

24/12/2024

Debra Kirk
National Transport Commission
Level 3/600 Bourke Street
Melbourne VIC 3000
Ph: (03) 9236 5086
Email: adgcode@ntc.gov.au

Dear Ms. Kirk,

Thank you for the opportunity to comment on the review of the ADG Code.

The Shooting Industry Foundation of Australia represents Australia's major importers of firearms, and related shooting products, that includes small arms ammunition (safety cartridges), propellant powder, and primers.

Firstly, I feel it is necessary to highlight that as a member of the explosives working group, many participants from this group were from regulatory bodies or emergency services, who took a hard-line approach to the requirements around the 'low hazard' products that our industry distributes.

Further, I do not believe that all participants were across the mandatory security requirements for our industry products, that are enforced by the individual jurisdiction, for the transport of consumer quantities of product.

As a result, some participants felt that individual consumers who purchase these products from a retailer should have the same transport requirements as that of an interstate line haul operation. This is simply not feasible.

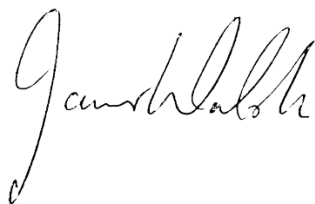
I believe that there could be further concessions and efficiencies realised for our industry that could be added to the code, that would not affect public safety, or the safety of a emergency responder responding to an event.

SIFA fully supports the 'low hazard' definition of explosives, and we also stress that given the low-risk nature of the products captured in this category, and the unique nature of our industry, we would welcome a specific discussion with the NTC around further consideration for our industry.

We also support the efforts to modernise the ADG Code to harmonise Australia with other jurisdictions, the UN and global regulations, to implement limited quantities (LQ). A complete end-to-end LQ integration would significantly increase efficiency for Australian businesses and decrease costs.

We appreciate the opportunity to submit our comments, and we appreciate the work of NTC in this regard. Should any of our comments need further clarification, please don't hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James Walsh', written in a cursive style.

James Walsh
Chief Executive Officer

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

Submissions close on Tuesday 17 December 2024.

Details of person submitting comments

Name:	James Walsh		
Email:	James.walsh@sifa.net.au	Mobile (optional):	0419 933 066
If you are submitting comments on behalf of an association or organisation, please provide the following details.			
Organisation name:	Shooting Industry Foundation Australia		

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

Note: you are not required to answer every question.

2.1. Code Part 1 – General
<p>Q1: Which of the following options do you support for the definition of low hazard explosives? Please provide your reasoning.</p> <p>Option 1: Only low hazard explosives meeting the description suggested by the Explosives Working Group (as per the table), or</p> <p>Option 2: Continuing the AEC approach of concessions only for explosives of classification code 1.4S.</p>
<p>Option 1.</p> <p>“Consumer based” low hazard explosives being transported following a sale to a consumer by a retailer, should be exempted from the requirements of the code entirely, given that the possession of shooting explosives is regulated under the Firearms Act & Regulations of the jurisdiction already.</p> <p>Option 1 is fully supported by SIFA as the preferred option for commercial freight operations as the products listed as ‘low hazard’ pose little risk when being transported.</p>
<p>Q2: Should the table of low hazard explosives in the ADG Code include UN numbers in addition to the classification code and product description? Please provide your reasoning.</p>
<p>Listing UN numbers in the code could become cumbersome should a UN number change, or new products need to be added to the low hazard designation. SIFA questions how would the process of amending this in the code be managed?</p>
<p>Q3: Are there any entries (UN numbers, DG list entries or product descriptions) that:</p> <ol style="list-style-type: none"> Are listed in the table above that should not be considered low hazard explosives, or Are not listed in the table above that should be considered low hazard explosives? <p>Please provide your reasoning.</p>
<p>All 1.4s explosives should be considered ‘low hazard’ explosives.</p> <p>SIFA supports the inclusion of 1.4c and 1.4g as low hazard explosives.</p>

