



**NATIONAL BULK TANKER ASSOCIATION Inc.**  
P.O. BOX 2230 Hawthorn LPO Victoria 3122  
TELEPHONE 0411 402 832

email: [robperkins@nbta.com.au](mailto:robperkins@nbta.com.au)  
web: [www.nbta.com.au](http://www.nbta.com.au)

National Bulk Tanker Association

13<sup>th</sup> May 2022

NSW Environment Protection Authority  
4 Parramatta Square  
12 Darcy Street,  
Parramatta NSW 2150  
Via Email : [dg.reform@epa.nsw.gov.au](mailto:dg.reform@epa.nsw.gov.au)

Dear NSW EPA

**National Bulk Tanker Association (NBTA) response to NSW EPA Regulatory Impact Statement on proposed changes to the Dangerous Goods (Road and Rail Transport) Regulations**

The NBTA is a National Industry Association (<https://youtu.be/l3c3a3kILhA>) representing bulk tanker operators. Its members include large national operators as well as smaller companies with a regional focus. We also have an extensive membership across tanker manufacturers and component suppliers. Our focus is one of encouraging information exchange to improve safety outcomes.

We established the annual Bulk Tanker Day in 2008 in partnership with the Australasian Fire and Emergency Service Council (AFAC) to assist in such outcomes, and more recently are now working on an extensive education and awareness course with funding from the NHVR to ensure that bulk dangerous goods players are aware of their obligations and how they can meet those obligations in what is a low incidence but high consequence industry.

We have since 2017, supported the concept of a National Dangerous Goods Regulator (see <https://www.nbta.com.au/articles/2017/2/12/why-we-need-a-national-tanker-regulator>) The benefits of such are obvious: One set of rules, one set of enforcement and an opportunity to simplify what is an overly complex arrangement through the current State driven legislative regimes that involve not only State Competent Authorities but State or regional fire agencies and police forces. Each have powers that give them jurisdiction over some part of dangerous goods operators and consignors.

One of our major priorities is the need to share lessons. Without lesson sharing and particularly lessons that arise from incidents, we all risk (operators, consignors, suppliers, regulators, legislators, enforcement community, first responders etc) making the same mistakes time and time again. In 2017 we also called for the establishment of a scorecard and a sharing of lessons on tanker safety (<https://www.nbta.com.au/articles/2017/2/13/time-for-a-scorecard-and-sharing-of-lessons-on-tanker-safety>)

Five years have passed, and in our view, little has been achieved towards that end.

So, with that focus of achieving meaningful safety improvements, which in turn require meaningful information sharing and benchmarks to be established we now come to the proposed changes to the NSW Dangerous Goods (Road and Rail) Transport Regulations.

Considerable effort has gone into the preparation of the Regulatory Impact Statement. It is well written and is driven by the need to renew the current regulations before they lapse. It is a necessary outcome of the point made above – “overly complex arrangement through the current State driven legislative regimes.” We find this frustrating that this effort could be more productively directed towards a national focus on achieving safety outcomes. When multiplied across the State jurisdictions, it is diverting resources into tasks that are not achieving meaningful and measurable safety driven outcomes.

Regardless of the outcome (options 1, 2 or 3), we do not see that any of the options will provide any meaningful or measurable improvement in safety outcomes for the dangerous good bulk tanker sector. They are administrative expediciencies at best. They will perpetuate jurisdictional shopping by operators who will (quite reasonably) seek the easiest administrative and lowest cost outcome for their businesses. This is wasteful effort for all parties.

Gas Energy Australia has shared their submission with us and they make many relevant points as to the cost versus reward outcome. We support their submission but add that the RIS should also consider how the changes will impact safety outcomes as opposed to tidying up administrative procedures.

Finally in response to the specific key proposed changes noted in the 4<sup>th</sup> April “Have your say” email, we note:

**RSS:**

The NBTAs have supported the EPA NSW position on this equipment and called for it to be a national rule. Our disappointment is that other CAPs do not agree with this position - supported

**Prohibited area:**

This is an administrative tightening of the rules to allow EPA NSW to prosecute companies and drivers. It risks double jeopardy given the infringement is covered in other NSW regulations – not supported

**Authorised persons:**

This proposed change risks perverse outcomes in that persons suggested, or organisations named are in short supply and therefore we risk a bottlenecking of such work. It will also push up costs which will discourage the very thing that is being sought – compliance. It is not supported

**Road safe:**

This fails to consider the way in which work is carried out in the industry with much work undertaken in-house. If this requirement is to be supported, it will require a substantial education campaign as the ADG Code and Standard are substantial and complex documents. The Code does require CAPs to provide this information and we note that this is rarely done – not supported

**Incident notification:**

Mandating a time frame is complex and potentially unworkable. Defining an “incident” is one example of why this may be unworkable. Until there is a further discussion around completing the circle (our reference above to sharing lessons) then we find this proposed change to be one sided – not supported

**Charges:**

The table demonstrates the variations across jurisdictions as to charges and reinforces our point above that this encourages jurisdictional shopping. It serves little purpose other than to highlight the weakness of the current State driven approach to regulating dangerous goods. In the current environment of high inflation and chronic supply shortages driven by COVID supply chain issues this is not the time to seek an increase. – not supported

If you wish to discuss any of the above, I would be pleased to do so at any time

Yours sincerely

**Rob Perkins**

Executive Director

[robperkins@nbta.com.au](mailto:robperkins@nbta.com.au)

Tel 0411 402 832

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Rob Perkins', with a stylized, flowing script.

Rob Perkins

Executive Director