

30 August 2019

Dr Gillian Miles
Chief Executive
National Transport Commission
Level 15/628 Bourke Street
Melbourne VIC 3000
Via NTC portal



GAS ENERGY AUSTRALIA RESPONSE TO SAFE PEOPLE AND PRACTICES ISSUES PAPER

Dear Dr Miles

Gas Energy Australia (GEA) appreciates the opportunity to respond to the National Transport Commission (NTC) Safe People and Practices Issues Paper released in June 2019. GEA supports a HVNL that recognises existing management systems and works in harmony with a national licensing system with endorsements for categories of freight (including Dangerous Goods) that is linked to appropriate accreditation levels and supported by laws and regulations that do not overlap.

GEA offers the following response to specific questions posed in the Issues Paper.

Question 1: *Have we covered the issues relating to safe people and practices accurately and comprehensively? If not, what do we need to know?*

GEA notes that the issues paper identifies controls outside the HVNL which are:

- work health and safety controls;
- State and Territory driver licensing; and
- Australian Road Rules.

GEA considers that the respective dangerous goods legislation also needs to be considered. To illustrate this point, to obtain a license to drive a dangerous goods vehicle in NSW, you require the following¹.

- Evidence from a Registered Training Organisation (RTO) that you've successfully completed Preparation to Transport Dangerous Goods by Road (TLILIC3013A) not more than 6 months prior to your application being received by the EPA.
- A medical assessment certificate issued not more than 6 months prior to your application being received by the EPA.
- Certified records of your driving history for the previous 5 years from each licensing authority that issued you a driving licence in that time.
- A driver's licence.

A driver of a dangerous good vehicle is already participating in regular medical assessments which could overlap with those being considered in the Issues Paper and impose an additional and unnecessary requirement on the current heavy vehicle licence holder. In a worst-case scenario, this could see a driver have a medical assessment for their heavy vehicle license and a second medical assessment for their dangerous goods license.

¹ <https://www.service.nsw.gov.au/transaction/apply-dangerous-goods-drivers-licence#what-youll-need>

The existing dangerous goods requirements and the potential for double up with heavy vehicle licensing, highlights the need for a national licensing system with endorsements for categories of freight that is linked to appropriate accreditation levels and supported by laws and regulations that do not overlap and can be brought together under company management systems to promote safe people and practices.

Question 2: *What aspects of safe people and practices are currently regulated well? What needs to be regulated better?*

The HVNL must recognise that it is not the only guard dog on the block. There are other laws and regulation that come into play when workers drive dangerous goods vehicles on Australian roads.

GEA supports a tiered system that allows prescriptive requirements and performance-based or safety assurance requirements. GEA supports increased recognition of management systems, industry codes and Australian Standards that help to deliver suitable options for all heavy vehicle operators so that all can develop and continually improve safety management and make productivity gains. Management systems can bring together the different compliance requirements into a cohesive framework for the operator.

Question 3: *What should the future HVNL do to regulate safe people and practices so heavy vehicle drivers and others are safe? What risks are adequately managed by other regulatory controls? Are there any risks to the safe driver that are not currently regulated at all, and if so, how should these risks be regulated?*

With reference to the example of the dangerous goods license in response to Question 1, GEA suggest an inclusive approach is required.

Question 4: *Does the primary duty and chain of responsibility in the current HVNL comprehensively cover the people who can influence the safe driver and their practices? What improvements are needed?*

Specifically listing the roles and duties under Chain of Responsibility (CoR) can creates confusion as people look for excuses to say they are not part of CoR. GEA suggests that the CoR linear chain model (Figure 5. Parties in the chain of responsibility) should be overlaid with a circle of control/circle of influence model and broader definitions that could assist in the comprehension of the scope and reach of CoR.

The driver sits at the core of the model, and his duties unfortunately are not included under the HVNL but through work, health and safety regulation. Including the driver would help alleviate confusion.

Question 5: *How can the HVNL support better training and a higher level of driver competency? How can it support ongoing professional development?*

The HVNL can support a higher level of driver competency by working within the licensing framework and making it a national system that is linked to accreditation levels.

