

# A review of the legal framework to improve the land transport of dangerous goods

August 2020

**Advice paper**

# Report outline

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<b>Title</b>	A review of the legal framework to improve the land transport of dangerous goods
<b>Type of report</b>	Advice paper
<b>Purpose</b>	For approval by the Transport and Infrastructure Council in November 2020
<b>Abstract</b>	<p>In this advice paper the National Transport Commission provides the key findings from a review of the legal framework that gives legal effect to the Australian Dangerous Goods Code.</p> <p>The advice paper provides a summary of key issues raised by industry and government regulators and an objective assessment of Australian legislative schemes and proposes practical improvements to address the issues that includes a six-goal action plan to improve the land transport of dangerous goods in Australia.</p>
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# Executive summary

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The National Transport Commission (NTC) has investigated the consistency with which the model laws that give effect to the Australian Code for the Transport of Dangerous Goods by Road and Rail (the Code) are implemented and administered nationally to identify:

- the impacts of a lack of national consistency on the land transport of dangerous goods
- the constraints faced by governments in implementing the model laws and amendments in a nationally consistent manner
- whether a change in the legislative framework used to regulate the land transport of dangerous goods is likely to deliver improved national consistency
- where improvements could be made to improve national consistency
- other improvements required – for example, to the Code itself.

The results of this investigation have informed five recommendations, which include a detailed six-goal action plan that seeks to provide practical improvement measures and accountability for the implementation of the identified actions.

A literary review of previous implementation and strategic reviews of the legislative framework for the land transport of dangerous goods revealed that several issues relating to inconsistencies raised by industry have been previously identified and remain. Findings from previous reviews concluded that the issues stemmed from factors other than the legislative scheme itself and that improvements to its implementation and administration were required. These findings were reconfirmed by the current review.

In this review, we assessed the available legislative schemes for their potential to minimise existing inconsistencies. This assessment identified that the majority of issues raised by stakeholders related to inconsistencies stemming from one or more of the following:

- local processes and protocols
- administration processes
- transparency and accountability
- interpretation and enforcement.

The assessment found that a move from the current model law scheme to an applied laws legislation scheme is unlikely to address the inconsistencies or other issues raised by industry and that it would most likely result in further disharmony.

Extensive consultation with government and industry stakeholders has enabled the NTC to better understand the inconsistencies, their impacts on industry and the constraints faced by governments in consistently implementing the model laws and amendments nationally.

An analysis of the information obtained from these consultations found the following:

- The key outcomes sought by industry stakeholders were:
  - consistent timeframes for adopting amendments
  - ease of finding requirements
  - fast, transparent decisions with accountability
  - smooth cross-border operations

- improved understanding of requirements by duty holders and enforcement officers.
- The key constraints faced by governments were related to jurisdictional processes and protocols – for example, parliamentary or legislative priorities, and jurisdictional elections and associated caretaker periods.

Further detailed analysis has been conducted and used to develop a detailed six-goal action plan. The action plan contains recommended actions aimed at delivering the high-level outcomes sought by industry while recognising and addressing some of the constraints faced by governments. The six-goal action plan is designed to achieve the following goals:

1. improve consistency of amendment implementation dates
2. improve the ability of stakeholders to identify corresponding requirements across jurisdictions
3. improve the responsiveness, accountability and transparency of Competent Authorities Panel decisions
4. establish a common understanding and interpretation of requirements
5. reduce the wait time for issue or transfer of dangerous goods licence
6. provide greater involvement of relevant portfolios in endorsing amendments and jurisdictional variations.

Consultations with stakeholders identified additional areas of improvement that were unrelated to the issue of inconsistencies. A key area raised was the need to review the Code for areas of improvement, particularly the Australia-specific chapters, which have not been reviewed for more than 13 years and are now outdated.

## Context

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Informed by a joint letter from the Australian Logistics Council (ALC) and the Australian Trucking Association (ATA), the Deputy Prime Minister requested that the NTC investigate the issues raised.

The ALC and ATA raised concerns about the impact that inconsistencies in the regulation of land transport of dangerous goods had on industry and asked that the NTC considers:

- a. *Whether the ADG Code should be adopted into Australian law using the ‘applied legislation’ model. This is the same model used by jurisdictions to adopt amendments to the Heavy Vehicle National Law made by the Queensland Parliament; and*
- b. *Whether a common operations manual should be developed to be adopted by all jurisdictions to encourage a more uniform interpretation of the ADG.*

In 2019 the Transport and Infrastructure Council endorsed us to look at improving the consistency and efficiency of regulating the land transport of dangerous goods.

In June 2020 we released an issues paper seeking further information and evidence of the inconsistencies, their impact and their causes.



## Consultation and engagement

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We have undertaken extensive consultation and engagement with government and industry stakeholders, informed by an issues paper. The paper posed 10 questions to encourage submissions, including data and evidence to help identify the main sources of inconsistency and their impact.

We held 19 consultation meetings with stakeholders from competent authorities, government and industry to further discuss the issues paper and to invite their views on how to address the issues.

We received 26 submissions in response to the issues paper. Of these, eight were from competent authorities or other government agencies and 18 from industry.

The recommendations in this advice paper have been informed by evidence and feedback received by stakeholders via written submissions and briefing meetings on the issues paper, extensive consultation with governments and industry, as well as our own research.

## Conclusions and recommendations

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After analysing the issues raised by stakeholders and assessing the relationship of these issues to the legislative scheme, our review concludes that:

- The issues raised by industry have a substantial, negative impact on costs, productivity and efficiency of the land transport of dangerous goods.
- Imperfections in the current governance and administrative processes identified through this review reflect those identified by past reviews.
- While there are some jurisdictional variations in the content of the legislation, most issues raised by stakeholders relate to inconsistencies stemming from one or more of the following:
  - jurisdictional processes and protocols – for example, parliamentary or legislative priorities, time taken to enact amendments, drafting protocols
  - administration processes – for example, time taken to issue or transfer licences, ability to identify jurisdictional variations
  - transparency and accountability – for example, Competent Authorities Panel processes and decisions
  - interpretation and enforcement.
- Moving to an applied laws legislation scheme will not resolve the issues raised by the ATA and ALC and will most likely create greater disharmony.
- Implementation of all identified recommendations in this paper will substantially address the inconsistencies and other issues identified.

**Recommendation 1: The current model law approach should be retained, with a detailed action plan put in place to improve implementation, governance and administrative arrangements..... 24**

**Recommendation 2: Implement a process that ensures greater involvement of the ministerial portfolios that are responsible for administering agencies in the agreement of proposed amendments before they are progressed to the Transport and Infrastructure Council for endorsement. .... 24**

**Recommendation 3: Implement the detailed six-goal action plan contained in Appendix B..... 25**

<b>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.....</b>	<b>29</b>
<b>Recommendation 5: Develop a training matrix based on a training needs analysis, including discrete, task-specific training and explore the potential for a dangerous goods specialist advisory competency.....</b>	<b>29</b>

## Next steps

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If endorsed by the Transport and Infrastructure Council, we will develop a plan to address recommendations 4 and 5 for inclusion in our work program.

