



National Transport Commission
Level 3/600 Bourke St
Melbourne VIC 3000

Tuesday 10 December 2024

To whom it may concern,

Thank you for the opportunity to provide a response to the National Transport Commission's (NTC) Consultation Regulatory Impact Statement (C-RIS) – Draft Code for the Land Transport of Dangerous Goods (the Code). This response is provided on behalf of the Commercial Vehicle Industry Association (CVIAA) of Australia and the Motor Trades Association of Australia (MTAA).

CVIAA is the national, peak industry association representing suppliers of parts, services, repairs and modifications to the Australian heavy vehicle industry. CVIAA is a national committee of the Motor Trades Association of Australia (MTAA), the national body representing the automotive chambers of commerce and automotive trade associations across each state and territory.

Based on member consultation, the following feedback is provided for consideration by the NTC.

1. Potential exemption from Dangerous Goods license in specific circumstances

Technicians working on a Dangerous Goods (DG) vehicle require a DG licence for road testing. However, it is common practice that the vehicle brought in for servicing does not have DGs loaded on board. Despite this, the technician is still required to have a DG licence to test the vehicle.

In order to gain efficiencies, it is recommended that an exemption be granted to technicians should the vehicle not be carrying a DG while in the workshop. This could take the form of an exemption for road testing under the training criteria captured under Section 5.4.3 Chapter 1.3 - Training.

It is expected that once a DG is loaded, and if testing is required, then the technician must have the mandated DG licence.

2. Vehicle stability function

With respect to the current Australian Code for the Transport of Dangerous Goods by Road & Rail (ADG Code) Part 9 Requirements concerning the construction and approval of vehicles, DG-Tankers need to comply to the requirements of AS2809.1.

AS2809.1:2023, c2.1.3 (see except below) essentially creates a blanket rule stipulating that all vehicles need to have a stability function that meets the technical requirements of ADR35/xx & ADR38/xx (or later versions as applicable).



2.1.3 Vehicle stability function

Road tank vehicles of greater than 4.5 t gross vehicle mass (GVM), including towing units, with the exception of vehicles designed for off-road use as defined in ADR 35/06, shall have an operating vehicle stability function that meets the technical requirements of the current edition of ADR 35/06. Where subsequent editions of ADR 35 are introduced the latest edition shall apply.

Tank trailers with an aggregate trailer mass (ATM) of greater than 4.5 t shall have an operating vehicle stability function that meets the technical requirements of the current edition of ADR 38/05. Where subsequent editions of ADR 38 are introduced the latest edition shall apply.

Whether through changes in AS2809 or the ADG Code, it is recommended this clause be reworded and clarified, so that the stability function is only required if the vehicle is mandated to have a functioning stability function in accordance with ADR35. The rationale is that a new vehicle may not be fitted with an ESC system (because it is not needed as per ADR35/xx), and it may be impossible to retrofit such a system.

For example, a 4-axle vehicle does not need ESC as per ADR35/xx. If a particular vehicle is fitted out with a DG-Tanker, the truck Original Equipment Manufacturer (OEM) may not have a suitable ESC configuration for this truck. The development of an ESC for this specific chassis would be an expensive exercise, that would result in both time and monetary delays.

3. Greater flexibility of the Code: construction, approval, inspection and testing

The inclusion of the requirements for the construction, approval, inspection and testing of DG vehicles and tanks in the Code, rather than in Australian Standard AS2809, is welcome. It is anticipated it will be easier to amend and adjust these requirements as a result of this change. Further, the separation of requirements for tanks, and the vehicles that carry them (Section 5.12), should provide greater clarity for all users.

In closing, CVIAA and MTAA maintain our willingness to work with the NTC as the review progresses. Should you like to discuss this submission further, please do not hesitate to contact the CVIAA secretariat: Dr Imogen Garcia Reid, igarciareid@vacc.com.au 0428 334 128 at your convenience.

Yours sincerely,

A handwritten signature in black ink that reads "Clive Polley".

Clive Polley
President
Commercial Vehicle Industry Association of Australia