

Australian Dangerous Goods Code Comprehensive Review

Working group paper #12



Part 8 – Requirements for vehicle crews, equipment, operation and documentation

April 2024

Prepared by: National Transport Commission

Report outline

Title	Part 8 – Requirements for vehicle crews, equipment, operation and documentation
Type of report	Discussion paper
Purpose	For public consultation
Abstract	<p>In November 2020, transport and infrastructure ministers approved the NTC’s recommendation to conduct a comprehensive review of the Australian Code for the Transport of Dangerous Goods by Road & Rail (the Code)</p> <p>This paper is the 12th of a series of topic specific discussion papers.</p>
Submission details	<p>The NTC will accept submissions until Wednesday 15 May 2024 online at www.ntc.gov.au or by email to: ADGCode@ntc.gov.au</p>
Attribution	<p>This work should be attributed as follows, Source: National Transport Commission, Part 8 – Requirements for vehicle crews, equipment, operation and documentation – discussion paper #12.</p> <p>If you have adapted, modified or transformed this work in anyway, please use the following, Source: based on National Transport Commission, Part 8 – Requirements for vehicle crews, equipment, operation and documentation – discussion paper #12.</p>
Key words	Dangerous goods, ADG Code review, transport, ADR, segregation, segregation devices
Contact	<p>National Transport Commission Level 3/600 Bourke Street Melbourne VIC 3000 Ph: (03) 9236 5000 Email: ADGCode@ntc.gov.au</p>

Have your say

What to submit

We are seeking stakeholder views on the consultation questions in the Executive summary and throughout the document. We are also interested in any additional information submitters could provide to support their views.

When to submit

We are seeking submissions on this issues paper by Wednesday 15 May 2024.


How to submit

Any individual or organisation can make a submission to the NTC.

Making a submission

 Visit www.ntc.gov.au and select 'Engage NTC' on the homepage.

Or

 Email your submission to ADGCode@ntc.gov.au

Where possible, you should provide evidence, such as data and documents, to support the views in your submission.

Publishing your submission

Unless you clearly ask us not to, we publish all the submissions we receive online. We will not publish submissions that contain defamatory or offensive content.

A deidentified list of responses to specific questions, and how these have been considered in the final drafts will be made publicly available.

The *Freedom of Information Act 1982* (Cwlth) applies to the NTC.

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Purpose of this paper

The National Transport Commission (NTC) is conducting a comprehensive review of the Australian Code for the Transport of Dangerous Goods by Road & Rail (the Code).

In conducting the review, the NTC will seek to achieve greater alignment with the internationally recognised land mode-specific requirements contained in the Agreement for the International Transport of Dangerous Goods by Road (ADR) and the Agreement for the International Transport of Dangerous Goods by Rail (RID).

The review is focused on outcomes that serve the best interest of all parties involved in the transport of dangerous goods. This includes those parties on which the requirements are imposed, those who regulate and administer the requirements, and those who must maintain them.

This paper is the 12th of a series of topic specific discussion papers.

This paper discusses the draft provisions that have been prepared for Part 8 of the Code. Part 8 details requirements for vehicle crews, equipment, operation and documentation.

This paper relates to:

the Code – Part No.	<input checked="" type="checkbox"/>	Working group	<input type="checkbox"/>	Discrete issue	<input type="checkbox"/>
Part 8					

Executive summary

Context

A full review of the Australian Dangerous Goods Code (the Code) has not been conducted for over a decade.

The Code is applicable across Australia, and adherence to it by all relevant parties ensures specific risks posed through transport of dangerous goods by land are effectively managed.

In 2020, transport and infrastructure ministers agreed for the NTC to conduct a full review of the Code. The NTC's responsibility for the Code's content and stakeholder engagement over several years, highlighted that the road and rail specific requirements of the Code in particular, do not fully support the smooth and safe movement of dangerous goods across borders and transport modes.

The purpose of the review, therefore, is to ensure that the Code is reflective of the Australian transport environment, draws upon road and rail mode specific concepts used elsewhere in the world where appropriate, and considers inclusion of explosives as regulated dangerous goods under the Code's requirements.

Given the scale of the review, the content of the code has been broken into a series of topics. This paper focuses on Part 8 of the draft code, which includes provisions:

- That vehicle crews must be aware of and need to follow;
- Equipment carried on vehicles, including safety equipment;
- Vehicle parking and supervision;
- Route planning for dangerous goods; and
- Transfer of dangerous goods to and from vehicles.

These provisions are drawn from both ADR and the current Code. This ensures that the overall structure and cohesiveness of the Code is maintained, while also bringing forward Australian requirements that are considered important controls.

Themes

Chapter 1 – Project to Review the Australian Dangerous Goods Code

In November 2020, transport and infrastructure ministers approved the NTC's recommendation to conduct a comprehensive review of the Code.

The review seeks to better align Australia with international practices contained in the road and rail mode specific versions of the UN Model Regulations and will focus on improving transport of dangerous goods safety outcomes.

Chapter 2 – context of issues

This chapter provides contextual overview for the topics included within this paper.

Chapter 3 – Future code Chapter 8.1 – Crew and equipment provisions

This chapter includes general crew provisions, and equipment for the vehicle. This includes documentation, fire-fighting equipment, safety equipment for crews, and the emergency information holder. These updated requirements reflect responses to earlier working group papers.

This chapter also contains the requirements from chapter 10.1 of the current code for hoses and equipment used for transfer to or from a vehicle. While the requirements are largely the same, the style of presentation of these requirements has been updated. It includes clearer requirements for equipment used for transfer such as pumps.

Chapter 4 – Future code Chapter 8.2 – Training for drivers

Note that this chapter is subject to continued development, especially as it relates to mandatory training for licenced drivers.

At present, the instruction, training and supervision requirements of the Model Subordinate Instrument is the only source of general driver training requirements. This provides very limited information on the expectations that support this training. The draft code provides greater detail about considerations when developing and delivering this training to drivers. The provisions remain non-prescriptive, as they will vary depending on the particular situation.

Additionally, many of the detailed training requirements for licensed dangerous goods drivers who are in the terms and conditions of the Mandatory Assessment Instrument. This is approved by the Competent Authorities Panel but is not formally part of the code. The draft of Chapter 8.2 incorporates these requirements directly. This will improve transparency of expectations for this dangerous goods driver training. Competent Authorities will remain responsible for the details and content of the Mandatory Assessment Instrument.

Chapter 5 – Future code Chapter 8.3 – Miscellaneous crew provisions

This chapter includes directions for vehicle crews specifically. These include requirements that the vehicle crews must follow during the transport process. In addition to the requirements from ADR, some provisions from Chapter 13 of the current code have been moved here. This includes those relating to breakdowns, detaching trailers and the operation of systems for heating dangerous goods.

