

This form has been provided to assist stakeholder in making a submission on the Supplementary Consultation Paper – Provisions for the transport of explosives in the ADG Code).

Submissions close on Tuesday 17 December 2024.

Details of person submitting comments

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If you are submitting comments on behalf of an association or organisation, please provide the following details.			
Organisation name:			

Consultation paper questions. Please enter your comments in the row below each question.

Note: you are not required to answer every question.

2.1. Code Part 1 – General
<p>Q1: Which of the following options do you support for the definition of low hazard explosives? Please provide your reasoning.</p> <p>Option 1: Only low hazard explosives meeting the description suggested by the Explosives Working Group (as per the table), or</p> <p>Option 2: Continuing the AEC approach of concessions only for explosives of classification code 1.4S.</p>
<p>Option 1, this aligns with existing regulatory exemptions in multiple jurisdictions for these explosives classifications.</p>
<p>Q2: Should the table of low hazard explosives in the ADG Code include UN numbers in addition to the classification code and product description? Please provide your reasoning.</p>
<p>Including or omitting UN numbers should not have an effect either way. It is clear the table relates to these UN entries.</p>
<p>Q3: Are there any entries (UN numbers, DG list entries or product descriptions) that:</p> <ol style="list-style-type: none"> Are listed in the table above that should not be considered low hazard explosives, or Are not listed in the table above that should be considered low hazard explosives? <p>Please provide your reasoning.</p>
<p>The list in Section 1.1.3.14.1 should also include: UN0055 – CASES, CARTRIDGE, EMPTY, WITH PRIMER; UN0105 FUSE, SAFETY; UN0131 LIGHTERS, FUSE</p> <p>Note: the draft ADG Code has UN0377 Sparklers omitted from the text in the table</p> <p>The entries above are included in regulatory exemptions and are considered low hazard explosives. Appears they have been omitted in error.</p>
<p>Q4: Do you consider that the limits provided in the draft (in 1.1.3.14.3) are appropriate? Please provide your reasoning.</p>
<p>Based on the low hazard nature of explosives, question if any limit is required.</p>

<p>Q5: Do you consider the conditions set out for transport of low hazard explosives and other dangerous goods are appropriate? Please provide your reasoning.</p>
<p>No comments.</p>
<p>Q6: Are there other import or export scenarios that you consider require conditional concessions to prevent unnecessary intermodal barriers? Please:</p> <ol style="list-style-type: none"> 1. outline the scenarios where this occurs; and 2. appropriate controls to manage it. <p>Please provide your reasoning.</p>
<p>No, section looks consistent with current AEC3</p>
<p>Q7: After reviewing the draft provisions for Chapter 1.1, do you have any comments, concerns or suggested amendments? Please provide details.</p>
<p>1.1.3.15.2 – Reference to 1.1.3.15 (a) does not exist, appears it should be 1.1.3.15.2 (a). Twice further in this paragraph there is reference to 1.1.3.15 (b) that does not exist, appears it should be 1.1.3.15.2 (b)</p> <p>1.1.8.3 – remove additional commas from brackets</p> <p>1.1.8.4 – State TNT equivalence for AN (32%) and ANE (70-80%) to remove ambiguity?</p>
<p>Q8: After reviewing the draft duties intended for Chapter 1.4, do you have any comments, concerns, or suggested amendments? Please provide details.</p>
<p>No comments.</p>
<p>Q9: What do you consider to be an appropriate level of insurance for incidents involving the transport of explosives? Please provide your reasoning.</p>
<p>Maintain the existing insurance amounts</p>
<p>Q10: After reviewing the draft administrative controls for drivers in 1.8.11, do you have any comments, concerns, or suggested amendments? Please provide details.</p>
<p>No comments.</p>
<p>Q11: Do you support the proposal to treat all explosives other than low hazard explosives as high consequence dangerous goods for transport? Please provide your reasoning.</p>
<p>Yes, all other classifications need to ensure additional safety provisions cover the transport.</p>
<p>Q12: After reviewing the draft provisions for Chapter 1.10, do you have any comments, concerns, or suggested amendments? Please provide details.</p>