Our *Reform implementation monitoring report* will provide regular progress of *recommendation 3 – six-goal action plan* to the Council until all actions are completed.

# 1 Context

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## Key points

- This advice paper updates the Transport and Infrastructure Council on the National Transport Commission's review of the legal framework to improve the consistency and efficiency of regulating the land transport of dangerous goods in Australia.
- This advice paper builds on an issues paper we released in June 2020 summarising the process implemented by states and territories to adopt the Australian Dangerous Goods Code and outlining issues raised by industry and governments.
- If approved by ministers, recommendations in this paper will be implemented in late 2020.

## 1.1 Purpose

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The purpose of this paper is to evaluate the legal framework that gives the Australian Code for the Transport of Dangerous Goods by Road and Rail (commonly known as the Australian Dangerous Goods Code and, in this paper, 'the Code') legal effect and to understand how to achieve greater consistency in interpretation and enforcement of requirements for regulating the land transport of dangerous goods.

This paper has been informed by evidence and feedback provided through a literary review, submissions from key stakeholders to an issues paper, an objective assessment of legislative schemes, as well as extensive engagement and consultation with governments and industry.

## 1.2 Project objectives

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The objectives of the project were to consider:

1. options for the legal mechanism (for example, model law, applied law, referral of powers) for implementing the laws that allow the Code to have legal force
2. ways to achieve consistent enforcement of requirements for the land transport of dangerous goods across Australia
3. options for the process used (for example, status quo, improve the existing process, moving to a different process) for updating the laws and Code for the land transport of dangerous goods.

## 1.3 Background

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In 2018 the Australian Logistics Council (ALC) and the Australian Trucking Association (ATA) wrote to the Deputy Prime Minister with concerns about inconsistencies in the Code and requested that the National Transport Commission (NTC) considers:



- c. *Whether the ADG Code should be adopted into Australian law using the ‘applied legislation’ model. This is the same model used by jurisdictions to adopt amendments to the Heavy Vehicle National Law made by the Queensland Parliament; and*
- d. *Whether a common operations manual should be developed to be adopted by all jurisdictions to encourage a more uniform interpretation of the ADG.*

The Deputy Prime Minister requested that the NTC further investigate the issues. Subsequently, we proposed a project that was endorsed by the Transport and Infrastructure Council in 2019 to review the legal framework that gives the Code legal effect to improve the consistency and efficiency of regulating the land transport of dangerous goods.

To better understand the problem and root causes so that appropriate solutions could be prescribed, we published an issues paper seeking data and evidence in submissions from stakeholders. Responses received were also used to inform further consultations with industry and governments.

## 1.4 Approach

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To begin the exploration of the legal framework, we released an issues paper in June 2020 summarising the process implemented by states and territories to adopt the Code and outlining the issues raised by industry.

The paper included an overview of the available legislative schemes and their potential to achieve national consistency. This information was based on a literary review of previous framework reviews and studies conducted by us and the Productivity Commission. The issues paper was also informed by our operational experience in administering the Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail and in-house legal expertise.

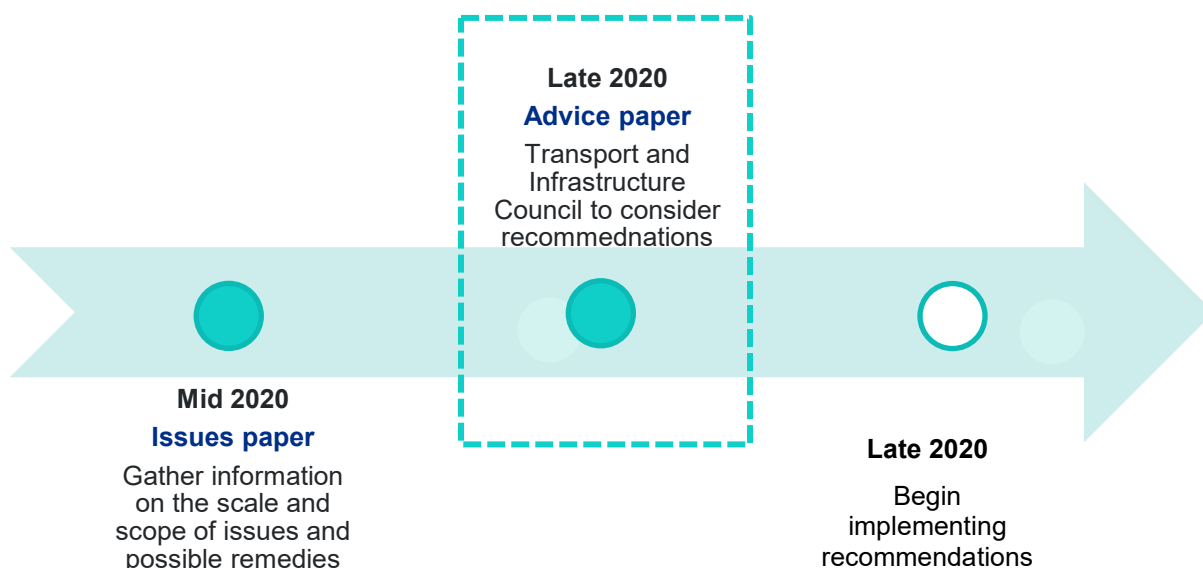
The issues paper invited stakeholders to submit responses to 10 questions designed to help us better understand the issues and their impact on the safe, efficient and productive transport of dangerous goods by road and rail across Australia. Stakeholders were also invited to include comments in their submissions on other areas for improvement.

To help stakeholders to understand the international context to which the Australian land transport of dangerous goods aligns, the issues paper also contained a comparison study of the relationship of the requirements and their relationship to the UN model regulations. The issues paper also contained a comparison with the requirements for transport by sea or air and for land transport of dangerous goods in other countries.

The information received from our research, from submissions and from consultations with government and industry stakeholders has been analysed and used to underpin the findings and recommendations in this paper.

The timeline for the review is shown in Figure 1.

**Figure 1. Timeline for the review**



## 1.5 Consultation

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Extensive consultation was undertaken with government and industry stakeholders to understand the views of all parties. These consultations included releasing an issues paper and call for submissions, individual briefings to each regulator and to the ATA, as well as follow-up industry and government group meetings.

Feedback from stakeholders highlighted several inconsistencies, both in the actual legislative requirements and in the way dangerous goods land transport regulations are governed and administered.

Industry stakeholders provided examples of the impact inconsistencies have on their productivity, efficiency and their ability to compete internationally. Analysis of the concerns raised by industry showed that the issues raised can be categorised into the following broad groupings:

- consistent timeframes for adoption of amendments
- ease of finding requirements
- fast, transparent decisions with accountability
- smooth cross-border operations
- improved understanding of requirements by duty holders and enforcement officers.

