

8 June 2016

Sal Petrocchio
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National Heavy Vehicle Regulator
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Comments on NHVR Registered Code of Practice Guidelines

Dear Sal

ALC welcomes the opportunity to comment on the proposed Registered Code of Practice Guidelines (**the Guidelines**).

Generally speaking, the Guidelines are of a high quality which provides prospective code designers with a good idea that what is required is something akin to guidelines prepared under workplace health and safety legislation.

If the Guidelines are to be published on 1 July 2016, the 'risk' that needs to be managed needs to be made more consistent.

Page 8 requires all the known categories of risk that attend each (of the relevant areas covered by HVNL legislation) to be addressed¹, whilst on page 9, the concept of industry wide categories of risk is used, with the injunction that a Code is not 'expected to identify each and every individual risk'.

Perhaps the best phrase that should be used consistently in the document (and particularly in the mandatory requirements dot points at the commencement of Part 4) is a requirement that a code capture 'commonly known risks relevant to the areas covered by HVNL legislation proposed to be dealt within an RCP'.

This distillation captures risks that a reasonably informed industry participant should know about and guard against. It would also allow for Guidelines to be amended when a new risk becomes known within industry, and keeping the scope of any document to within reasonable limits.

ALC have other more technical observations on the Guidelines that could perhaps be discussed in an appropriate workshop format.

Such a format should probably also consider what both regulator and industry associations can achieve in developing either a broad (or a number of more focussed) code(s) of practice, or, in the alternative, advice made under section 659 of the HVNL, which is likely to

¹ The term 'known categories' is also used on page 9

be just as valuable to an ordinary operator (and industry) than if it was contained in a registered code.

The development of what may be described as being 'section 659' advice could perhaps be an important first interim step given that any Code developed today (as well as the Guidelines) will need to be revised to reflect the significant changes to the HVNL proposed to commence on 1 January 2018.

ALC believes such a workshop/meeting needs to be as soon as all the relevant parties can be in the one room.

However, as industry associations have not really had the opportunity to discuss the guidelines within their various internal forums (such as, in the case of ALC, the various Code Committees who administer the currently operating schemes) ALC requests that the publication of the guidelines not take place on 1 July and perhaps be delayed until the proposed discussion set out above takes place.

Please contact me on 0418 627 995 or at Michael.Kilgariff@austlogistics.com.au should you wish to further discuss the matters raised in this submission.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Kilgariff', written in a cursive style.

MICHAEL KILGARIFF
Managing Director