AEC3 only requires this section for High Security Loads of Class 1 explosives. This table includes a number of other dangerous goods including flammable gases (Division 1.2) and flammable liquids (PGII & PGII) to have similar provisions to SSAN, including a Security Plan. There are a number of other dangerous goods classes here, some are relevant and some need to be explored further. This table provides additional security provisions for certain dangerous goods where no security provision currently explicitly exists in storage, handling, manufacture, use or disposal of dangerous goods.

The regulatory burden for the addition of these chemicals could be significant and requires further industry consultation to understand the impacts to industry. Understand it aligns with ADR, however this is a significant shift for Australia. Refer to the Chemicals of Security Concern work undertaken a few years ago to understand the regulatory impact of broadening the security requirements of these chemicals. The regulation of the 96 chemicals of security concern was largely abandoned due to the high cost of regulating compared to the benefit. Once these chemicals are delivered to the end user these security provisions will not apply, so why only transport?

2.3. Code Part 3 – DG list and special provisions

Q13: Is there a reason why special provision 616 and the exudation test in 2.3.1 should not be included? Please provide your reasoning.

No comments.

Q14: Is there a reason why the LQ values for class 1 should not be included in the DG list? Please provide your reasoning.

Agree with the LQ limits, these explosives are very low hazard and should be able to be transported. Aligns with the UN model regulations.

Q15: If you currently import or export articles of UN 0012, UN 0014 or UN 0055 please provide details of any anticipated costs savings from the proposed LQ provisions.

No comments.

Q16: Do you support the removal of tank instructions for the transport of class 1 substances? Please provide your reasoning.

No the tank instructions should remain. While it is recommended to not transport Class 1 explosives in bulk, this should not be excluded by the ADG Code. This is a regulatory decision that should be set by regulations.

Q17: Do you have any comments, concerns or suggested amendments relating to Part 3 of the draft ADG Code? Please provide details.

No comments.

2.4. Code Part 4 – Packaging and tanks

Q18: After reviewing the draft provisions for Chapter 4.1, do you have any comments, concerns or suggested amendments? Please provide details.

No comments.

2.5. Code Part 5 – Consignment procedures

Q19: Is there a reason why the markings on inner packagings should not refer to the GHS requirements? Please provide your reasoning.
Agree, GHS markings should apply.
Q20: Is it necessary to retain the provisions relating to marking and labelling on articles and wrappings in the ADG Code? Please provide your reasoning.
Yes the markings on articles and wrappings needs to be included, unless this will be relocated to AS2187.1 or another suitable code and can be transitioned from ADG Code once in place elsewhere. Currently not captured by any other source and cannot expect regulators will adopt directly into their regulation.
Q21: After reviewing the draft provisions for Chapter 5.2, do you have any comments, concerns or suggested amendments? Please provide details.
Class 1 explosives should follow other dangerous goods only requiring GHS labelling along with AN and ANE in IBC's. AFER provided an exemption to Class 1 to not require an EIP when transported in a container. All Class 1 is transported in a container so this should apply here. It does not follow logic to require Class 1 to still have an EIP. This is out of step with international trade for AN, ANE and Class 1 explosives.
Q22: After reviewing the draft provisions for Chapter 5.3, do you have any comments, concerns or suggested amendments? Please provide details.
MPU's should just refer to AEISG MPU Code for labelling requirements, all MPU requirements should be directed to the AEISG MPU Code as agreed by CAP.
Q23: Which of the following options do you consider the ADG Code should follow: Option 1: Permit placarding of MPUs with EIPs as set out in the MPU Code (see above). Option 2: Require that MPUs are placarded with the appropriate EIPs for the dangerous goods being transported. Please provide your reasoning.
Option 1, refer to AEISG MPU Code rather than duplicating here. Same exists for other transport (helicopter refuelling etc.) as agreed by CAP.
Q24: After reviewing the draft provisions for Chapter 5.4, do you have any comments, concerns or suggested amendments? Please provide details.
5.4.1.2.1 – Class 1 and SSAN transport documents usually contain the list of security clearance numbers for people who can receive the explosives or SSAN and further details regarding the security requirements (security seal number etc). This should be reviewed and additions made to transport documentation for Class 1 and SSAN.