Chapter 6 – Future code Chapter 8.4 – Supervision of vehicles

This chapter deals with the supervision requirements for vehicles transporting dangerous goods. Some modifications have been made to reflect Australian requirements. ADR varies when these provisions apply, but we consider that this would be too complex in an Australian transport context. The presence of large numbers of consolidated loads makes this unworkable. As a result, we've applied this to all loads, other than those that don't require placarding, such as small loads.

Chapter 7 – Future code Chapter 8.5 – Operational special provisions

This chapter is a set of special provisions for the operation of dangerous goods vehicles. These include requirements that apply to the transport of certain types of dangerous goods.

Chapter 8 – Future code Chapter 8.6 – Routes for dangerous goods vehicles

This chapter also includes the route planning requirements for dangerous goods vehicles. This is currently found in section 13.1.4 of the current code. Additionally, this chapter includes directions to inform drivers of such restrictions.

Note that in ADR, this chapter deals with classification of vehicles and tunnels for the passage of dangerous goods vehicles. These requirements are out of scope for the ADG Code Review and have not been incorporated into the draft code.

Chapter 9 – Future code Chapter 8.7 – Transfer of dangerous goods

Note that this chapter is subject to continued development.

The current code includes transfer provisions in Chapter 10.2. As these will primarily be followed by the driver of a vehicle, they have been updated, and included as a new chapter in Part 8. Chapter 3 – Outline of key changes for tanks and vehicles

Chapter 10 – Next Steps

After reviewing the responses and making appropriate changes, Part 8 of the Code will be consolidated along with other drafts into a complete code for consultation.

Additionally, guidance materials will be prepared to support the industry and regulators to implement these requirements as the new code is delivered.

Next steps

Consultation on this issues paper will close on Friday 10 May 2024.

The responses to this paper will be used to refine the provisions for part 8 of the future code.

List of questions

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Q1	Are there any requirements relating to the fire-fighting equipment you consider need to be added or amended? Please explain your reasoning.	17
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Q9	What do you consider are appropriate situations or thresholds when a driver should undergo formal training prior to driving a dangerous goods vehicle? Please explain your reasoning.	22

No.	Question	Page
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Q11	If you consider that it should only apply to vehicles transporting flammable gases and liquids (option 2), should this apply to all such transport, or only to FL vehicles?	24
Q12	Do any of these requirements need to be amended or added to? Please explain your reasoning.	24
Q13	Do any of these requirements need to be amended or added to? Please explain your reasoning.	25
Q14	Do you consider that these updated provisions require amendment or to be added to? Please explain your reasoning.	27
Q15	If you consider that Code should define distances for parking, please advise appropriate values. Please explain your reasoning.	27
Q16	Are there any special provisions in this chapter that you consider need to be amended or added to? Please explain your reasoning.	29
Q17	Do you support this information being included in this chapter? Please explain your reasoning.	31
Q18	Are there any provisions in this draft that require amending or adding to? Please explain your reasoning.	33
Q19	Do you consider that these definitions are appropriate for defining where the transfer provisions apply? Please explain your reasoning.	34
Q20	Are there any other general comments that you would like considered that have not been addressed in earlier comments? Please provide details.	35

1 About this project

Key points

- In November 2020, transport and infrastructure ministers approved the NTC's recommendation to conduct a comprehensive review of the Australian Code for the Transport of Dangerous Goods by Road and Rail (the Code).
- Mode-specific requirements of the current code consist of a repository of often disjointed, contradictory requirements that fall apart when closely examined.
- The review seeks to better align Australia with international practices as set out in the ADR and RID.
- The review will focus on outcomes that serve the best interest of all parties involved in the transport of dangerous goods.
- Given the scale of the review, the content of the code has been broken into a series of topics, each allocated to a topic specific working group.

1.1 Project objectives

In November 2020, transport and infrastructure ministers approved the NTC's recommendation to conduct a comprehensive review of the Australian Code for the Transport of Dangerous Goods by Road and Rail (the Code). Ministers also supported the proposal to incorporate into the Code principles from both:

- the Agreement for the International Transport of Dangerous Goods by Road (ADR)
- the Agreement for the International Transport of Dangerous Goods by Rail (RID).

The ADR and RID are used extensively throughout Europe, Africa and Asia. As with the Australian code, both the ADR and RID are based on the United Nations Recommendations on the Transport of Dangerous Goods - Model Regulations (UN Model Regulations). In general, the requirements of the ADR and RID are the same. They only differ where requirements need to apply specifically to either road transport or rail transport.

Stakeholder feedback over the years and a literature review of relevant materials suggests that the mode-specific requirements of the current code consist of a repository of often disjointed, contradictory requirements that fall apart when closely examined. In many instances, there was no supporting evidence or data for their introduction and there is no evidence that they have contributed to safer outcomes. The lack of consistency and cohesiveness in these requirements coupled with a lack of a framework for maintaining the mode-specific requirements results in a continuing cycle of ad-hoc, random amendments without consideration of the consequential inconsistencies or contradictions.

Goal of the review

The goal of the review is to deliver a code that:

- addresses the specific risks of transport by land, while also recognising any risks unique to the Australian transport environment
- remains contemporary

- is aligned to international practices that support the smooth and safe movement of dangerous goods across borders and transport modes.

The review is focused on outcomes that serve the best interest of all parties involved in the transport of dangerous goods. This includes:

- parties that must meet the requirements
- parties that regulate and administer the requirements
- parties that must maintain the requirements.

The aim of the review is to deliver more than just a cohesive and contemporaneous code. We also aim to deliver a framework for making sure the Code remains up to date and aligned with international standards.

1.2 Background

In 2020, the NTC released an issues paper on the land transport of dangerous goods. The paper focused on the legislative framework that supports the dangerous goods code. However, the responses we received highlighted several problems with the code itself.

A major concern raised in submissions centred on the Australia-specific chapters of the current code. The biennial maintenance cycle of the Code, which keeps it aligned to the UN Model Regulations, is appreciated. However, many submissions noted the Australia-specific chapters have not been reviewed or revised. Many of these chapters were carried over from the sixth edition of the Code (ADG 6), either in full or in part, without examination. They have not been critically reviewed for over 15 years and are now outdated. In the case of some requirements, no evidence base, or justification can be found to support their original introduction.

Industry and regulators also noted the Australian Explosives Code is outdated and has no responsible agency. They expressed a strong preference for the dangerous goods code to be expanded to include Class 1 Explosives, and for the Australian Explosives Code to be made obsolete.