Question 6: *Is driver health and medical fitness managed as well as it could be? Is there a case for regular medical assessments for drivers (and possibly other parties), similar to those for Safety Critical Workers in the Rail Safety National Law? Is the Rail Health Assessment Standard a good basis for a heavy vehicle medical assessment standard?*

Dangerous good licensing requirements already include medical assessments. These are reviewed at the time of licence renewal. The renewal times vary depending on state and territory legislative requirements. A solution that harmonises medical assessments, periodicity and licenses is desirable.

Question 7: *Should heavy vehicle driver licences be national? If so, should this be by mutual recognition, nationalisation or some other approach? If licences shouldn't be national, why not? Should licensing progress subject to experience rather than arbitrary timeframes?*

GEA supports a national license with endorsements for categories of freight (such as dangerous goods) that is linked to appropriate accreditation levels. Accreditation levels should be based on competence rather than arbitrary time frames. Further, the national license should also hold the driving history (infringements, disqualifications and penalties) and this should be notifiable to the holders of roles defined within the CoR, so they can discharge their duties from an informed position.

Question 8: *Should the HVNL do more to help manage drug and drink-driving? For example, should it include a drug and alcohol management program requirement such as the one required in rail? Is on-road enforcement enough?*

GEA considers that as the NHVL requires a driver to be fit to drive, drug and alcohol testing is one of the checks that allows employers to have a level of comfort that the driver is alert and fit for work.

Question 9: *Do the Australian Road Rules do enough to manage driver distraction, speeding and other on-road behaviours? Is the primary duty in the current HVNL rigorous enough to manage the practices of chain of responsibility parties who can influence a driver to operate unsafely?*

GEA considers that a safe vehicle and suitable route also contribute to the ability of drivers to safely undertake their tasks. These are part of the ecosystem that contribute to drivers' alertness and because they are covered under the HVNL, they should also be part of the solution to reducing driver distraction related incidents on the roads.

Question 10: *How can the future HVNL encourage a stronger role for safety management systems in a way that doesn't disadvantage smaller or more seasonal operators? Can registered industry codes play a role in supporting smaller operators to develop safety management systems?*

GEA is a supporter of publicly available documents that are established by consensus and approved by a recognised body. GEA is a contributor to Australian Standards which defines standards as "published documents setting out specifications and procedures designed to ensure that products, services and systems are safe, reliable and consistently perform the way they were intended to. They establish a common language that defines quality and safety criteria. Standards are practical and set achievable goals. They are based on sound industrial, scientific and consumer experience and are regularly reviewed to ensure that they keep pace with advances in technology."²

GEA is a contributor to gaseous fuels related standards that support the safe carriage of dangerous goods such as AS2809 Road tank vehicles for dangerous goods, AS/NZS 3788 Pressure equipment - In-service inspection and HB148 LP Gas leak identification and assessment of in-service road tankers. These documents all form part of the suite of codes and standards that form a safety management system covering the safe transport of dangerous goods.

GEA also points to the NHVR SMS guidance material and templates³ and notes that this work covers most levels of industry. Education and tailoring to the small and seasonal operator would enhance the acceptance of this good work.

Question 11: *How can the future HVNL nurture a culture that places a high level of importance on safety?*

The HVNL can nurture culture by collecting environmental and behavioral data which would allow for an informed approach to applying its many regulatory levers such as better training, enforcement or a different management focus to ferment a culture of safety in the transport industry.

² <https://www.standards.org.au/getmedia/d9da035d-2fbc-4417-98c1-aa9e85ef625d/SG-003-Standards-and-Other-Publications.pdf.aspx>

³ <https://www.nhvr.gov.au/safety-accreditation-compliance/safety-management-systems/sms-guidance-material-and-templates>

Conclusion

GEA urges the NTC to develop a future HVNL that appropriately recognises management systems and works in harmony with a national licensing system with endorsements for categories of freight (including dangerous goods) that is linked to appropriate accreditation levels and supported by laws and regulations that do not overlap.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Griffiths', with a stylized, sweeping flourish extending from the end.

John Griffiths
CEO
Gas Energy Australia