2.6. Code Part 6 – Containment systems
Q25: After reviewing the draft provisions for Chapter 6.16, do you have any comments, concerns or suggested amendments? Please provide details.
No comments.

2.7. Code Part 7 – Loading, unloading and handling
Q26: After reviewing the draft provisions for Chapter 7.2, do you have any comments, concerns or suggested amendments? Please provide details.

No comments.
Q27: Do you consider that special provisions V3 and V12 need to be retained? Please provide your reasoning.
No comments.
Q28: Are there reasons why section 7.5.5.2.3 should not be deleted, allowing explosives to be transported on MPUs? Please explain your reasoning.
This section should be deleted, Class 1 articles or substances should not be transported on an MPU. May affect the underground mining however this is not on a public road and should not be permitted in this situation for safety reasons.
Q29: After reviewing the draft provisions for Chapter 7.5, do you have any comments, concerns or suggested amendments? Please provide details.
7.5.2.5.4 – The segregation design requirements should be included here and would not require competent authority approval. These designs have been approved for a number of years in jurisdictions around Australia. WA and SA provide design criteria and designs have been approved by regulators. It is time to fix this mess and just publish the design criteria for segregation of 1.1B detonators with other high explosives. Also refer to AEISG Category 3 Segregation Code for compliance to Category 3 loads. Check draft for use of MEMU in this section, should be consistently named MPU.

2.8. Code Part 8 – Vehicle crews and operations
Q30: Do you oppose the inclusion of a requirement to carry a 2 kg extinguisher for explosives category 1 loads? Please explain your reasoning.
Yes this is suitable. Should allow the use of the Fire Strike type extinguishers in addition to dry chemical powder.
Q31: After reviewing the draft provisions for Chapter 8.1, do you have any comments, concerns or suggested amendments? Please provide details.
8.1.4.3.3 – There have been numerous examples to demonstrate that 9kg foam/water fire extinguisher is not sufficient for a tyre fire. This should be minimum 60L of water capacity. Additional requirements should be provided for a fixed foam/water system, including the length of hose capable of reaching the entire vehicle etc.
Q32: After reviewing the draft provisions for Chapter 8.4, do you have any comments, concerns or suggested amendments? Please provide details.
8.4.1.2 (c) – should be removed, this is a redundant control that cannot be verified. Automated or manual tyre checking that is recorded should be undertaken. In addition to 8.4.1.2 the 15 minutes should be set as the park-up requirement prior to entering an explosives storage and handling location. The requirements of 8.4.1.2 should include AN and ANE transport. There have been multiple explosions in Australia with AN and ANE where the wheel fire has preceded the explosion.
Q33: After reviewing the draft provisions for Chapter 8.5, do you have any comments, concerns or suggested amendments? Please provide details.
8.5.2.1.6 – Why are eVehicles prohibited from transporting Class 1? This makes no sense to prohibit a technology that will replace combustion engine vehicles.