A key concern for industry was that the current issues have existed for many years and that little progress has been made in minimising them. Industry stakeholders felt that the current national model legislation framework is not achieving national consistency to its full potential and that an applied laws legislation model or referral of powers would reduce the inconsistencies.

Government stakeholders provided insights into the constraints they face in implementing laws in a nationally consistent way such as receiving timely information to prepare legislative amendments, allocating drafters and navigating parliamentary agendas and election cycles.

Discussion with government stakeholders provided opportunities on how the NTC could assist in overcoming these constraints.

While some competent authorities discussed the value of an applied laws legislation approach, others expressed concerns about loss of sovereignty. One state government stated that they would not participate in an applied laws legislation scheme. Others commented that the current model law scheme enjoys the full participation of all jurisdictions and a change to an alternative scheme would pose a high likelihood of further disharmony.

## 2 Previous reviews

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### Key points

- While previous NTC reviews provided recommendations about the most effective framework to regulate the transport of dangerous goods by land, the majority of recommendations have not been implemented.
- The findings of our 2012–13 strategic framework review about identified inconsistencies related primarily to implementation of the model law by states and territories and governance and administrative processes.

### 2.1 Overview of previous reviews

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In 2011 the NTC reviewed the state and territory governments' implementation of the nationally agreed model laws and the Code.<sup>1</sup> We found that while there were generally satisfactory outcomes, the framework could be improved. One of the key recommendations of the review was that we should 'conduct a review to determine the most effective framework for that regulation to occur'.<sup>2</sup>

In response to the recommendation from the 2011 review, we undertook a strategic framework review to determine the most effective framework for transporting dangerous goods by land. The *Strategic Framework Review of the Regulation of Land Transport of Dangerous Goods: options paper* was subsequently released in 2012<sup>3</sup> for public comment. As with our 2020 issues paper, the framework review did not consider specific changes to the Code.

The NTC received 24 submissions in response to the options paper. Following consideration of the responses received, we released our final recommendations report<sup>4</sup> in 2013.

The 2013 final recommendations report made six recommendations aimed at improving the process for updating the Code and to improve the speed and transparency of decision making by competent authorities in relation to dangerous goods.

A recent review of the progress of the 2013 recommendations identified that only one of the six recommendations has been fully implemented.

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<sup>1</sup> National Transport Commission 2011, *Australian Code for the Transport of Dangerous Goods by Road and Rail 7th Edition Reform Package – Implementation and Regulatory Outcomes Review*, NTC, Melbourne.

<sup>2</sup> Ibid., page 10

<sup>3</sup> National Transport Commission 2012, *Strategic Framework Review of the Regulation of Land Transport of Dangerous Goods: options paper*, NTC, Melbourne.

<sup>4</sup> National Transport Commission 2013, *Strategic Framework Review of the Regulation of Land Transport of Dangerous Goods: final recommendations*, NTC, Melbourne.

## 2.2 Findings from previous reviews

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The findings from our 2012–13 strategic framework review reconfirmed the findings of the 2011 implementation and regulatory outcomes review.

The 2011 review found that there was ‘considerable room for improvement to the regulatory framework for the regulation of the transport of dangerous goods which should be explored before the development of future revisions’.<sup>5</sup>

The 2012–13 review found that inconsistencies in the way regulation of land transport was implemented and managed were still a significant concern for industry. The review grouped the identified issues into the following categories:

- inconsistency of the content of regulations across states and territories in relation to the land transport of dangerous goods
- inconsistency across modes of transport (sea, air, road and rail) in timing and content
- inconsistency in the timing of regulatory implementation
- timing and transparency of national decisions for determinations, approvals and exemptions
- overlaps between different regulatory areas.

The review found that the identified inconsistencies related primarily to the implementation of the model law by governments, and related governance and administrative processes. The review concluded that a move to applied laws legislation was unlikely to resolve these issues and that the model law approach should be retained, with renewed efforts to resolve the inconsistencies.

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<sup>5</sup> National Transport Commission 2011, *Australian Code for the Transport of Dangerous Goods by Road and Rail 7th Edition Reform Package – Implementation and Regulatory Outcomes Review*, NTC, Melbourne (page 6).

## 3 Current review

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### Key points

- The current NTC review focuses on the legislative framework for regulating the transport of dangerous goods on land and whether that framework is achieving nationally consistent laws.
- The review followed a structured approach to the review to ensure the problem was fully understood and appropriate recommendations are appropriate.
- The review reconfirms the findings of previous reviews that the key causes of the issues are in the implementation, governance and administration of dangerous goods laws rather than the legislative scheme itself.

### 3.1 Introduction

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The *Model Act on the Transport of Dangerous Goods by Road or Rail 2007* (the Model Act) contains two explicit policy objectives:

- The purpose of this Act is to regulate the transport of dangerous goods on land in order to promote public safety and protect property and the environment.
- It is the intention of Parliament that the purpose of this Act will be achieved in the context of nationally consistent road and rail transport laws, having regard to regional and modal differences.

As with previous reviews, the current review focused on the second of these objectives. There have been no questions raised as to the adequacy of the contents of the law to deliver safe outcomes for the public, property or the environment.

The threshold question is whether the current legislative framework and associated governance and administrative arrangements are achieving nationally consistent laws. This consistency underpins and reinforces the first objective.

The second question to be asked is whether the states and territories are able to meet their commitment under the intergovernmental agreement to 'use their best endeavours' to align their legislation and regulations with the model laws.

While no questions have been raised as to the adequacy of the law to deliver safe outcomes, it can be argued that, where there is a lack of national consistency, the first objective of the Model Act to 'promote public safety and protect property and the environment' cannot be fully realised. This view was also expressed by some stakeholders, with one stakeholder commenting that 'the current framework effectively impedes any improvements in safety, efficiency and productivity at a national level'.

### 3.2 Methodology

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A comprehensive review of previous reviews of the legislative framework for regulating the land transport of dangerous goods revealed that they were heavily focused on the concerns



raised by industry and the ability of legislative frameworks to address these concerns. As part of the current review, we conducted extensive consultation with governments to better understand the constraints they face in implementing the legislative scheme in the manner intended. This approach has enabled better understanding of the impact of jurisdictional drafting protocols and parliamentary processes. By understanding these, we have been able to identify actions that we can undertake to assist jurisdictions to minimise the impact of these constraints.

The current review began with a comprehensive literary review of:

- previous reviews of the legislative framework for regulating the land transport of dangerous goods
- studies of legislative frameworks
- research conducted by the Productivity Commission into chemicals and plastics regulation
- international and modal frameworks for dangerous goods transport and their relationship to the UN Model Regulations.

The outputs of the literary review helped inform an issues paper that we released in June 2020.