After analysing the submissions received, the NTC made recommendations to infrastructure and transport ministers. All recommendations were endorsed, including the following:

Recommendation 4:

Conduct a full review of the Australian Dangerous Goods Code to update outdated chapters, identify and correct translation errors, incorporate relevant ADR concepts and incorporate requirements for Class 1 and Division 6.2. Note: the technical requirements for Class 1 and Division 6.2 will be incorporated into the [ADG] Code but the legal requirements will not be incorporated into the regulations.

1.3 Approach

A set of Review Principles has been developed to guide the review and give it the best chance of delivering the right outcome. These principles were developed with regard to the following key considerations:

- impacts and benefits

- stakeholder engagement
- maintaining currency of the Code and associated model laws.

Given the scale of the review, the content of the code has been broken into a series of topics, each allocated to a topic specific working group.

This discussion paper deals specifically with design, construction and use of tanks (other than portable tanks) and bulk containers.

Previous consultation papers for this review include:

- Classification of dangerous goods – Working group paper #1, January 2023
- Dangerous Goods List – UN entries – Working group paper #2, February 2023
- Tank provisions in ADR – Terminology – Supplementary paper #S1, March 2023
- Approval of tanks, bulk containers and vehicles – Working group paper #3, March 2023
- Safety equipment for dangerous goods transport – Working group paper #4, May 2023
- Fire extinguishers for dangerous goods transport – Working group paper #5, May 2023
- Part 5 – Consignment procedures – Working group paper #6, June 2023
- Vehicles for dangerous goods transport – Working group paper #7, August 2023
- Tank and bulk container provisions for dangerous goods transport – Working group paper #8, August 2023
- Part 4 – Packaging and tank provisions – Working group paper #9, November 2023
- Part 7 – Special provisions (Chapter 3.3) and conditions of carriage, loading, unloading and handling (Part 7) – Working group paper #10, February 2024
- Draft tank and vehicle provisions for dangerous goods transport – Working group paper #11, March 2024

2 Context of issues

Part 8 of the draft code contains extensive requirements for the drivers and operators of dangerous goods vehicles. In addition to the requirements that are derived from ADR, many important requirements in the current code have been brought into this section.

A concern expressed by stakeholders is that ADR does not address some issues that are regulated under the current code. This is especially the case for a range of matters included in Parts 10 to 13 of the current code. In recognition of these concerns, many of these requirements have been moved into Part 8 of the draft code, unless a more appropriate place has already been identified.

Note that as two chapters on training and transfer are undergoing further development, the information presented here is preliminary. We look forward to working with both regulators and industry to ensure that these provisions are properly calibrated.

Chapter 3 – Future code Chapter 8.1 – Crew and equipment provisions

This chapter details general provisions that vehicle crew must follow, and the equipment that is carried on the vehicle.

In addition to the requirements derived from ADR, the current code requirements for emergency information holders and equipment used for the transfer of dangerous goods have been incorporated in this chapter.

Chapter 4 – Future code Chapter 8.2 – Training for drivers

Note that this chapter is subject to additional development, especially as it relates to mandatory training for licenced drivers.

This chapter will provide clearer guidance and provisions relating to the training of drivers of dangerous goods vehicles. For drivers who aren't required to undergo formal training, the provisions remain less prescriptive than those who do. Chapter 8.2 also includes clearer requirements to improve transparency for dangerous goods driver training.

Chapter 5 – Future code Chapter 8.3 – Miscellaneous crew provisions

This chapter includes directions for vehicle crews specifically, especially during the transport operation itself. In addition to the requirements from ADR, some provisions from Chapter 13 of the current code have been incorporated here, particularly those relating to breakdowns, detaching trailers and the operation of systems for heating dangerous goods.

Chapter 6 – Future code Chapter 8.4 – Supervision of vehicles

This chapter deals with the supervision requirements for vehicles transporting dangerous goods. Some modifications have been made to reflect Australian requirements, including applying this to all loads that don't require placarding, such as a small load.

Chapter 7 – Future code Chapter 8.5 – Operational special provisions

This chapter is a set of special provisions for the operation of dangerous goods vehicles. These special provisions include additional requirements that vehicle crews need to follow when transporting certain dangerous goods.

Chapter 8 – Future code Chapter 8.6 – Routes for dangerous goods vehicles

This chapter includes the route planning requirements for dangerous goods vehicles, currently found in section 13.1.4 of the current code, along with information on mandated route restrictions.

Note, this chapter in ADR deals with classification of vehicles and tunnels to permit the passage of dangerous goods vehicles. These requirements have not been incorporated into the future code, as they are out of scope for the ADG Code Review.

Chapter 9 – Future code Chapter 8.7 – Transfer of dangerous goods

Note that this chapter is subject to additional development.

The current code includes transfer provisions in Chapter 10.2. As these will primarily be followed by the driver of a vehicle, they have been updated, and included as a new chapter in Part 8.

Chapter 10 – Next Steps

This chapter outlines the next steps for the code review, and the development of guidance materials to support both industry and regulators.

3 Chapter 8.1 – Crew and equipment provisions

Key points

- Chapter 8.1 of the future code will include requirements for the transport units that perform transport, including the equipment requirements.
- This chapter discusses fire extinguishers, safety equipment, emergency information holders and transfer equipment.

Chapter 8.1 provides general requirements for transport units used for dangerous goods, and the equipment that needs to be carried. This includes fire-fighting equipment, and equipment for personal protection of the crew in an emergency.

In addition to the items derived from ADR, the requirements for the emergency information holder and equipment used for the transfer of dangerous goods have been incorporated here.

3.1 General requirements

The general requirement in ADR that a transport unit cannot include more than one trailer has been deleted, as it is not relevant to Australia.

These sections also include requirements for carrying transport documents, placarding and marking. These requirements are placed here to ensure that vehicle crews and vehicle operators are properly directed to locate these correctly.

The current code requirement for the transport documents, instructions in writing and emergency information to be carried in the emergency information holder has been placed here. Details on the fitting of an emergency information holder are provided later in this chapter.

The requirement that only transport documents and emergency information are carried in the emergency information holder is not in the current code. Instead, it is found in the model subordinate instrument, which is less readily available to drivers. This requirement has been incorporated into the code here, clearly stating that the emergency information holder shall not be used to carry other items.

3.2 Fire-fighting equipment

The requirements for fire-fighting equipment have been modified extensively from the ADR requirements. During earlier consultation, there was significant support for simplifying the extinguisher requirements, but there was also opposition to basing the extinguisher requirements entirely on vehicle mass alone.