Q34: Do you consider that the journey planning requirements should be placed in Chapter 8.6 or somewhere else? Please provide details.
No comments.
Q35: After reviewing the draft provisions for Chapter 8.6, do you have any comments, concerns or suggested amendments? Please provide details.
<p>8.6.3.1 – Check definition with AS2187.1 current draft (CE-005) as the definitions may be changing away from “Protected Work” to “Exposed Site”.</p> <p>8.6.3.2(b)(ii) “other protected works” needs to be defined. Protected works has been defined in 8.6.3.1, however “other protected works” is undefined. If this refers to the protected works in 8.6.3.1, remove the word “other”. If this means vulnerable facilities or other places, they need to be defined.</p> <p>The table has distance requirements for transport operations that exceed storage of explosives in AS2187.1. This is nonsensical and overly conservative. If a table is required, direct them to AS2187.1 table 3.2.3.2 for separation distance for long stops.</p>

2.9. Code Part 9 – Vehicles
Q36: After reviewing the draft provisions for Chapter 9.1, do you have any comments, concerns or suggested amendments? Please provide details.
EX2, and EX3 will need some work for people to understand the change from Category 2 and 3.
Q37: Do you support the provision to mandate a fixed fire-fighting system for EX3 vehicles in the new ADG Code? Please explain your reasoning.
This is required currently for underground vehicles on mine sites due to the risk. Will leave comments to the transport providers. Demonstrate evidence supports a reduction in engine fires by inclusion of this type of system and engine fires can account for 30-50% of dangerous goods vehicle fires.
Q38: After reviewing the draft provisions for Chapter 9.3, do you have any comments, concerns or suggested amendments? Please provide details.
<p>9.3.4.3.4 – should fuel tanks be located to the rear of a vertical fire screen? This would provide additional fuel directly beneath Class 1 explosives.</p> <p>9.3.3.5 – duplication of 8.5.2.1.6, is it required to be stated twice?</p> <p>9.3.4.6 – see comments above in Q31 for Section 8.1.4.3.3.</p>
Q39: Do you support mandating the AEISG MPU Code in the new ADG Code for design and construction of MPUs? Please provide your reasoning.
Yes, it was developed by AEISG on the request of regulators to provide compliance where the ADG Code does not. CAP have already agreed to this, and it should be maintained. Same exists for aircraft/helicopter refuelling vehicles and reasoning remains valid from the original CAP decision.
Q40: After reviewing the draft provisions for Chapter 9.8, do you have any comments, concerns or suggested amendments? Please provide details.

Chapter 9.8 – Is this chapter required, ADG Code should direct to AEISG MPU Code and leave the remainder of the section omitted.

9.8.1.2 – Reference AEISG MPU Code as approved by CAP and used in multiple jurisdictions in Australia.

It is not clear why columns 3 and 4 are required, the design shall meet the requirements of the MPU Code and are licenced by regulators who can make that decision. This is not an element that should be within the ADG Code.

9.8.3, 9.8.5 – Use of MEMU here (in full draft) where the previous terminology used is MPU. Keep consistency with one term.

9.8.7.1 – This is mandatory for all MPU's? Follow logic for Class 1 and AN/ANE vehicles.

9.8.7.2 – This would not be required for steel tanks as the tank will provide the thermal screen. Suggest state that tyres shall not have combustibile material above the tyres (currently a number of vehicles fitted with rubber covers above the tyres, this should be non-combustible and ideally steel to provide fire protection to the load).

3.1. Commonwealth explosives and legislation

Q41: Please advise if you consider that these exemptions for commonwealth explosives should be included in the ADG Code? Please explain your reasoning.

Yes, provides they are covered by the Commonwealth Explosives legislation. If not, include here however this relates to defence and AFP transport that may differ to civilian transport.

3.2. Rail transport of explosives of class 1

Q42: If provisions are required for rail transport, then the NTC will look to run a small consultation group with affected stakeholders so the important, rail-specific provisions can be analysed, updated and included in the draft code. We may need to consider removing these provisions if insufficient information is available to update them.

If you transport class 1 explosives by rail, please provide the following information:

1. Typical quantities and types of class 1 explosives transported by rail;
2. The locations where this occurs, and the frequency of this transport;
3. If you are willing to be part of a consultation group to assist with updating the rail-specific provisions in the AEC.

Yes Class 1 needs to be included for transport by rail. This is covered in AEC3 and should be carried across to the ADG Code. The ADG Code covers road and rail transport and must capture Class 1 transport.