We received a number of submissions in response to the issues paper. Ongoing stakeholder engagement, including group and one on one meetings with government and industry, were assessed using the following methodology:

- Listening to what our stakeholders were telling us. This included information on the concerns and impacts that inconsistencies have on industry and the constraints faced by governments in achieving nationally consistent implementation of the model laws. This information was then synthesised to identify common responses. Identifying common responses assisted in focusing the review and recommendations to achieve the most impact.
- Assessment of available legislative schemes for their potential to minimise the identified inconsistencies and concerns raised.
- Analysis of the issues to identify root causes and develop appropriate recommendations, including a detailed six-goal action plan.

### 3.3 Key findings

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The review found that the lack of consistency raised by the ATA and ALC in their letter to the Deputy Prime Minister are primarily a result of processes that could be improved rather than the legislative scheme used. In response to this review, industry provided examples to demonstrate the significant impact of inconsistencies in the law on productivity and efficiency, as well as where current practices impose substantial, unnecessary costs.

This review reconfirms the findings of previous reviews that the primary cause of the issues lies in the implementation, governance and administration of the laws rather than the actual legislative scheme. Minimising these inconsistencies is not only a desired outcome, it is a specified outcome under the Objectives of the Model Act and the intergovernmental agreement that all states and territories are party to.

## 3.4 What our stakeholders told us

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### Key points

- Feedback from industry to our June 2020 issues paper indicated that inconsistencies within the current legislative system and its administration pose an unnecessary burden on industry.
- Feedback from governments highlights that they face several barriers in implementing amendments including government priorities and jurisdictional drafting protocols.
- Stakeholders identified a number of practical initiatives that could be implemented without moving to a different legislative framework to achieve greater consistency.

We reviewed the 26 written submissions received in response to the issues paper as well as feedback obtained through face-to-face consultations and synthesised this information into common responses.

This first step informed the detailed analysis and assessment of the issues we identified. The detailed analysis of these issues and their root causes is contained in Table 2 later in this report.

### 3.4.1 Common responses

We received the following common responses in answer to the questions posed in the June 2020 issues paper:

- Most regulators who made submissions discussed the value of an applied law scheme but believe it would not offer any benefits over the current model law approach. The consensus is that the current model law is a mature instrument and, while it does have some shortcomings, these are not sufficient to warrant moving to a different framework. Instead, they believe most of the issues can be overcome by making improvements to current processes and that model law offers the best balance between state sovereignty and harmonisation.
- None of the regulators who responded supported referral of powers. They believed that such a move would affect state sovereignty.
- One state minister stated that their government would not support referral of powers or template law because both schemes involve some loss of sovereignty. They remain unconvinced of the benefits of such an approach (for any subject matter) for industry in their jurisdiction.
- The view of regulators was that a move away from model law would not be supported by all jurisdictions, posing a high likelihood of further disharmony.
- To support a more consistent and timelier uptake of amendments, jurisdictions require early engagement, sufficient notification and supporting information from the NTC.
- Industry has a strong preference for referral of powers but recognise that this is unlikely to be achieved at this time. Failing that, industry have clearly expressed that they would like to see a move to an applied law framework. However, this appears to be predicated on a belief that applied law would deliver a consistent set of requirements and enable seamless cross-border operations.

- Administering agencies in most jurisdictions do not sit within the transport portfolios, resulting in a disconnect between administering agencies and the Transport and Infrastructure Council. Many stakeholders support multi-portfolio engagement before amendments proceed to the Council.
- Industry feel that the current governance framework lacks the ability to respond to fast emerging situations and lacks transparency and accountability.
- All stakeholders would prefer the duties to remain in the regulations, but some suggested that a high-level summary of duties, grouped by activity – for example, consignor and loader – could be included in the Code.
- There is strong support for more targeted guidance material, which stakeholders believe should be developed by the NTC in consultation with the Competent Authorities Panel (CAP) and industry, endorsed by CAP and maintained by us on our website.

### 3.4.2 Other common responses

In addition to responding to the specific questions posed in the issues paper, most stakeholders took the opportunity to provide other comments and suggestions on areas for improvement. The following common responses relate to those additional comments.

- There is paucity of data that could be addressed by expanding the Transport for NSW research on dangerous goods movements.
- The separation of requirements and, in most jurisdictions, regulators for Class 1, Class 7, Division 6.2 and all other dangerous goods is not well understood by duty holders.
- Including detailed training requirements aimed at specific duty holders would lead to more fit-for-purpose training packages being available on the open market.
- There is some support for introducing a requirement to engage a dangerous goods subject matter expert, similar to the Dangerous Goods Safety Advisor requirements in the *Agreement concerning the International Carriage of Dangerous Goods by Road* (ADR).
- The NTC's maintenance reviews focus on picking up UN amendments. The short timeframes for each amendment package has resulted in other parts of the Code, particularly the Australia-specific chapters, becoming outdated. By not including in Code updates in-depth reviews of parts of the Code that have become outdated, potential significant gains are not realised.
- Industry and regulators noted that the Australian Explosives Code is outdated and has no responsible agency. They expressed a strong preference for the Australian Dangerous Goods Code to be expanded to include Class 1 Explosives and for the Australian Explosives Code to become obsolete. Some stakeholders would like this to go further and for the Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail to also be expanded to include Class 1, and potentially, Division 6.2.
- There is support to investigate the ADR to identify if there are requirements or concepts worth imitating in the Code.
- Greater involvement of the NTC in the UN subcommittee could assist in better understanding UN amendments, their context and intended outcomes.

### 3.4.3 Impact from inconsistencies

It is broadly acknowledged by government and industry that there is a lack of accurate data on the size of the dangerous goods freight task, its contribution to the overall economy and the number and type of incidents. This paucity of data limits the ability to provide a reliable quantitative assessment of the impact of inconsistent requirements and understanding. To overcome this and to help demonstrate the impact from any inconsistencies identified, stakeholders were asked to provide specific examples to support their concerns.

The examples provided demonstrate that, where national consistency cannot be achieved, it creates inefficiencies, poses an unnecessary burden and adds substantial costs to industry. The lack of national consistency also hampers the smooth and efficient movement across state and territory borders, further adding to costs and inefficiencies. The industry examples are shown in Table 1.

Inconsistencies between Australian jurisdictions and overseas trade partners restricts the seamless movement across borders. This negatively affects the productivity of Australian industry and the efficiency of their operations.

A clear example of this is the unique Australian requirement that inner packagings (containers) filled in Australia meet construction and testing requirements that are additional to the requirements of the UN Model Regulations. All inner packagings, including those filled in Australia, are required to meet the requirements of the UN Model Regulations. Containers filled overseas and imported into Australia are not required to meet the additional Australia-specific requirements.

