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6 December 2024

National Transport Commission

Email: ADGcode@ntc.gov.au

Draft Code for the Land Transport of Dangerous Goods Consultation Regulatory Impact Statement

Thank you for the opportunity to provide comment on the National Transport Commission’s (NTC) draft Code for the Land Transport of Dangerous Goods (Code) - Consultation Regulatory Impact Statement.

As the National Rail Safety Regulator in Australia, I welcome safety improvements in the transportation of dangerous goods by rail and the NTC’s comprehensive review of the Code.

The Office of the National Rail Safety Regulator (ONRSR) agrees with the NTC’s assessment that without an Australian standard for rail tank wagons it is difficult for regulators to assess compliance which contributes to inconsistent practices across Australia.

While approval of tank wagons is a responsibility for Competent Authorities, there is overlap with the Rail Safety National Law and ONRSR has found that in service inspection and testing requirements are not readily available. The draft Code, however, does not appear to address this and while it may not be possible for the Code to point to an Australian standard in the same way as it points to *AS2809.1 Road tank vehicles for dangerous goods*, it would be beneficial for the Code to incorporate some guiding provisions for rail tank wagons.

In relation to the NTC’s proposal to regulate high volumes of diesel, ONRSR recommends that the impact of this proposal on rail transport operators that operate diesel-powered rolling stock is further explored. The fuel tanks of most diesel-powered locomotives carry over the proposed 3,000 litres threshold. Diesel locomotives travelling long distances across Australia often carry up to 20,000 litres of diesel in bulk fuel tanks for the purpose of inline refuelling. This allows the trains to travel without having to stop to refuel. It may be appropriate that exemptions apply from the new requirement in these circumstances.

The NTC’s proposal to incorporate provisions for the transport of explosives into the Code seems like a reasonable approach to ensure the provisions are kept up to date. ONRSR would be happy to join the consultation group to update the rail-specific provisions relating to explosives.

Finally, in response to the NTC’s request for rail incident data relating to dangerous goods, ONRSR has provided relevant data as an electronic attachment. The aggregated data is based on occurrence data obtained from notifiable occurrences reported to ONRSR by rail transport operators. ONRSR does not have data on the costs associated with reported incidents.

I look forward to engaging with the NTC on the commencement of the proposed amendment. If you have any questions relating to this submission, please contact Jessica Linsell, Director Policy, at jessica.linsell@onrsr.com.au or ph. 0474 210 962.

Yours sincerely

Dr Natalie E Pelham

**Chief Executive**