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To the Secretariat

Independent Review of the Dangerous Goods Act 1985 and regulations

Thank you for the opportunity to comment on the review. The Office of the National Rail Safety Regulator (ONRSR) is a statutory authority established under the Rail Safety National Law (RSNL) as applied in all States and Territories to carry out particular functions- including providing for the safe carrying out of railway operations. The RSNL requires rail transport operators to manage their risks to safety *so far as is reasonably practicable* and a key role for ONRSR is the undertaking of compliance activities to ensure operators are managing their risks to safety, which includes how they are managing the risks associated with dangerous goods (where it forms part of their railway operations). Operators demonstrate this through compliance with both the RSNL and implementation of safety management systems that would also incorporate other legislative requirements where relevant, including the dangerous goods legislation.

As a Regulator we sit as an observer on the Competent Authorities Panel and have an MOU with the same group, which supports inter-agency coordination on the transport by rail of dangerous goods in Victoria and nationally. This generally allows us to communicate on any issues identified and coordinate as required. In Western Australia in particular, this also supports the conduct of joint inspections on rail transport operators carrying dangerous goods against our respective legislation.

We would like to offer feedback on the following questions.

<p><i>Question 19: How could interagency coordination in relation to dangerous goods be improved?</i></p>	<p>ONRSR is supportive of any reduction in regulatory burden on rail operators. There is a framework in place for this under the ONRSR and Competent Authorities 2018-2021 MOU on the regulation of dangerous goods transportation by rail in NSW, NT, QLD, SA, TAS, WA and VIC.</p> <p>ONRSR considers that greater coordination on joint inspections may be beneficial to limit the burden on industry and promote inter-agency information sharing.</p>
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<p><i>Question 42: Should Dangerous Goods Act and Transport Regulations apply to the transport of prescribed industrial waste?</i></p>	<p>To reduce the impacts of differing requirements on multi-jurisdictional operators, national consistency should be sought. Any changes to the transport of prescribed industrial waste should be reflected also at the national level, if possible.</p>
<p><i>Question 43: Should amendments to the Australian Dangerous Goods Code (ADG Code) come into force automatically?</i></p>	<p>Based on our experience applying a model/ national law through state pieces of legislation (as per the framework for the Rail Safety National Law), automatic application is preferable. We have been able to largely achieve this (with the exception of Western Australia where mirror law was retained) and can provide further information if needed.</p> <p>Consideration of automatic application of the Australian Explosives Code may also extend to this.</p>

If the review team would like further information please contact me at [redacted] or telephone [redacted] or [redacted] Chief Operating Officer at [redacted] or telephone [redacted]

Yours sincerely

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Sue McCarrey 
Chief Executive
National Rail Safety Regulator

Cc: ONRSR Chief Operating Officer