**Table 1. Industry-supplied examples of inconsistencies and their impact**

Inconsistency example	Details of the inconsistency and its impact
Cross-border transport of unodourised LPG (ULPG)	<p>The task of transporting ULPG from NSW to Western Australia requires ULPG to be transported through multiple legal jurisdictions. This is permitted in all jurisdictions other than South Australia, which prohibits the transport of ULPG unless exempted by the Competent Authority in South Australia. A report prepared by Pitt &amp; Sherry for Gas Energy Australia in 2014 titled <i>Turning up the heat: cutting regulatory duplication, disparities and red tape for downstream gas</i> found that the issuing of transport exemptions creates regulatory burdens due to such things as approval times varying from days to months and the imposition of a fee.</p> <p>The report found that the cost of commissioning just one plant required the movement of around 750 tonnes of ULPG – or 24 movements of a B-double truck. Pitt &amp; Sherry estimated the additional cost to be around \$132,000 in demurrage alone. When the permit process is included, this cost could be as high as \$156,000.</p>
Transfer of vehicle licences (process for new vehicles licensing)	<p>Dangerous goods (DG) vehicle licences are issued to the vehicle's registration number. When transferring the vehicle licence between jurisdictions, the DG licence is invalidated as soon as the original registration is transferred, necessitating the issuing of a DG licence in the new jurisdiction. The application for the new DG licence can't begin until the</p>

Inconsistency example	Details of the inconsistency and its impact
	vehicle registration transfer is complete. The vehicle owner could wait up to eight weeks for the new DG licence to be issued, during which time the vehicle cannot be used to transport dangerous goods. The National Bulk Tanker Association estimates the cost of a tank vehicle not being able to transport dangerous goods while awaiting the DG licence to be issued to be a minimum of \$1,000 per day.
Driver waiting issue of physical licence	In some jurisdictions, even though a driver has met all the necessary requirements for a licence to be granted, they are not permitted to drive a vehicle transporting dangerous goods until the physical licence has been issued. The delay in receiving their DG licence also delays access to undertake additional industry-specified training. The Safe Load Program estimates that the lack of availability of a driver could result in a vehicle being stood down, resulting in a minimum cost of \$1,000 per day, plus loss of income for the driver.
Legislation monitoring services (monitoring of implementation only, not of jurisdictional variations)	Chemistry Australia undertook a study of the costs associated with monitoring the implementation dates for amendment package 3 in 2015. The study estimated the cost to their members to be approximately \$4.4 million.  Note: This would be primarily consignors. Transport organisations would also face these costs (\$860 per organisation).
Undertaking training that is not fit for purpose	Driver training course fees are approximately \$520. Add two days of driver FTE (approx. \$790) plus the cost of a replacement (agency) driver (approx. \$1,027) and the total cost per person is about \$2,337.
Inability to take advantage of reforms or risk being caught operating illegally	There are costs associated with lost opportunities. There is also the threat of losing contracts to operators who are prepared to use the Code before legal permitted to.
Misalignment of requirements with the International Maritime Dangerous Goods Code – fitting EIPs to IBCs	The requirement for Emergency Information Panels (EIPs) on Intermediate Bulk Containers (IBCs) is unique to transport by road or rail in Australia. Because this is not a requirement overseas or for transport by sea, Australian importers are required to relabel IBCs prior to transport. In some instances, this requires re-labelling to be undertaken at the port.  An impact assessment conducted by Chemistry Australia in 2017–18 estimated the costs to chemical industry to be \$96 million per annum.
Identifying jurisdictional variations in requirements	The last time the NTC tried to do this, we paid a barrister to review every jurisdiction's legislation.

Inconsistency example	Details of the inconsistency and its impact
	Some variations are contained only in CAP Determinations, which sit outside the legislation and are not readily accessible.

## 3.5 Assessment of legislative schemes

### Key points

- Consistent interpretation and enforcement of requirements is not dependent on the legislative scheme used to regulate the transport of dangerous goods by land.
- Enactment of provisions in model legislation into jurisdictional local laws without variation has a high potential to deliver consistent requirements.
- Transition to an alternative scheme is likely to take many years of negotiation to achieve state and territory agreement and would also require agreement about the content of legislation.
- Our analysis concludes that it is unlikely that a transition to an applied laws legislation scheme will address the inconsistencies or other issues raised by industry. A change to an applied laws legislation scheme may in fact result in further disharmony.
- Implementing a process that works in harmony with the current model laws scheme that ensures greater involvement of the ministerial portfolios that are responsible for administering agencies of dangerous goods transport can contribute to addressing the consistency issues raised.

### 3.5.1 Assessment criteria

In assessing the legislative schemes, we reviewed the issues raised by industry and assessed each scheme for its ability to address these concerns. In doing this, consideration was also given to the constraints raised by competent authorities and the views of governments.

A core question posed by this review was whether applied laws legislation would improve the efficiency and consistency of regulating the land transport of dangerous goods in Australia.

The NTC's issues paper asked for responses to a series of questions to help better understand the issues, their impacts and the constraints faced by jurisdictions in implementing amendments to the law that regulates the land transport of dangerous goods. In analysing the responses received, the following three common themes became apparent

- consistency
- timeliness
- administration costs.



To determine which national legislative scheme is likely to deliver the best outcome, each of the three available schemes – national model law, applied law and referral of powers legislation – were assessed using these three themes as criteria. Additionally, applied laws legislation and referral of powers legislation were assessed against the following criteria:

- jurisdictional participation
- transition impacts.

### **Consistency**

National consistency of requirements, implementation date and interpretation and enforcement were seen as the overriding concerns for stakeholders. Inconsistency of these matters was seen as the major contributor to increased costs and impacts on productivity.

For the purpose of assessing the national legislative schemes, consistency of implementation date is addressed under the criteria of timeliness.

The issue of consistency of interpretation and enforcement are within the scope of each state government agency that is responsible for administering the laws, rather than on the legislative scheme used. For this reason, no particular legislative scheme is likely to prove more beneficial in reducing inconsistencies in this area. Therefore, the following assessment of each scheme focuses on the consistency of requirements under each.

**National model legislation** – Model legislation is the instrument currently used by jurisdictions to enact laws for regulating the land transport of dangerous goods. While there are some jurisdictional variations in the requirements and inconsistencies in drafting styles and clause numbering, all jurisdictions fully participate in the current model legislation scheme.

If jurisdictions were to enact the provisions of the model legislation in their local laws without variation, model legislation has a high potential to deliver consistent requirements. It is recognised, however, that even when there is no variation to the requirements, jurisdictional drafting practices will always result in some variation to the numbering and wording of requirements. This has the potential to make it difficult for duty holders to identify the requirements across multiple jurisdictions.

**Applied laws legislation** – If enacted legislation in one state (the host jurisdiction) is applied in other states and territories as intended, applied laws legislation has a high potential to achieve national consistency of both requirements and drafting, and reducing compliance costs for industry. State and territory governments can still vary the laws in their application Acts, but these differences should be easier to identify.

Experience from past and current applied laws legislation schemes demonstrates that these schemes can at times have limited success in achieving full national consistency. We have not been able to identify any applied law legislation schemes in the transport or a safety-related sector where either participation by all jurisdictions has been achieved or that all legislative provisions have been applied as enacted by the host jurisdiction. This negates the advantages that an applied laws legislation scheme may otherwise have over model legislation.

Prior to the implementation of ADG 7 in 2008, the land transport of dangerous goods was regulated under an applied laws legislation scheme. In practice, most jurisdictions mirrored the applied law as if it were a model law.

