10.2.2.1: Segregation** | |
|  | Do you agree with the proposal to allow segregation to be achieved using partitions? |
| Yes | |
|  | If the proposal for partitions is retained, should they be permitted only for non-liquid dangerous goods? |
| No | |

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| **5.10.2.3.1: Stowage** | |
|  | Do you agree with separating stowage and restraint requirements for protecting dangerous goods from the load restraint performance standards that apply to all vehicles (vehicle stability and loss of load)? |
| I believe we should continue to comply with the proven load restraint performance standards. Unique and add value. | |
|  | If the load restraint performance standards are included in the Code, what measures should be in place to ensure they remain current with the relevant legislation)? |
| Needs to remain separate due to the size of the document and the amount of specialised information to be conveyed. This is an area that largely requires qualified professionals to design. | |

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| **5.11.1.1: Requirements for vehicle crews, equipment, operation and documentation** | |
| For all changes proposed in Part 8: | |
|  | Do you have any concerns or comments regarding the proposed changes. |
| Initially surprised by requirement for photo identification of drivers. This is done for some secure deliveries. It makes sense and in these situations we have to supply copies to the customer in advance of the delivery. It would make sense to keep centralised records of these files subject to privacy legislation. | |
|  | If so, please indicate the applicable change and the associated commentary. |
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| * **5.12.1.1: Requirements concerning construction and approval of vehicles** | |
| For all changes proposed: | |
|  | Do you have any concerns regarding the proposed changes for vehicles? |
| Main existing concern is the time to achieve approval (staffing shortages) and the inconsistencies where registration of the vehicle can be required prior to approval – need to separate design approval from road or DG registration and speed up turn around (2 weeks to confirm some documents through to many months to gain approval). | |
|  | If so, please indicate the applicable change and the associated commentary. |
| Use computerised systems to speed up cross referencing. | |

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| **5.13.1.5: Regulation of diesel as dangerous goods for transport** | |
| For all changes proposed:  *NOTE: As discussed in the C-RIS, this will be subjected to further investigation. Responses to these questions will be used to determine the appropriate course of action for this work.* | |
|  | If you transport diesel for your own use or supply, what is the maximum quantity you transport at one time?   * If you typically transport more than 3,000 L of diesel at one time, please advise what volumes are typical, and what purpose you transport it for? |
|  | |
|  | If you are a fuel transport company, do you transport loads of diesel only (without Class 3 flammable liquids) in tanks or tank vehicles that do not have a dangerous goods design approval issued by a Competent Authority?   * If you use tanks without an approval, please advise why, and the type of tanks you use? |
|  | |
|  | Please advise if you support the following requirements for diesel transport for more than the low volume threshold (3,000 L in this proposal)?   * Placarding of vehicles to provide hazard communication * Emergency preparation, including developing a plan for incidents * Fire extinguishers and emergency response equipment * Transport documents and carrying emergency information * Are there any other controls in transport you consider would be necessary? |
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| **5.13.2.1: Mixed load EIPs for refined petroleum products** | |
|  | Which of the following two options do you prefer?   * **Option 1** Retain the Provision 5.3.2.1.3 as redrafted above. * **Option 2** Limit the use of 5.3.2.1.3 to refined petroleum products of Class 3 and GHS Category 4 flammable liquids |
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|  | Are you aware of any unintended consequences if Option 1 is adopted? |
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| **5.13.3.4: Incorporation of Class 1 explosives into the Code** | |
| The NTC is seeking information on the inclusion of Class 1 explosives into the ADG Code: | |
|  | If you transport Class 1 explosives, are there any provisions for the transport of these substances or articles in the draft Code that will significantly impact your transport operations? |
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|  | If you transport Class 1 explosives, are there any provisions for the transport of these substances or articles in the draft Code that you consider need to be included in the draft Code? |
|  | |
|  | Do you consider applying the high security risk load requirements to all explosives Category 3 loads appropriate? |
| Additionally, the NTC is seeking data or information on the following: | |
|  | Do you undertake any transport of Class 1 explosives in tanks?   * If yes, please provide information about types and quantities. |
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|  | Do you undertake any transport of Class 1 explosives in IBCs?   * If yes, please provide information about types and quantities. |
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| **15.3.4.1: Transitional provisions for the draft Code** | |
|  | Do you support the NTC introducing more detailed transitional provisions into the Code? |
| Yes | |
|  | Do you have any concerns with the proposed principles for transitional provisions? |
| No | |