In developing a more appropriate set of provisions, we have considered the provisions in the ADR, the proposal in paper #3 and the current code. Vehicle mass is still used as the primary dividing line for load area extinguishers. However, where a vehicle is only transporting dangerous goods in packages, the requirement will be reduced compared to a vehicle transporting a tank or bulk container. We consider that more accurately reflects the

balance of risk and cost. As at present, these requirements are minimums, and vehicle owners should consider whether additional fire-fighting capacity is appropriate.

To clarify the intent of the provisions, and to address the very common Australian practice of combination vehicles, the extinguisher requirements have been presented in a reordered fashion. We consider this presentation more straightforward than both ADR and the current Code.

The minimum fire extinguisher requirements in the future code:

- Extinguishers for the load area of a transport unit transporting a load above the small load threshold (the equivalent of a *placard load* in the current code):
 - For a transport unit with a maximum mass no more than 4.5 tonnes, a single 2 kg extinguisher.
 - For a transport unit with a maximum mass greater than 4.5 tonnes, for each vehicle that is transporting dangerous goods (whether alone or in a combination):
 - In packages, one extinguisher of at least 4.5 kg capacity.
 - In tanks or bulk containers, two extinguishers with a total capacity of at least 9 kg, one of which must be at least 4.5 kg.
- Extinguishers for the engine/cab, regardless of transport unit mass:
 - A single extinguisher of at least 2 kg capacity suitable for an engine or cab fire.

In addition, the code will permit substitution of the load area extinguishers with an equivalent capacity of foam or water. A note has been included that these agents may be more appropriate for wheel and tyre fires. This more readily permits appropriate extinguishers to be specified for engine & cab fires and fires near the load area.

Note 4 to table 12.2 of the current code has been incorporated, permitting the load area extinguishers to be replaced by an appropriately specified fixed foam or water fire-fighting system. However, it is now formally incorporated as a provision, rather than a note.

The fire extinguishers are required to be fitted with a seal or another measure to ensure they can be verified as unused. The inspection and maintenance requirements in AS/NZS 1851 have been included. A means of verification of the expiry date must be included, and a note on this service interval has been included to support better education of this requirement.

Some minor modifications have been made to the ADR text to clarify the intent of the extinguishers being securely mounted and easily accessible. Finally, the guidance in the current code on the placement of load area extinguishers has been carried over.

However, the draft requirement for vehicles transporting dangerous goods under the small load concessions has not been adopted. There were concerns expressed about whether this approach was suitably targeted, and whether the dangerous goods regulations are the appropriate mechanism to require this. The NTC will refer this issue to the National Heavy Vehicle Regulator and Austroads for further consideration.

Question 1: Are there any requirements relating to the fire-fighting equipment you consider need to be added or amended? Please explain your reasoning.

Ammonium nitrate explosion risk goods vehicles

In response to the November 2022 ammonium nitrate emulsion tank vehicle explosion, the Western Australian Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) is working to develop new requirements for fixed fire-fighting systems on vehicles

transporting ammonium nitrate. We will be introducing equivalent requirements into the future code, however as they remain in development at the time of writing. The National Transport Commission will work with DEMIRS and the other competent authorities to ensure these are appropriately incorporated into the future code.

Where these requirements mandate certain fire-fighting equipment for such vehicles, we will include notes to make clear to code users when these apply.

3.3 Safety equipment for vehicle crews

The list of safety equipment in ADR has been modified substantially based on the responses to the earlier consultation. Note that the safety equipment requirements don't apply when using the small load concessions. This continues the current practice where safety equipment is not required for loads that do not require to be placarded.

Two notes have been added at the start of the section. These note that:

- The equipment requirements are a minimum, and that consideration should be given to the dangerous goods and the transport operation when selecting this equipment.
- That there may be additional requirements for safety equipment, such as under WHS legislation.

ADR applies a general requirement that the equipment is selected in accordance with the danger label of the goods being carried, this has been adopted. Additionally, the footnotes that define when certain equipment is or is not required have been directly included.

The changes that have been made to the list in ADR are:

- The wheel chock requirement only applies to unbraked trailers.
- Three portable warning triangles are required.
- The eye rinsing liquid has been modified to specify no less than 250 mL.
- High visibility clothing is considered to meet the warning vest requirement, and a reference to the relevant Australian standard is provided.
- The term torch is used in place of "portable lighting apparatus".
 - Additionally, the requirement in 8.3.4 has been updated to be "suitable for a zone 1 hazardous area" rather than not "exhibiting a metal surface liable to produce sparks".
- A requirement for foot protection has been included.

The escape breathing apparatus requirements have been extensively modified. Based on the responses received to earlier consultation, we consider that this more effectively reflects the risks presented than either the current requirements or those in ADR.

- Self-contained breathing apparatus is required when undertaking the tank transport of any substance with TP13 applied to it or is of division 2.3 (toxic gases).
 - These substances will have a new "S" code (S50A) added to column (19) of the dangerous goods list.
 - TP13 will be deleted from the dangerous goods list, as it is duplicated by S50A. Any new entries in future that require the use of TP13 will have S50A added to them.
 - S50A includes a requirement that information must be included on the transport document to ensure that carriers and drivers are aware of this provision. A note on when S50A is applied is also included here as supporting information.

- All other dangerous goods of division 2.3, 6.1 or 8 will be required to carry an emergency escape mask, with the minimum requirement specified as an A2B2E2K2-P2 type.

The requirements for maintenance and location of this equipment have been carried over from the current code, as this provides clearer guidance. A note has been added to make clear that emergency equipment needs to be readily able to be used, except for minor steps such as removal of seals.

Question 2: Are there any requirements relating to the safety equipment you consider need to be added or amended? Please explain your reasoning.

3.4 Emergency information holder

The requirements for an emergency information holder have been incorporated from the current code.

The future code, the term “a door of the cabin” (found in the current code) has been clarified to read “the driver’s door of the cabin”. This clarifies the preferred location for the emergency information holder and is in line with most current practices. Additionally, the hierarchy of locations clarifies that the driver’s door is preferred. The current requirement for a notice on the driver’s door has been included. This will apply even when another door is used, unlike at present.

As in the current code, the words “emergency procedure guides” or “emergency information holder” are required to be in red letters 10 mm high on a white background. This has been incorporated at this location.

Question 3: Are there any requirements relating to the emergency information holder you consider need to be added or amended? Please explain your reasoning.

3.5 Transfer equipment

The requirements from Chapter 10.1 of the current code have been incorporated in this section.

Generally, the requirements in the current code have been carried into the draft code, with some reformatting to match the style of the future code. The visual inspection requirements in the current code for transfer hoses has been strengthened, by more clearly defining reasons for when a hose should be removed from service.