**Referral of powers** – Having jurisdictions refer their legislative power for dangerous goods transport to the Commonwealth to regulate it under a single Commonwealth law is one option that would ensure consistent requirements, but represents a significant shift from the current approach. Submissions from some states clearly indicate this approach is not achievable.

### ***Timeliness***

In assessing the available schemes against the criteria of timeliness, consistency of the date of enactment of legislative amendments and revised editions of the Code across jurisdictions was assessed. Other matters considered were the timeliness of the issuing and transferring of licences. The timeliness of licences was chosen because it was a concern raised by many stakeholders. It has been included here to demonstrate that the issue is influenced by factors outside the legislative scheme.

An analysis of the issues raised by stakeholders identified timeliness as having one of the biggest impacts on productivity and efficiency of their business. It was also the highest contributing cause of unnecessary costs affecting all parties across the transport industry. These costs range from the tangible costs associated with monitoring implementation dates of amendment packages in each jurisdiction or having vehicles or drivers off the road while awaiting the issue or transfer of a licence, to the less tangible costs associated with losing business to organisations prepared to risk operating under updated requirements before they are implemented. Specific examples are detailed Table 1.

**National model legislation** – In order to implement an amendment package, each jurisdiction must amend their own laws to reflect the amendments contained in the national model legislation and to adopt the revised Code. The time it takes to implement these amendments is dependent on the parliamentary and legislative priorities and protocols of the jurisdiction. Other influencing factors include timing of jurisdictional elections and associated caretaker periods. Where insufficient notice of amendments is provided to the jurisdictions or the amendment package doesn't contain sufficient supporting documentation, the jurisdictions are unlikely to be able to progress their amendments in time for the implementation date agreed by the Transport and Infrastructure Council and published by the NTC.

The national model legislation scheme has no impact on the timings associated with licences. The issuing and transfer of licences depends on governance and administrative arrangements rather than whether a national model legislation scheme or applied laws legislation scheme is used.

**Applied laws legislation** – If all jurisdictions were to adopt the applied law by reference, they would automatically pick up the amendments as soon as they were passed in the host jurisdiction. This would mean the amendments are applied nationally at the same time.

As discussed above, timing issues associated with issuing or transferring licences will not be resolved by implementing an applied laws legislation scheme.

**Referral of powers** – This is the only scheme that would guarantee amendments would commence on a nationally consistent date. The timings associated with issuing licences would still be dependent on governance and administrative arrangements rather than the actual legislative scheme. However, a licence issued under a Commonwealth law would not be required to be transferred when relocating between jurisdictions.

## ***Administration costs***

In assessing the available schemes against administration costs, the assessment has primarily concentrated on the costs associated with maintaining and updating laws in each jurisdiction.

**National model legislation** – There can be substantial costs incurred by jurisdictions in enacting national model legislation. Each jurisdiction is required to replicate the provisions of the national model legislation in their own legislation. This will include developing drafting instructions, justifications for the amendments and assessment against jurisdictional requirements such as specific stakeholder engagement. These costs are significantly increased where a jurisdiction's legislation drafting office requires variations to the national model legislation amendments or where a jurisdiction has different approaches to regulatory impact assessments and requirements.

**Applied laws legislation** – If implemented as intended, an applied laws legislation scheme has the potential to minimise duplication of drafting and amending legislation. This could deliver substantial costs and resource savings for participating jurisdictions.

**Referral of powers** – A single Commonwealth law may deliver substantial savings in administration costs because there would be no duplication of effort required to implement legislative changes.

## ***Transition impact***

In assessing the transition impact, the potential costs and disruption associated with moving from the current model law (status quo) to an alternative scheme was assessed.

**Status quo** – No impact.

**Transition to an alternative national law scheme** – Complete transition to an alternative scheme is likely to take many years of negotiation to achieve state and territory agreement. This agreement would involve not only the decision to move to an alternative scheme but also to the content of the laws.

## ***Participation by jurisdictions***

As discussed in section 3, the focus of our review was on the second objective of the Model Act that 'the purpose of this Act will be achieved in the context of nationally consistent road and rail transport laws, having regard to regional and modal differences'.

Any scheme that is unable to attract the participation of all states and territories will be limited in its ability to support this objective. Therefore, this assessment considers each of the available schemes against the potential for full participation.

**National model legislation** – All states and territories participate in the current national model legislation scheme.

**Applied laws legislation** – There is a very high likelihood that some jurisdictions will not participate in an applied laws legislation scheme because of a preference for jurisdictional sovereignty. At least one state has expressed that it is a current policy of their government not to participate in applied laws legislation schemes.

**Referral of powers** – For reasons similar to applied laws legislation, it is unlikely that the states and territories would be willing to refer their legislative power about dangerous goods transport to the Commonwealth.

## Summary

A change from the current model legislation to an applied laws legislation will have limited impact on the ability to address the identified inconsistencies in this review or the jurisdictional variations in the legislative requirements.

A move to an applied laws legislation scheme is unlikely to address the inconsistencies or other common themes raised by industry and governments. Based on the advice we received to this review, such a change may result in further disharmony.

While there are some jurisdictional variations in the content of the legislation, most issues raised by stakeholders relate to inconsistencies stemming from one or more of the following:

- jurisdictional processes and protocols – for example, parliamentary or legislative priorities, time taken to enact amendments, drafting protocols
- administration processes – for example, time taken to issue or transfer licences, ability to identify jurisdictional variations
- transparency and accountability – for example, CAP processes and decisions
- interpretation and enforcement.

**Recommendation 1:** The current model law approach should be retained, with a detailed action plan put in place to improve implementation, governance and administrative arrangements.

**Recommendation 2:** Implement a process that ensures greater involvement of the ministerial portfolios that are responsible for administering agencies in the agreement of proposed amendments before they are progressed to the Transport and Infrastructure Council for endorsement.

## 3.6 Analysis of issues

### Key points

- Minimisation of inconsistencies identified by industry and regulators is key to achieving the objectives of the current model laws legislative framework.
- Transition to an applied laws legislative scheme will not remove the risk of jurisdictional variation when implementing legislative amendments.
- To address the root cause of identified issues around consistency, a comprehensive six-goal action plan has been developed with practical initiatives that, if implemented, will significantly reduce the inconsistencies raised by the ATA and ALC.
- There are other areas where improvements could be made to address the identified concerns, including a full review of the Australia-specific parts of the Code itself, and developing fit-for-purpose training matrices.

### 3.6.1 Issues related to the legislative framework

To ensure we fully explored the problem, we sought to better understand the issues and their root causes. This was to enable an accurate assessment of whether the issues lay within the legislative scheme itself and if a change of scheme was likely to resolve the concerns.

To do this, an issues paper was released to illicit additional information on the problems faced by governments and industry and where they felt improvements could be made. Twenty-six responses received via written submissions and other consultation activities identified key issues and outcomes sought by stakeholders and the constraints identified by competent authorities. These matters, along with the common responses provided by stakeholders were used to inform the analysis of the issues.

