



SUBMISSION TO THE PRODUCTIVITY COMMISSION

DRAFT RESEARCH REPORT ON CHEMICALS AND PLASTICS REGULATION

Introduction

The Australian Trucking Association is the peak national body that unites and represents the Australian trucking industry.

The ATA's members consist of the state and sector based trucking associations, the Transport Workers' Union and a number of Australia's largest transport companies. This submission was prepared with the guidance of the ATA's Safety Committee.

Using model rather than template legislation

In draft recommendation 7.1, the commission proposes that:

Jurisdictions should consistently adopt the Model Transport of Dangerous Goods Act and Regulations and should uniformly reference the Australian Dangerous Goods (ADG) Code.

In light of the risks of greater inconsistency in moving from template to model legislation for implementing the ADG7 package, the National Transport Commission should undertake a transparent public review of the consistency with which the new legislation, regulations and the ADG Code are adopted by jurisdictions.

Model legislation is a failed approach to delivering uniform national reforms. The states and territories invariably feel entitled to make their own changes to the model, as the trucking industry has seen in relation to the forthcoming fatigue management legislation.

The state premiers and chief ministers all agreed that uniform fatigue management laws were needed. The National Transport Commission (NTC) went ahead and prepared a model text, but the states and territories are now pressing ahead with their own, inconsistent versions.

The proposed review of the consistency of the states and territories' dangerous goods legislation would not achieve any useful results. The jurisdictions that had chosen to depart from the model legislation would simply ignore the review's recommendations.

In the ATA's view, there is a better approach available to the commission.

The Australian Transport Council has agreed to meet in July 2008 to consider proposals for a single national system for the regulation, registration and licensing of heavy vehicles.

The ATA urges the commission to rewrite draft recommendation 7.1 to propose that the regulations relating to the transport of dangerous goods should form part of this single national system.

Responsibility for dangerous goods transportation policy

Draft recommendation 7.2 proposes that:

In view of the strong governance arrangements for implementing national transport policy, and the successful implementation of dangerous goods transport policy under those arrangements to date, the Commission considers that responsibility for policy development and monitoring should, at this stage, remain with the National Transport Commission, reporting to the Australian Transport Council.

The ATA agrees with the draft recommendation.

Charges for purchasing regulatory codes

Draft recommendation 7.4 proposes that:

The Australian Dangerous Goods Code should be available free on the internet and at avoidable cost for hard copies. The resultant revenue loss for the National Transport Commission should be offset by increased jurisdictional contributions. Pricing of the Australian Explosives Code should also follow these principles.

The ATA strongly agrees with the draft recommendation.

One of the basic principles of good government is that people should have ready access to the laws they are expected to obey.

The NTC's approach to financing the development of ADG7 would have caused outrage if it was used in a higher profile area of public policy. You can imagine, for example, the outcry that would occur if the ATO announced a plan to finance the development of the tax law by forcing people to pay for TaxPack.

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