Q4: Do you consider that the limits provided in the draft (in 1.1.3.14.3) are appropriate? Please provide your reasoning.
<ol style="list-style-type: none"> 1. It is SIFA's position that for shooting related explosives there should be an exemption from the code for a private citizen who is transporting 'low hazard' explosives for personal use. In most instances, the firearms act, and regulations of the jurisdiction, dictate how these products are to be transported and stored. 2. SIFA supports the limits as specified in question 2.
Q5: Do you consider the conditions set out for transport of low hazard explosives and other dangerous goods are appropriate? Please provide your reasoning.
Yes, as they are proportionate to the risk they pose.
Q6: Are there other import or export scenarios that you consider require conditional concessions to prevent unnecessary intermodal barriers? Please:
<ol style="list-style-type: none"> 1. outline the scenarios where this occurs; and 2. appropriate controls to manage it. Please provide your reasoning.
No comment
Q7: After reviewing the draft provisions for Chapter 1.1, do you have any comments, concerns or suggested amendments? Please provide details.
SIFA is supportive of the explosive working group's recommendations. We also support the definitions of load categories.
Q8: After reviewing the draft duties intended for Chapter 1.4, do you have any comments, concerns, or suggested amendments? Please provide details.
As an industry, we have requirements at every jurisdictional level for authorising unsupervised access and handling of explosives. SIFA and the Australian shooting industry need to be consulted on any provision around these requirements.
Q9: What do you consider to be an appropriate level of insurance for incidents involving the transport of explosives? Please provide your reasoning.
This question is better left for commercial transporters to answer. However, the insurance requirements should be discussed with all size commercial transporters to ensure that insurance limits are affordable for those who only transport small quantities.
Q10: After reviewing the draft administrative controls for drivers in 1.8.11, do you have any comments, concerns, or suggested amendments? Please provide details.
No comment
Q11: Do you support the proposal to treat all explosives other than low hazard explosives as high consequence dangerous goods for transport? Please provide your reasoning.
Explosives should be treated based on the level of risk they pose including safety and security.
Q12: After reviewing the draft provisions for Chapter 1.10, do you have any comments, concerns, or suggested amendments? Please provide details.
No comment

2.3. Code Part 3 – DG list and special provisions
Q13: Is there a reason why special provision 616 and the exudation test in 2.3.1 should not be included? Please provide your reasoning.
No comment
Q14: Is there a reason why the LQ values for class 1 should not be included in the DG list? Please provide your reasoning.
SIFA supports the NTC proposal to include the stated LQ values in the dangerous goods list to maintain harmonisation. We note that LQ loads are being utilised safely and successfully by jurisdictions like Australia in other parts of the world. We question how some jurisdictions may deal with LQ given that some individual state regulations may not have provision for LQ loads or the LQ markings. In order to take full advantage of LQ, more work will be needed to be done within the jurisdictions to potentially change regulation to recognise the LQ framework and ensure a consistent approach.
Q15: If you currently import or export articles of UN 0012, UN 0014 or UN 0055 please provide details of any anticipated costs savings from the proposed LQ provisions.
The major saving we see is that smaller freight companies will be able to transport LQ items therefore increasing competition in the limited Australian freight market.
Q16: Do you support the removal of tank instructions for the transport of class 1 substances? Please provide your reasoning.
No comment
Q17: Do you have any comments, concerns or suggested amendments relating to Part 3 of the draft ADG Code? Please provide details.
No Comment

2.4. Code Part 4 – Packaging and tanks
Q18: After reviewing the draft provisions for Chapter 4.1, do you have any comments, concerns or suggested amendments? Please provide details.
No issues with the packaging requirements.

2.5. Code Part 5 – Consignment procedures
Q19: Is there a reason why the markings on inner packagings should not refer to the GHS requirements? Please provide your reasoning.
SIFA supports taking a consistent approach across all jurisdictions that including explosive markings etc.
Q20: Is it necessary to retain the provisions relating to marking and labelling on articles and wrappings in the ADG Code? Please provide your reasoning.
SIFA supports taking a consistent approach across jurisdictions.
Q21: After reviewing the draft provisions for Chapter 5.2, do you have any comments, concerns or suggested amendments? Please provide details.
No comment

Q22: After reviewing the draft provisions for Chapter 5.3, do you have any comments, concerns or suggested amendments? Please provide details.

There should be no placarding requirement for loads of only 1.4s

Q23: Which of the following options do you consider the ADG Code should follow:

Option 1: Permit placarding of MPUs with EIPs as set out in the MPU Code (see above).

Option 2: Require that MPUs are placarded with the appropriate EIPs for the dangerous goods being transported.