The ultimate aim of the analysis was to ensure any corrective actions proposed correctly targeted the root cause of the identified issues. To do this, the data identified was analysed using the following approach:

1. Individual issues were assessed for commonality and grouped based on their impacts and the common responses identified in section 3.4.1.
2. The groupings identified in step 1 were then further grouped into the following top-level outcomes:
  - a. consistent timeframes for adopting amendments
  - b. ease of finding requirements
  - c. fast, transparent decisions with accountability
  - d. smooth cross-border operations
  - e. improved understanding of requirements by duty holders and enforcement officers.
3. The constraints and issues faced by jurisdictions in consistent implementation of requirements were then assessed for their impact on achieving the desired outcomes.
4. Relevant constraints and issues were matched to determine where and how targeted improvements could be made.

The outcome of this process is shown in Table 2.

This has helped inform a detailed six-goal action plan to address the issues raised in relation to achieving consistent implementation and understanding. All actions in the six-goal action plan have been targeted at the cause of the issues and using SMART (specific, measurable, agreed, reasonable, time-bound) principles.

By: first developing the actions in this way; second, matching the actions to a responsible agency; and third, annual monitoring of implementation via the NTC's *Reform Implementation Monitoring Report*, the intent is to further assist jurisdictions in progressing and implementing amendments to reduce the inconsistencies raised. Taken together, this should reduce costs and improve productivity and efficiency for both regulators and industry.

A copy of the detailed six-goal action plan is contained in Appendix B.

**Recommendation 3:** Implement the detailed six-goal action plan contained in Appendix B.





**Table 2. Analysis of issues**

Key themes (top-level outcome)	Detailed outcome sought	Influencing factors (constraints)
Consistent timeframes for adopting amendments	Consistency of implementation date for legislative changes	Prioritisation on parliamentary drafting timetable
		Requirement to engage local stakeholders
		Elections and caretaker periods
		Insufficient notification of national timeline for adoption
		Amendments generally minor in nature so not seen as high priority
		Lack of supporting information provided with amendment package to assist jurisdiction parliamentary drafters
		Insufficient notification by competent authorities to their parliamentary drafters
		Parliamentary drafting timetable
		Prioritisation on parliamentary drafting timetable
	Consistency of implementation date for Code changes	Gazettal requirements
		Referencing to the Code in jurisdictional legislation
Ease of finding requirements	Ability to identify jurisdictional variations	None identified
	Consistency of regulation/clause numbering and structure	Drafting style (clause numbering) of the Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail
		Jurisdictional drafting protocols
Fast, transparent decisions with accountability	Ability to challenge CAP decisions	Model law and jurisdictional uptake
		CAP processes
	Ability to respond quickly to emergency situations	Model law and jurisdictional uptake
		CAP processes
	Transparency of CAP decisions	CAP processes
		CAP processes

Key themes (top-level outcome)	Detailed outcome sought	Influencing factors (constraints)
Smooth cross-border operations	Consistent interpretation of requirements	Differing regulator or court interpretations of the same requirement
	Consistent requirements	Jurisdictions respond to local issues without first pursuing national endorsement or change
	Alignment of amendments to pick up UN amendments with other modes – for example, the International Maritime Dangerous Goods Code	NTC maintenance program
	Minimised downtime of drivers and vehicles awaiting licence issue	Issuing agency administrative processes
	Seamless transfer of licences between jurisdictions	Interaction with state-based registrations
	Consistent interpretation of requirements	Differing regulator or court interpretations of the same requirement
		Lack of fit-for-purpose training
	Consistent requirements	Jurisdictions prioritise local interests over national harmonisation
	Ability to take advantage of amendments at the earliest opportunity	Related to inconsistent timing of adoption of amendment package
	Consistent requirements	Disconnect between administering portfolios and Transport and Infrastructure Council
		Jurisdictional variations not endorsed by Transport and Infrastructure Council
	Maximise cross-jurisdictional recognition of arrangements	Dangerous goods exempted from the <i>Mutual Recognition Act 1992</i> (Cwlth)
Improved understanding of requirements by duty holders and enforcement officers	Uptake by all jurisdictions	Jurisdictional policy and protocols
	Ready access to fit-for-purpose training	Availability of specific fit-for-purpose training courses
	Availability of specialist knowledge	Resources

### 3.6.2 Other areas of improvement identified

In addition to the questions posed in the issues paper, almost all submissions from stakeholders included matters relating to the Code and expressed a need for improvement to the Code. The common responses from these are summarised under 'Other common responses' in section 3.4.2.

A major concern raised in submissions was that while the current biennial maintenance cycle of the Code to keep it aligned to the UN Model Regulations is appreciated, no review or revision has been conducted on the Australia-specific chapters of the Code. Many of these chapters were carried over from the 6th edition of the Code, either in full or in part. These chapters have had no significant review for at least 13 years and are now outdated.

Many stakeholders expressed a strong desire for the Code to be reviewed to include Class 1 – Explosives and potentially, Division 6.2 – Infectious Substances.

While most stakeholders did not support Australia directly adopting the ADR, many felt that it contained concepts that Australia could learn from and imitate in the Code. A concept that was seen as beneficial by organisations that operate internationally and some competent authorities was the introduction of a dangerous goods specialist similar to the Dangerous Goods Safety Advisor in the ADR. This concept can be likened to s. 22 of the *Victorian Occupational Health and Safety Act 2004*, which requires employers to 'employ or engage persons who are suitably qualified in relation to occupational health and safety to provide advice to the employer concerning the health and safety of employees of the employer'. Introducing such a requirement with specified competencies would substantially improve compliance, improve understanding, increase the availability of people with a detailed understanding of the Code and its application and provide a career path for dangerous goods specialists.

The requirement for task-specific or fit-for-purpose training was seen as a necessity to improve understanding among specific parties in the transport chain about their obligations, reduce costs associated with undertaking training that is not fit for purpose and to improve the availability of suitable public training courses.

**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.

**Recommendation 5:** Develop a training matrix based on a training needs analysis, including discrete, task-specific training and explore the potential for a dangerous goods specialist advisory competency.

## 4 Conclusion and next steps

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### Key points

- Inconsistency issues raised by stakeholders primarily relate to administration and process and not to the legislative scheme that underpins the regulation of dangerous goods land transport.
- Implementation of the recommendations in this advice paper is designed to substantially address the inconsistencies and other issues identified.