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| **5.13.5.4: Transport categories** | |
| For all questions, please provide any supporting information you have to assist us in finalising these provisions. | |
|  | After reviewing the draft provisions in 1.1.3.6, please advise: |
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|  | Should all infectious substances be subjected to a “0” threshold? |
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|  | Are there particular transport scenarios for Category B infectious substances that require a specific concession or exemption? |
|  | |
|  | Should toxic or corrosive gases be subjected to a lower threshold than “250”?   * Note for comparison, ADR uses a threshold of “20” for these substances. |
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|  | Should self-reactive substances and organic peroxides be further divided up?   * Note for comparison, ADR assigns a threshold of “20” for types B & C, and any of these substances that require temperature control to remain stable in transport. |
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|  | Should aerosols be treated like other gases, and be subjected to a lower threshold for higher risk aerosols?   * Note for comparison, ADR assigns a threshold value of “20” for toxic and corrosive aerosols, and “333” for flammable aerosols. |
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|  | Do you consider that including the transport categories in the dangerous goods list will assist you to determine if a load is a small load or not? |
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|  | The specific concessions for transporters of small loads are included in 1.1.3.6.6. Are there any concessions that you think are, or are not, appropriate to include? |
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|  | Do you consider there are other substances or articles that should be included in the “0” threshold category? Placarding is mandatory for anything included in this category. |
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|  | Do you consider there are other substances or articles that should be included in the “unlimited” threshold category? Placarding is not required for anything included in this category. |
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| **5.13.6.2: Driver licensing** | |
| NOTE: As discussed in the C-RIS, this will be subjected to further investigation. Responses to these questions will be used to determine the appropriate course of action for this work. | |
|  | Do you support different requirements for driver and vehicle licensing? |
| Yes | |
|  | Do you consider that formal training for drivers would be useful in cases where a driver does not need a licence? |
| Yes – in place now with our drivers based on chain of responsibility. | |
|  | Do you support the introduction of a notification scheme for vehicles that don’t require a licence? |
| yes | |

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| **6.2.2.4: Change in one-off costs required to comply with the draft Code (suppliers and manufacturers)** | |
|  | How many people within your business will need to be retrained to support compliance with the draft Code? What is the expected training cost per person? |
| Over 400 people – typically would expect at least a two day training course similar to IMDGC updates. | |
|  | How much will it cost to update your systems to incorporate the proposed changes to the DGL and placarding thresholds? |
| Uncertain as this is largely a computer programming task to update tables. | |
|  | How much will it cost to update processes and documentation? |
| Unclear but signiicant | |
|  | Are there any one-off costs anticipated for your business? |
| Transition to new requirements. | |

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| **6.2.2.5: Change in ongoing costs required to comply with the draft Code (suppliers and manufacturers)** | |
|  | We are keen to understand the expected benefits and costs of key changes presented in Table 16, and particularly welcome any data or case studies to evidence these impacts. |
| Main cost benefit would flow from any reduction in incidents or harm. These are not quantified in our local in | |

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| **6.3.2.3: Change in one-off costs required to comply with the draft Code (transport industry)** | |
|  | How many people within your business will need to be retrained to support compliance with the draft Code? What is the expected training cost per person? |
|  | How much will it cost to update processes and documentation? |
|  | How much will it cost your business to update firefighting and emergency equipment to comply with the draft Code? |
|  | What are the cost savings associated with the changes to the requirement for emergency escape masks? |
|  | Are there any one-off costs anticipated for your business? |
|  | Retraining for the entire transport teama nd contractors / drivers (400 plus people.) |

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| **6.3.2.4: Change in ongoing costs required to comply with the draft Code (transport industry)** | |
|  | We are keen to understand the expected benefits and costs of key changes presented in Table 18, and particularly welcome any data or case studies to evidence these impacts. |
| Overall in longer term cost neutral or a reduction. Safety incidents cost more than prevention. | |