Please provide your reasoning.

No comment

Q24: After reviewing the draft provisions for Chapter 5.4, do you have any comments, concerns or suggested amendments? Please provide details.

No issues with documentation as long as there is no additional burden added, and this would not affect consumer transport of low hazard explosives or LQ loads.

2.6. Code Part 6 – Containment systems

Q25: After reviewing the draft provisions for Chapter 6.16, do you have any comments, concerns or suggested amendments? Please provide details.

No issues on the requirement for commercial transport.

Consumer transportation of 1.4s products should be exempt from any compartment requirements under the code.

2.7. Code Part 7 – Loading, unloading and handling

Q26: After reviewing the draft provisions for Chapter 7.2, do you have any comments, concerns or suggested amendments? Please provide details.

This should not apply to any low hazard load.

Special provision 4 does not work for consumer transportation of 1.4s explosives and therefore an exemption should be added to the code.

Consumers who maybe transporting propellant powder, ammunition or primers in a private vehicle may only have one compartment (4WD or hatch).

They are also subject to the requirements listed in the jurisdictional firearms act and regulations on the security arrangements for the transport of these goods.

Q27: Do you consider that special provisions V3 and V12 need to be retained? Please provide your reasoning.

No comment

Q28: Are there reasons why section 7.5.5.2.3 should not be deleted, allowing explosives to be transported on MPUs? Please explain your reasoning.

No comment

Q29: After reviewing the draft provisions for Chapter 7.5, do you have any comments, concerns or suggested amendments? Please provide details.

No comment

2.8. Code Part 8 – Vehicle crews and operations
Q30: Do you oppose the inclusion of a requirement to carry a 2 kg extinguisher for explosives category 1 loads? Please explain your reasoning.
No opposition for commercial transportation, however it should be made clear by way of exemption that consumer/private transportation of 1.4s does not need to comply with this requirement.
Q31: After reviewing the draft provisions for Chapter 8.1, do you have any comments, concerns or suggested amendments? Please provide details.
No comment
Q32: After reviewing the draft provisions for Chapter 8.4, do you have any comments, concerns or suggested amendments? Please provide details.
SIFA supports the removal of vehicles with category 1 loads having to follow the requirements to monitor vehicles for tyre and brake fires when stopping. In a transportation scenario of category 1 loads, class 1.4s explosives (typically UN0012, 0014, 0044 0055) are not always delivered in palletised format. Smaller quantity loads are delivered to retail outlets by courier style truck operations with other (non-DG) goods. These companies simply cannot comply with a requirement to stay with a vehicle and observe for tyre and brake fires for 15 mins. In this scenario, we believe the requirement for observation was designed for large trucking and linehaul operations, and not for the door-to-door transport of retail quantities of 'consumer' based explosives.
Q33: After reviewing the draft provisions for Chapter 8.5, do you have any comments, concerns or suggested amendments? Please provide details.
No issues with these suggestions, as long as category 1 loads and low hazard explosives remain exempt from the requirements.
Q34: Do you consider that the journey planning requirements should be placed in Chapter 8.6 or somewhere else? Please provide details.
No comment
Q35: After reviewing the draft provisions for Chapter 8.6, do you have any comments, concerns or suggested amendments? Please provide details.
No Comment

2.9. Code Part 9 – Vehicles
Q36: After reviewing the draft provisions for Chapter 9.1, do you have any comments, concerns or suggested amendments? Please provide details.
No comment
Q37: Do you support the provision to mandate a fixed fire-fighting system for EX3 vehicles in the new ADG Code? Please explain your reasoning.
No comment
Q38: After reviewing the draft provisions for Chapter 9.3, do you have any comments, concerns or suggested amendments? Please provide details.
No issues
Q39: Do you support mandating the AEISG MPU Code in the new ADG Code for design and construction of MPUs? Please provide your reasoning.

No comment

Q40: After reviewing the draft provisions for Chapter 9.8, do you have any comments, concerns or suggested amendments? Please provide details.

No comment

3.1. Commonwealth explosives and legislation

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

Exemptions should also extend to any business or freight company that has been contracted by the Commonwealth to procure, handle, store or transport these items on their behalf.

3.2. Rail transport of explosives of class 1

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

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

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

We are unaware of transport of class 1 by rail, however, would be willing to further examine and investigate this as an option for our industry.