### 4.1 Conclusion

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After analysing the issues raised by stakeholders and assessing the relationship of these issues to the legislative scheme followed, we provide the following conclusions:

- The issues raised by industry can have a substantial, negative impact on costs, productivity and efficiency of the land transport of dangerous goods.
- Imperfections in the current governance and administrative processes identified through this review reflect those identified by past reviews. These issues continue due to previously identified recommendations not being monitored or implemented in full.
- While there are some jurisdictional variations in the content of the legislation, most issues raised by stakeholders relate to inconsistencies stemming from one or more of the following:
  - jurisdictional processes and protocols – for example, parliamentary or legislative priorities, time taken to enact amendments, drafting protocols
  - administration processes – for example, time taken to issue or transfer licences, ability to identify jurisdictional variations
  - transparency and accountability – for example, CAP processes and decisions
  - interpretation and enforcement.
- Moving to an applied laws legislation scheme will not resolve the issues raised by the ATA and ALC.
- Implementation of all identified recommendations in this paper are designed to substantially address the inconsistencies and other issues identified.

### 4.2 Next steps

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If endorsed by the Transport and Infrastructure Council, implementation of recommendations 2, 4 and 5 will be included in the NTC work program.

The annual *Reform Implementation Monitoring Report* will provide regular progress of *recommendation 3 – six-goal action plan* to the council until all actions are completed.

# Appendix A List of submissions

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- ACCORD Association – hygiene, personal care and specialty products industry
- Amazon
- Australian Battery Recycling Industry (ABRI)
- Australian Fire and Emergency Services Authorities Council (AFAC)
- Australian Explosives Industry Safety Group (AEISG)
- Australian Institute of Dangerous Goods Consultants (AIDGC)
- Australian Trucking Association (ATA)
- Chemistry Australia
- Competent Authorities Panel (CAP)
- Gas Energy Australia
- Givaudan
- The Hon. Bill Johnson, (WA) Minister for Mines and Petroleum; Energy; Industrial Relations
- MJ & SL Kennedy
- National Bulk Tanker Association (NBTA)
- National Road Transport Association (NatRoad)
- NSW EPA – competent authority for transport-related matters NSW
- Orica
- Queensland Rail
- SafeWork NSW – competent authority for premises-based activities in NSW
- Safe to Load Program (SLP)
- TMR Queensland – competent authority for Queensland
- Toll Group
- Transport for NSW
- Volker Krampe
- WA DMIRS – competent authority for Western Australia
- WorkSafe Victoria – competent authority for Victoria

## Appendix B Six-goal action plan (recommendation 3)

Goal	Action	Timing	Responsible agency
<b>Goal 1</b>  Improve consistency of amendment implementation dates	Implement maintenance amendment packages on a fixed cycle – for example, 1 October every second year	Commencing next maintenance amendment package – approved and released June 2022 for commencement 1 October 2022	<b>NTC</b>
	Include additional supporting information in notification to jurisdictions of endorsed amendment package: <ul style="list-style-type: none"> <li>▪ summary of stakeholder engagements and submissions</li> <li>▪ copy of drafting instructions</li> <li>▪ interpretation guidance (intent of amendment)</li> </ul>	Commencing with next amendment package	<b>NTC</b>
	Provide sufficient notice to parliamentary drafters/process of amendment implementation dates	Commencing with next amendment package	<b>Competent authorities</b>
	Maintain a national register of stakeholders to ensure all	Commence now and maintain ongoing	<b>NTC</b>



Goal	Action	Timing	Responsible agency
	stakeholders are engaged during amendment discussions		
<b>Goal 2</b>  Improve the ability of stakeholders to identify corresponding requirements across jurisdictions	Renumber Model Subordinate Instrument on the Transport of Dangerous Goods by Road or Rail (MSI) clauses in line with modern drafting conventions	Complete as part of next amendment package	<b>NTC / PCC</b>
	Develop a publicly accessible central register of legislative variations – informed by the NTC’s reform monitoring report	Identify existing variations – commencing late 2020  New variations – commencing from next amendment package	<b>NTC / competent authorities</b>
	Publish CAP decisions, including details, in a publicly accessible register	As negotiated with DIRDAC	<b>DIRDAC / CAP / NTC</b>
<b>Goal 3</b>  Improve the responsiveness, accountability and transparency of Competent Authorities Panel (CAP) decisions	Update CAP Rules to include: <ul style="list-style-type: none"> <li>▪ specified timeframes for decision making</li> <li>▪ process for challenging decisions</li> <li>▪ public accessibility of all decisions</li> </ul>	Complete as part of next amendment package	<b>NTC / CAP</b>

Goal	Action	Timing	Responsible agency
	<ul style="list-style-type: none"> <li>methods through which industry may provide submissions and information to CAP to inform decision making</li> </ul>		
	Amend MSI to include: <ul style="list-style-type: none"> <li>specified timeframes for making decisions</li> <li>administrative law processes – for example, right to a review of decisions</li> </ul>	Complete as part of next amendment package	NTC
<b>Goal 4</b>  Establish a common understanding and interpretation of requirements	Develop and publish agreed topic-specific guidance material in consultation with CAP and industry  Consider levels of guidance – for example, s.1.3.1 guideline, co-branded NTC, CAP and industry guidance, NTC-issued fact sheets	Ongoing from commencement of ADG 7.7	NTC / CAP / industry associations
	Develop a matrix of detailed training requirements for specific tasks – for example, consignor, packer, loader, driver – for inclusion in chapter 1.3 of the Code	Commence late 2020	NTC

Goal	Action	Timing	Responsible agency
	Explore potential for inclusion of a dangerous goods specialist advisory competency in the supply chain training framework – for example, a Dangerous Goods Safety Advisor.	Commence late 2020	NTC
<b>Goal 5</b>  Reduce the wait time for issue or transfer of a dangerous goods licence	Explore ways to link DG vehicle licences to a vehicle without the licence being invalidated by a registration transfer – for example, issue as an endorsement on the vehicle registration so the licence transfers automatically with the registration; link to VIN rather than registration	Commence late 2020	NTC / Austroads
	Improve the process for a new vehicle licence – for example, allow an application to commence concurrently with the registration application and process, allow the vehicle to operate on a temporary licence while awaiting construction and issue of licence plate	Commence late 2020	NTC / competent authorities
	Investigate potential for state vehicle and driver licensing agencies to issue DG licences as an	Commence late 2020	NTC / Austroads

Goal	Action	Timing	Responsible agency
	endorsement on existing licence/registrations		
<b>Goal 6</b>  Provide greater involvement of relevant portfolios in endorsing amendments and jurisdictional variations	Progress all proposed amendments at the jurisdiction level to the NTC for discussion with the Dangerous Goods Transport Maintenance Advisory Group and potential inclusion in amendment package for national adoption	Ongoing	<b>Competent authorities</b>

# Abbreviations

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Term	Definition
ADG	Australian Dangerous Goods
ADR	Agreement concerning the International Carriage of Dangerous Goods by Road
ALC	Austalian Logistics Council
ATA	Australian Trucking Association
CAP	Competent Authorities Panel
NTC	National Transport Commission
the Code	Australian Code for the Transport of Dangerous Goods by Road or Rail
UN	United Nations

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National Transport Commission 2011, *Australian Code for the Transport of Dangerous Goods by Road and Rail 7th Edition Reform Package – Implementation and Regulatory Outcomes Review*, NTC, Melbourne.

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