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| **6.4: NTC, Regulators and Competent Authorities** | |
|  | We seek data from each State & Territory on the number of dangerous goods inspectors and other staff that are actively involved in the administration and enforcement of the Code. |
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| **6.4.1.2: Reduced complexity and difficulty in administering compliance with the Code** | |
|  | Referring to Section 3.3 Special Provisions, which remove the need for Competent Authority intervention (see Section 5.6.2.4), we’d like to understand from Competent Authorities:   * Approximately how many interventions of this type are currently made per year, on average. * Approximately how much time is associated with each intervention, on average (i.e. the time it takes for a Competent Authority to reach an outcome/decision from when first approached). * Approximate effort associated with each intervention, on average (i.e., number of hours by staff level and wage per hour). |
|  | |
|  | By comprehensively addressing gaps and errors in the current Code, the NTC is expecting that this will reduce the number of industry submissions to Competent Authorities, in particular the number determinations. We seek data from Competent Authorities on the effort expended on each determination, on average (i.e., number of hours by staff level)? |
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| **6.4.1.3: Government costs associated with implementing the draft Code** | |
|  | We seek estimated costs from each State & Territory to implement the draft Code, as per the breakdowns provided in the list above. |
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|  | Are there any State or Territory specific impacts that need to be considered? Please provide details. |
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| **6.5.1.1: Avoided dangerous goods transport incidents due to improved compliance with the draft Code (avoided costs to the community and government)** | |
|  | We seek any updates on the data set out in this section including data on the:   * The number of dangerous goods road and rail incidents. * The proportion of incidents involving a fatality, serious injury, minor injury or spill. * The costs associated with each type of incident above. |
| We can discuss this further. | |

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| **Title** | Draft Code for the land transport of dangerous goods – Attachment D: Draft Code under Option 4 | |
| **Reason for Review** | | Draft Code released for public comment with the Consultation Regulatory Impact Statement (C-RIS) |

In addition to providing feedback to our C-RIS during public consultation, you may like to notify us to any material or drafting issues identified in the draft Code. To do so, please complete this form, and email it back to us at [ADGcode@ntc.gov.au](mailto:ADGcode@ntc.gov.au).

Feedback is requested by Tuesday 10 December 2024.

**Details of person submitting comments**

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| --- | --- | --- | --- | --- |
| **Name:** | Michael Eggett | | | |
| **Email:** | Mike.eggett@boc.com | | **Mobile** (optional): | 0421 098 029 |
| If you are submitting comments on behalf of an association or organisation, please provide the following details. | | | | |
| **Organisation name:** | | BOC Limited | | |

**Comments**

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| General Comments (e.g. layout, information flow, readability, size, etc. of overall document) | |
| Issue | Suggested change |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 1: General provisions | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
| 1 | 1.8.3 | Safety Advisors required for each undertaking filling /loading | Can this be consolidated or is it intended to have an advisor at every facility? May not be practical? |
| 1 | 1.8.3.3 | Annual report to management and CAP | Can this report be consolidated and ideally a template provided? |
|  | Definitions | MEGC | Add word “multi modal” to the definition. This seems to have been dropped. I have previously appeared before the CAP to clarify the difference between an MEGC and a “Bundle” of cylinders – multi modal was the critical difference as it requires twist locks and load rating for crane lifts. |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 2: Classification | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 3: Dangerous goods list, special provisions and exemptions related to limited and excepted quantities | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 4: Packing and tank provisions | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
| 4 | 4.2.3.7 | Holding time – marked on vessel and transport docs | This is a new requirement similar to IMDGC – it may not be practical for every ISO movement in the current supply world. Solution will be to be very conservative with estimated holding time marked on vessel – delete requirement to hand write on transport documents. |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 5: Consignment procedures | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
| 5 | 5.3.2.2.1 | EIP requirement to withstand 15 minutes engulfed in fire | Is this practical – current practice uses vinyl stickers. Guidance required. |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 6: Requirements for the construction and testing of packagings, intermediate bulk containers (IBCs), large packagings, tanks and bulk containers and segregation devices | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 7: Provisions concerning the conditions of carriage, loading, unloading and handling | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
| 7 | 7.5.1.2 | © serviceable. References door hinges, seals and hardware | ISO containers used on rail commonly have the doors removed prior to rail travel because rail companies have safety concerns about doors opening in transit. Can we clarify doors should be fitted and secured closed? |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 8: Requirements for vehicle crews, equipment, operation and documentation | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
| 8 | 8.1.2.2 | Paper copies of approval documents, exemptions and determinations to be carried in every vehicle | Edit this requirement to ‘copies of documents to be provided within 24 /48 hours of a demand by an authorised official. |
| 8 | 8.1.7.2.2.1 | Annual hydro test of transfer hoses | No argument with the requirements. In a large country I thought we had a determination that the ongoing testing was 12 months from entering service and not date of original hydro test. Hoses can be in storage for many months prior to entering service. |
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| Specific Comments (Comments on specific information – please provide sufficient details to enable identification of the specific content that your comments relate to.) | | | |
| Part 9: Requirements concerning the construction and approval of vehicles | | | |
| Chapter | Provision No. | Overview of issue | Suggested change |
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