Additional requirements have been incorporated in this section for pumps and other equipment used to transfer class 3 dangerous goods. This will provide clarity for code users and regulators about the need to ensure that such equipment is properly specified, used and maintained. Additionally, the record keeping requirements for inspection and maintenance have been extended to all equipment carried on a vehicle for transfer.

Question 4: Are there any transfer equipment requirements that you consider need to be added or amended? Please explain your reasoning.

3.6 Rail transport

The RID does not provide detailed crew and equipment provisions. We will continue to develop these in conjunction with the rail transport industry. However, we are seeking feedback on whether there are particular issues that you consider should be addressed as part of this process.

Question 5: Are there any crew or equipment requirements that you consider need to be added or amended specifically for rail transport? Please explain your reasoning.

4 Chapter 8.2 – Training for drivers

Key points

- This chapter of the code deals with the training requirements for drivers.
- The requirements that have been included here will support more effective implementation of the training of drivers.
- These requirements will be subject to further development. Responses to these questions will be used to further refine these provisions.

Chapter 8.2 provides requirements for the training of drivers and vehicle crews. Unlike the current Code, the ADR imposes a formal training requirement on all drivers other than those driving small loads (the equivalent of less than a placard load). In contrast, the current code and regulations only require formal training delivered by an RTO for drivers who require a licence. At present, this is the TLILIC0001 course.

This is not proposed to change with the incorporation of chapter 8.2 into the Code. The draft of Chapter 8.2 mirrors current training requirements in Australia. However, they will be more transparent to transporters of dangerous goods and other users of the code.

The structure of this draft will also support a more detailed analysis to be undertaken in the future. This may include an assessment of whether all drivers of placarded dangerous goods vehicles should undergo formal training. While a complete review of training requirements is out of the scope of this code review, delivery of the new code will include a matrix of training requirements.

4.1 Training requirements for all drivers

Section 8.2.1 provides an outline of expectations for driver training generally. It notes that training may be delivered in a variety of forms, both formal and informal. It also recognises that the details will vary depending on the transport operation itself.

The inclusion of the topics that drivers need training in will assist participants in the transport industry to ensure they have adequately addressed training.

Question 6: Are there requirements for the training of all drivers that you consider should be added or amended? Please explain your reasoning.

4.2 Training requirements for licensed drivers

Section 8.2.2 additionally applies to drivers who need formal training to be eligible for a licence. The current legislation provides for the competent authorities to approve an assessment of competence to be completed as a part of a training course. This assessment is referred to as the *mandatory assessment instrument (MAI)*.

Under the current code, almost all of these requirements are contained within the terms and conditions of the MAI. While the content in the code will not fully replace these terms and

conditions, it ensures that the underlying requirements are transparent to all transporters of dangerous goods. This will support better understanding of the training requirements. The development of the questions and answers that are used as a part of the MAI, and specific details of the administration of the MAI will remain a matter for competent authorities.

Additionally, the content included in the Code will only deal with dangerous goods matters. The requirements for vocational education and training are outside the scope of the Code. These would continue to be regulated by ASQA. Nonetheless, we are seeking input on whether the level of detail included in the current draft is appropriate.

We will also consider additional definitions as needed to ensure that the provisions in this section are clear.

Question 7: Are there requirements for drivers who require training to hold a licence that you consider should be added or amended? Please explain your reasoning.

Question 8: Do you consider that the amount of detail included in the code for the training course for licenced drivers is too little, about right, or too much? Please explain your reasoning.

Question 9: What do you consider are appropriate situations or thresholds when a driver should undergo formal training prior to driving a dangerous goods vehicle? Please explain your reasoning.

5 Chapter 8.3 – Miscellaneous crew provisions

Key points

- Chapter 8.3 includes miscellaneous requirements that the vehicle crew are required to follow.
- In addition to the requirements from ADR, the requirements in part 13 (other than those that are moved elsewhere) of the current code that the vehicle crew are required to comply with are also included here.

5.1 Requirements from ADR

8.3.1 – Passengers

This requirement is functionally equivalent to 13.1.3.1 in the current code. As with the current code, passengers are not permitted to be carried in dangerous goods vehicles. ADR uses the term vehicle crew, which is defined as “a driver or any other person accompanying the driver for safety, security, training or operational reasons.”

For clarity, the provision in 13.1.3.1(a) in the current code has been carried into the future code. This permits authorised officers, police officers or emergency service officers to either ride or authorise another person to ride in a vehicle.

8.3.2 – Use of fire-fighting appliances

This is a general requirement that vehicle crew know how to use fire-fighting appliances that are on the vehicle. This is supported by the requirement that drivers are provided with training in Chapter 8.2.

8.3.3 – Prohibition on opening packages

Unlike in the current code, the future code will contain a provision that the driver or their assistant is not to open packages that contain dangerous goods.

To avoid misperceptions, we’ve added a clarification that a driver may open packages if it is part of their other duties.

8.3.4 – Torch

The ADR term “portable lighting apparatus” has been replaced by torch. The term “exhibit a surface liable to produce sparks” has been deleted and replaced with the clearer requirement that the torch be suitable for use in a zone 1 hazardous area.

8.3.5 – Prohibition on smoking

The ADR provision relating to smoking has been adopted in full. Unlike in the current model subordinate instrument, this applies generally, rather than to vehicles transporting flammable substances in placardable units. It also applies to electronic cigarettes or vapes. Finally, these restrictions also apply near the vehicle during handling operations.

However, the current model subordinate instrument further restricts the driver from having matches or a cigarette lighter in the vehicle with them. This is generally interpreted to allow them to carry it in a location not normally accessible during transport, such as a toolbox.

Two options are proposed for this restriction:

1. Include the requirement here, where it would apply to all dangerous goods vehicles (other than for small loads); or
2. Include this requirement in special requirement S2, which would apply to vehicles that are transporting flammable liquids or gases.

Question 10: Do you consider that the prohibition on lighters and matches in the cabin should apply generally (option 1), or only to vehicles transporting flammable gases and liquids (option 2)? Please explain your reasoning.

Question 11: If you consider that it should only apply to vehicles transporting flammable gases and liquids (option 2), should this apply to all such transport, or only to FL vehicles?

8.3.6 – Running the engine during loading or unloading

The ADR requirement that the vehicle engine is switched off during loading and unloading, except where needed during the loading/unloading operation has been incorporated into the future code. The exemption referring to laws of the country in which the vehicle is operating has been changed to read “otherwise permitted”.

8.3.7 – Use of the parking brakes and wheel chocks

The specific requirement to use a wheel chock for trailers without braking devices has been removed. However, the requirement to restrain such trailers is retained. This provides for other methods if appropriate, noting that most trailers in use are fitted with brakes, other than some light trailers.

