

## TOWARDS A NATIONAL OPERATING STANDARD FOR HEAVY VEHICLES MAKING SAFETY MANAGEMENT SYSTEMS COMPULSORY

Australia's Heavy Vehicle National Law should:

- encourage and embrace the use of technology for safety and access purposes; and
- ensure operators have suitable safety management systems in place and the capital necessary to ensure the safe operation of heavy vehicles.

The Australian Logistics Council (ALC) believes these goals can be enhanced through the incorporation of a national operating standard for heavy vehicle operators into the Heavy Vehicle National Law (HVNL).

An important element of the standard would be a requirement for operators to maintain a safety management system (SMS) meeting standards made by the National Heavy Vehicle Regulator (NHVR).

Safety management systems, appropriately scaled to business needs, are a well-known tool designed to manage workplace safety. These are used in a number of industries with significant safety risks, including the aviation, petroleum, chemical, railway and electricity sectors.

The enabling legislation could be modelled on NSW laws<sup>1</sup> which require accredited bus and coach operators to have an SMS complying with guidelines made under the bus safety law.<sup>2</sup>

- It is noted that in NSW, taxi operators are also required to maintain and operate an SMS.<sup>3</sup>

For the purposes of the HVNL, one of the SMS standards should be a requirement that the SMS must require an operator to maintain a system complying with the registered industry code of practice made under what is currently Part 13.2 of the HVNL (commonly known as the Master Code).

This would provide both:

<sup>1</sup> Section 9D of the *Passenger Transport Act 1990* (NSW)

<sup>2</sup> Found at: <https://www.rms.nsw.gov.au/documents/business-industry/buses/boas-safety-management-system-guidelines.pdf>

<sup>3</sup> Division 2 of Part 2 of the *Point to Point (Taxi and Hire Vehicles) Regulation 2017* (NSW)

- communities with the assurance that operators have systems in place to manage safety; and
- productivity gains through a reduction in audit duplication with the provision of a common set of standards.

Community confidence in the safe operation of heavy vehicles requires nothing less than a requirement for operators to maintain and follow an SMS, just as bus and taxi operators have to in NSW.

### **Conclusion**

The creation of a National Operating Standard offers the opportunity to enhance the safety and productivity outcomes of heavy vehicle operators – key objectives of the HVNL.

The opportunity should be taken to make these amendments to the National Law and to make the legislation fit for the 2020s and beyond.