The existing code provision that a compression ignition engine isn't parked in gear has been included at this point.

8.3.8 – Use of cables for electronic braking systems

This section requires that cables connecting the trailer and prime mover powering an anti-lock braking system are used. This ensures that the systems on these trailers are able to operate. This section has been updated to reference the equivalent section in Part 9 of the future Code (9.2.2.8.5 in the draft Part 9). The words “or other electronic [braking system]” have been added for clarity.

The requirement has been aligned to the 4.5 tonne heavy vehicle threshold in use in Australia. It has also been slightly reworded to ensure that it applies where more than one trailer is being towed.

Question 12: Do any of these requirements need to be amended or added to? Please explain your reasoning.

5.2 Additional requirements taken from the current code

The requirements in Part 13 of the current code have been considered for inclusion in this section, as they apply to transport operations that the vehicle crew need to comply with.

8.3.9 – Breakdowns

The requirement to switch on hazard lights (or vehicle lights in the absence of hazard lights) in the current code has been incorporated here in the future code.

Additionally, the requirement to deploy portable warning triangles in accordance with the positioning requirements of the Road Rules has been incorporated. Two notes have been added to aid interpretation.

Note 1 makes clear that the requirement to place portable warning triangles applies regardless of vehicle mass. The road rules requirement only applies to vehicles with a GVM greater than 12 tonnes. Note 2 provides the positioning requirements contained in the model Australian Road Rules as information.

8.3.10 – Detaching a trailer

The restriction on detaching trailers containing dangerous goods has been incorporated from the current code. Under the current model subordinate instrument, this applies to placard loads. We have replicated this, by only applying this provision to loads that are not exempted under the small loads or other exemptions.

8.3.11 – Operation of systems to heat dangerous goods

The current code provides restrictions on systems used to heat the load while in transit, this is particularly prevalent in bitumen tankers. These provisions have been incorporated into the new code. The current code allows the use of burners on moving vehicles when done in accordance with AS 2809.5, however AS 2809.5 does not permit this. As a result, the permission in 13.1.3.5.2 has not been carried over.

Additionally, the requirement found in 10.2.2.5 of the current Code that restricts the use of burners and heaters during transfer has been moved to this location.

However, AS 2809.5 does provide for systems for heating in transit other than systems using burners, such as electric systems. The requirement found in the current code has been amended to require crews to use such systems in a safe manner and in accordance with instructions provided to them. As for heating in transit, heating during transfer has been added here.

Question 13: Do any of these requirements need to be amended or added to? Please explain your reasoning.

6 Chapter 8.4 – Supervision of vehicles

Key points

- This chapter provides the requirements for supervision of vehicles when parked.
- This replaces the parking requirements in Part 13 of the current code. As in the current code, the provisions apply whenever a vehicle is transporting a load that requires placarding.

Note: In the ADR, these provisions are applied to both class 1 and other dangerous goods. The parking and security provisions for class 1 substances and articles will be developed separately and integrated into the code. Additionally, class 7 is regulated separately in Australia. This discussion therefore only applies to goods of classes 2 – 6, 8 and 9.

The current code includes a set of parking requirements; however, these are difficult to interpret effectively.

ADR provides a clear hierarchy of where vehicles may be parked. Vehicles transporting dangerous goods are to be parked supervised. Alternatively, they may be parked unsupervised, in a secure depot or secure factory premises. If these are unavailable, then the following hierarchy can be applied to determine where the vehicle may be parked:

1. A vehicle park supervised by an attendant who has been notified of the nature of the load and the whereabouts of the driver;
2. A public or private vehicle park where the vehicle is not likely to suffer damage from other vehicles; or
3. A suitable open space separated from the public highway and from dwellings, where the public does not normally pass or assemble.

The future code uses the same language to make clear that these 3 options are a hierarchy and are only available when supervision or parking in a secure depot or factory is not available. Additionally, the requirement when one of the three options is used is that the vehicle is parked in an isolated position.

ADR applies these provisions depending on the quantity of dangerous goods on the vehicle, with the thresholds depending on a given “S” special provisions in Chapter 8.5. It is relatively straightforward to determine the appropriate provision in a point-to-point transport context, common in ADR countries. But this is more complex in the Australian environment that involves consolidation and deconsolidation. To simplify this, we have carried forward the existing requirement that these parking restrictions apply to any load that not a small load (i.e. is required to display placards).

To further assist users of the code, two definitions are suggested for this chapter. These would define *supervision* and *isolated position*. This would support both industry and regulators in applying the requirements of the Code.

When a vehicle is considered to be supervised

A vehicle is considered supervised when a member of the vehicle crew is readily available to respond to a problem involving the vehicle.

NOTE: A vehicle is not unsupervised if a driver secures and leaves the vehicle for no longer than is necessary, to access nearby facilities for required fatigue, rest, refreshment or service purposes.

This note has been included to clarify that a driver is able to leave the vehicle and access facilities that are nearby. However, they must be available to respond to an incident involving the vehicle.

When a vehicle is considered to be in an isolated position

A vehicle is considered to be *in an isolated position* when it is adequately separated from:

- (a) Buildings and places in which there is or is likely to be a concentration of people; and
- (b) Other vehicles transporting dangerous goods displaying placards.

The code at present provides defined distances for such a vehicle to stand off. These have not been copied over to the current code. However, we are interested to hear if there is appetite for including defined distances, and what these values should be.

Question 14: Do you consider that these updated provisions require amendment or to be added to? Please explain your reasoning.

Question 15: If you consider that Code should define distances for parking, please advise appropriate values. Please explain your reasoning.

6.1 Parking requirements for explosives vehicles

There are more extensive parking requirements for vehicles transporting explosives in the Australian Explosives Code. These requirements will be developed separately with the explosives working group, to ensure that the appropriate provisions are included. This will be included in Chapter 8.4 or in provision S1 in chapter 8.5 as appropriate.

This chapter also includes specific additional requirements on MPUs, these will also be considered for inclusion with the explosives working group.

7 Chapter 8.5 – Operational special provisions

Key points

- This chapter defines operational special provisions that are included the dangerous goods list.
- In ADR, special provisions S14 to S24 apply the supervision of vehicles. These have not been included as chapter 8.4 is applied to all vehicles that are not transporting a small or otherwise exempted load.

Chapter 8.5 in ADR consists of special provisions applying to transport operations for certain substances.

S1 – applies to class 1 only (S1)

This special provision applies only to substances of class 1. It is applied to all class 1 substances, with the exception of UN 0020 and 0021 (AMMUNITION, TOXIC with burster, expelling charge or propelling charge). Both of these entries are normally prohibited for transport under ADR, and it is expected they will be prohibited in Australia as well.

This special provision will be subject to separate development with the explosives working group. It provides a range of controls relating to transport, loading, unloading and vehicle security.

S5, S6, S11 and S12 – applies to class 7 only

These special provisions only apply to class 7 substances. The ARPANSA Code for the Safe Transport of Radioactive Material prevails as far as any inconsistency when transporting class 7. ARPANSA will be consulted specifically on these special provisions to ensure no conflict arises.

S2 – Flammable liquids and gases

This special provision provides controls for vehicles that are transporting flammable liquids and gases. It restricts the use of torches other than those suitable for explosive atmospheres, the operation of combustion heaters and a requirement for earthing prior to undertaking transfer.

S3 – Infectious substances

Infectious substances are subject to reduced requirements for fire extinguishers and are not required to carry an intrinsically safe torch.

S4 – substances that are transported under chemical or temperature stabilisation

Section 7.1.7 includes special provisions that apply to substances that are stabilised during transport. This may be by chemical inhibition, or by temperature stabilisation. There are several other dangerous goods entries in addition to self-reactive substances (division 4.1) and organic peroxides (class 5.2). These substances are found in a variety of classes, including 2, 3 and 6.

ADR ensures that these are properly subject to appropriate controls by assigning S4. This requires that they are transported according to the requirements in Section 7.1.7.

S8 and S9 – Organic peroxides and self-reactive substances

S8 and S9 are both applied to organic peroxides and self-reactive substances. They require that “stops for service requirements shall as far as possible not be made near inhabited places or frequented places. A longer stop near such places is permissible only with the consent of the competent authorities.”

S9 applies to all loads of these substances, while S8 only applies to larger loads, that is those with more than 2000 kg of these substances. In line with the changes made in Chapter 8.4, S8 has been amended so it does not apply to small loads. This will be similar to current practice, where it will apply to a load that requires placarding.

S10 – Protection of hydrogen cyanide from solar heating

This provision applies only to UN numbers 1051 and 1614. These UN numbers are “hydrogen cyanide, stabilised”. In practice, the volumes of hydrogen cyanide being transported are likely to be very low.

The provision has been modified to read “September to May”, to reflect summer in the southern hemisphere. The reference to national legislation has also been deleted.

S14 to S24 – supervision of vehicles

ADR uses special provisions S14 through S24 to define when the supervision requirements of Chapter 8.4 apply. This provides a graduated approach to when the supervision requirements apply. However, when considering the Australian transport context, it could be difficult to determine when this applies, as consolidated loads would need to be aggregated and assessed to determine which provision applies.

We consider that it is much clearer for industry participants to use a similar threshold as at present, which applies to vehicles that are transporting a placard load. This means that loads that are not exempted from placarding requirements will need to be parked as in Chapter 8.4.

As a result, these special provisions are all marked as reserved, as they are not relevant to the Australian transport context.

S50A – self-contained breathing apparatus

As noted earlier, S50A has been introduced as an Australian-specific special provision. This defines when self-contained breathing apparatus must be carried. It is applied to all entries that have TP13 assigned as a portable tank special provision, and division 2.3 (toxic) gases.

Question 16: Are there any special provisions in this chapter that you consider need to be amended or added to? Please explain your reasoning.

8 Chapter 8.6 – Routes for dangerous goods vehicles

Key points

- ADR includes a system for permitting certain loads of dangerous goods in certain tunnels. This is not included in the current code and is also not included in the draft code. This is out of scope for this review.
- The current code includes some guidance on route selection. This information has been included in this chapter.
- The draft code will also include provisions that give effect to route restrictions relating to the transport of dangerous goods that are made by competent authority determination or by some other appropriate method, such as legislation.

ADR provides a system for assigning tunnel categories for tunnels. This system provides for competent authorities to permit the passage of vehicles carrying dangerous goods where they consider it appropriate. Additionally, decisions about what dangerous goods should be permitted or prohibited on particular routes is a complex matter and is best left outside the Code. The restrictions on dangerous goods routes remains out of scope for this review.

However, the current code does include guidance on route selection for dangerous goods vehicles in section 13.1.4. This chapter has been renamed to “route planning for vehicles carrying dangerous goods” to reflect the different focus compared to ADR.

One challenge with this issue is the varying models used by jurisdictions for creating these restrictions. While the competent authorities are currently provided with a determination power, some have elected to create the restrictions in other ways, such as in road transport legislation. All methods chosen have certain strengths and weaknesses, but one particular issue is the question of how such restrictions interact with the code and dangerous goods regulations.

By recognising different models of creating restrictions in the code, this will aid awareness and education of these requirements. This will also support more effective regulation, by ensuring that restrictions are considered a dangerous goods transport matter, regardless of the mechanism chosen. Regardless, this only applies to restrictions that are applied due to the presence of dangerous goods. Other restrictions (for example those relating to vehicle mass) are not captured.

The content in section 13.1.4 of the current code, which is advisory, has been brought into this section. The following additional changes have been made:

- A requirement that formal restrictions that are in place restricting particular routes are observed. This would apply providing the restrictions are made under:
 - Competent authority determinations;
 - Restrictions by another authority empowered to make them; or
 - Are made under other legislation.
- The general guidance on route selection clarifies that even where formal restrictions are not in place, consideration should be given to whether transport by that route is appropriate.

In addition, this chapter in the code will provide a space for links to information relating to restrictions in particular jurisdictions. Providing a link to this information in the Code reduces the risk that drivers are unaware of restricted routes, especially when operating interstate. However, this will include a note that it is included as information only, and that drivers and carriers need to remain aware of the restrictions where they are operating.

Question 17: Do you support this information being included in this chapter? Please explain your reasoning.

9 Chapter 8.7 – Transfer of dangerous goods

Key points

- This section discusses some of the issues that are covered by chapter 10.2 in the current code.
- This issue is under additional development, the draft presented here will be subject to additional changes in response to this paper and further consultation as required.

9.1 The problem with the current code

The current code includes a range of controls for the transfer of dangerous goods into or out of a means of containment that is on a vehicle. However, the Code does not include all possible controls that could be included, and the model subordinate instrument recognises this. As a result, for each of the duties that apply Chapter 10.2 of the current code, an additional provision is included that the transfer is carried out “safely”.

This recognises that safe product transfer is a complex matter. It also acknowledges that the occupant of a site where transfer occurs, and the carrier responsible for the transport must work together to ensure safety. This allows them to take account of specific factors that affect safe transfer, including:

- Site factors, such as locations, transfer times, and other operations;
- Chemical factors, such as the properties of a specific product;
- Vehicle and equipment factors, such as the particular vehicles to be used;
- Personnel factors, such as specific training and procedures.

An additional issue is that only a certain dangerous goods are addressed in any specific detail. These include flammable liquids, flammable gases (especially LP Gas), liquid oxygen and ammonia. Notably, all these are covered by Australian Standards for the storage and handling of dangerous goods. These standards provide much greater detail than the code offers. There are notable absences as well, such as corrosive and toxic substances, which are not addressed specifically at all, even though Australian standards exist for these substances.

This carries a significant risk that a duty holder may incorrectly consider themselves to have met their obligations simply by observing the controls detailed in the Code. In addition to these duties, these obligations are all duplicated (in some form) or even superseded by obligations under work health and safety legislation. However, the model WHS legislation (adopted in most states) excludes transport that is regulated under other legislation from consideration under the requirements for hazardous chemicals, though other obligations will likely also apply.

However, this ambiguous situation may leave a regulatory gap. To address this, a set of provisions are being developed that will provide much more clarity than the current transfer provisions. These will be developed and consulted on separately, however they will most likely be incorporated as a new chapter 8.7 of the future code.

9.2 Principles for new transfer provisions

These requirements will apply when the transfer occurs in a place that is accessible to the public, where more prescriptive controls are appropriate. Transfer in these situations tends to be restricted to a limited range of materials. When transfer occurs within a facility in a secure area, the appropriate risk controls may vary more greatly. However, any time that transfer occurs in a location where the public may be impacted, these provisions will apply.

Regardless of whether the particular transfer provisions into or out of a vehicle applies, the vehicle must be properly configured prior to transport. This means that vehicle and its containment systems must be filled, closed and properly prepared for transport.

Unlike in the current code, the requirement to carry out transfer safely will be brought into the Code itself. The code will provide a clear set of general provisions to assist anyone involved in transfer to properly manage the risks.

The requirement to “avert, minimise or eliminate risk” will be replaced by a requirement that uses the same terminology as WHS legislation, and the same hierarchy of requirements. That is, the transfer must be carried out “in a way that eliminates the risks from the transfer of dangerous goods, or if it is not possible to eliminate the risks, minimise the risks so far as is reasonably practicable”.

In addition to this general risk control, the general provisions will include:

- Greater clarity about the requirement for coordination between the site occupier and the transporter.
- Requirements to determine hazardous areas and exclusion zones, and that these are communicated to personnel involved in transfer.
- Procedures and training are developed and implemented to support safe transfer.

A review of the existing transfer provisions has been undertaken to ensure that the information is clear and properly calibrated for transfer in a public place. Information that is missing from the current code to support safer transfer will also be considered for inclusion.

Question 18: Are there any provisions in this draft that require amending or adding to? Please explain your reasoning.

9.3 Scope and definitions

In addition to any comments you have on the transfer provisions generally, we are interested in receiving feedback on some particular issues relating to the scope of the transfer provisions.

When the transfer provisions apply

The scope of this chapter has been drafted to read:

This chapter applies to the transfer of dangerous goods that is undertaken in a location that is:

- (a) accessible to the public;*
- (b) within 15 metres of a building or any other place where there is likely to be a concentration of people, other than a building on the premises where the transfer takes place; or*

(c) *on a premises where the transfer takes place, and that premises is a residential dwelling.*

Item (c) has been added to ensure that transfer that occurs in a residential car park (or a similar location) is covered by the transfer provisions. This is to avoid any doubt about it being excluded under (b) in some scenarios.

Unlike in the current code, where transfer applies to a “placardable unit”, we propose that these provisions should apply to any means of containment that is on a vehicle. We consider that this ensures that prescriptive rules are applied to any situation where transfer occurs in a public place, with any containment on a vehicle.

What is meant by “accessible to the public”?

Accessible to the public is defined as a *road or road related area*, except where the area has been closed off and access is controlled. These terms are defined as part of the model Australian road rules that have been adopted in each of the states and territories. *Roads* include the road proper and their shoulders and kerbs. *Road related area* is a more complex concept, but the Australian Road Rules define these as places (other than roads):

- (a) an area that divides a road;
- (b) a footpath or nature strip adjacent to a road;
- (c) an area that is not a road and that is open to the public and designated for use by cyclists or animals;
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles.

Note that the road rules also provide for declarations to be made to either apply or disapply the road or road related area definition.

In practice, these describe places that are accessible both to vehicles, and the public generally. Along with the definitions above, we consider that the transfer provisions will therefore occur in any location where the public may readily access.

Question 19: Do you consider that these definitions are appropriate for defining where the transfer provisions apply? Please explain your reasoning.

10 Next steps

Key points

- Transitional provisions will be introduced to ensure continuity of existing vehicles, equipment and approvals.
- Consequential changes may result from responses to this paper, or additional work yet to come on the future code, including the enabling legislation.
- Guidance material will be prepared to support the introduction of the future code.

Question 20: Are there any other general comments that you would like considered that have not been addressed in earlier comments? Please provide details.

Transitional provisions

Transitional provisions will be developed for the Code in its entirety, based on:

- discussion papers and the responses received; and
- the final compiled version of the Code.

Consolidation and consequential changes

Aside from transitional provisions, there are likely to be consequential changes to other parts of the Code. Due to the scale of the changes, we need to ensure that no significant gaps result. There may also be some changes made after reviewing responses to this paper. Any of these consequential changes will be included in the consultation on the completed future code and legislation.

Guidance documents

As noted during the review, the intent of these changes is to maintain the look and feel of dangerous goods transport in Australia. While this should not change significantly due to these changes, the underlying rules will be defined more transparently, support more effective transport and regulation. The structure of the future code will be more logical, and requirements should be more readily found by participants in transport. Additionally, many requirements that are currently in other documents will now be in the Code itself.

Nonetheless, the changes will be significant. As a result, we intend to accompany the change with guidance materials to outline what has changed, and what has not. This will include information on where to find requirements relating to these issues in the future code. Responses to this and other papers will be used to develop guidance documents.

Glossary

Term	Definition
the Code	Refers to the Australian Code for the Transport of Dangerous Goods by Road & Rail – no specific edition
current code	Refers to edition of 7.8 of the code
future code	Refers to the revised code
ADR	Agreement concerning the International Carriage of Dangerous goods by Road
CAP	The Competent Authorities Panel
RID	Agreement concerning International Carriage of Dangerous Goods by Rail
UN MR	United Nations Model Regulations on the Transport of Dangerous Goods

National Transport Commission
Level 3/600 Bourke Street
Melbourne VIC 3000
Ph: (03) 9236 5000
Email: enquiries@ntc.gov.au
www.ntc.gov.au

