

# Industry Codes of Practice

Guidelines  
for Preparing and Registering  
Industry Codes of Practice



## ABOUT THESE GUIDELINES

The *Guidelines for Preparing and Registering Industry Codes of Practice* (the Guidelines) are issued pursuant to Section 705 of the *Heavy Vehicle National Law* (HVNL).

An Industry Code of Practice prepared in accordance with these Guidelines may be registered by the National Heavy Vehicle Regulator (NHVR), subject to the conditions required by 706(2) – periodic review, responsibility to review and maintain, updates following changes to the Guidelines – and to any other conditions required by the NHVR.

The Guidelines help any person or group that wants to sponsor the development of an *Industry Code of Practice* (ICP). They explain what must be included in a code and describe how the Sponsor and the NHVR collaborate to develop a code of practice, right through to its registration.

The Guidelines may be amended from time to time.

## OVERVIEW OF THE REGISTRATION PROCESS

Registering an Industry Code of Practice with the NHVR involves the following stages:

**Stage 1 – Sponsor proposes a code for development**

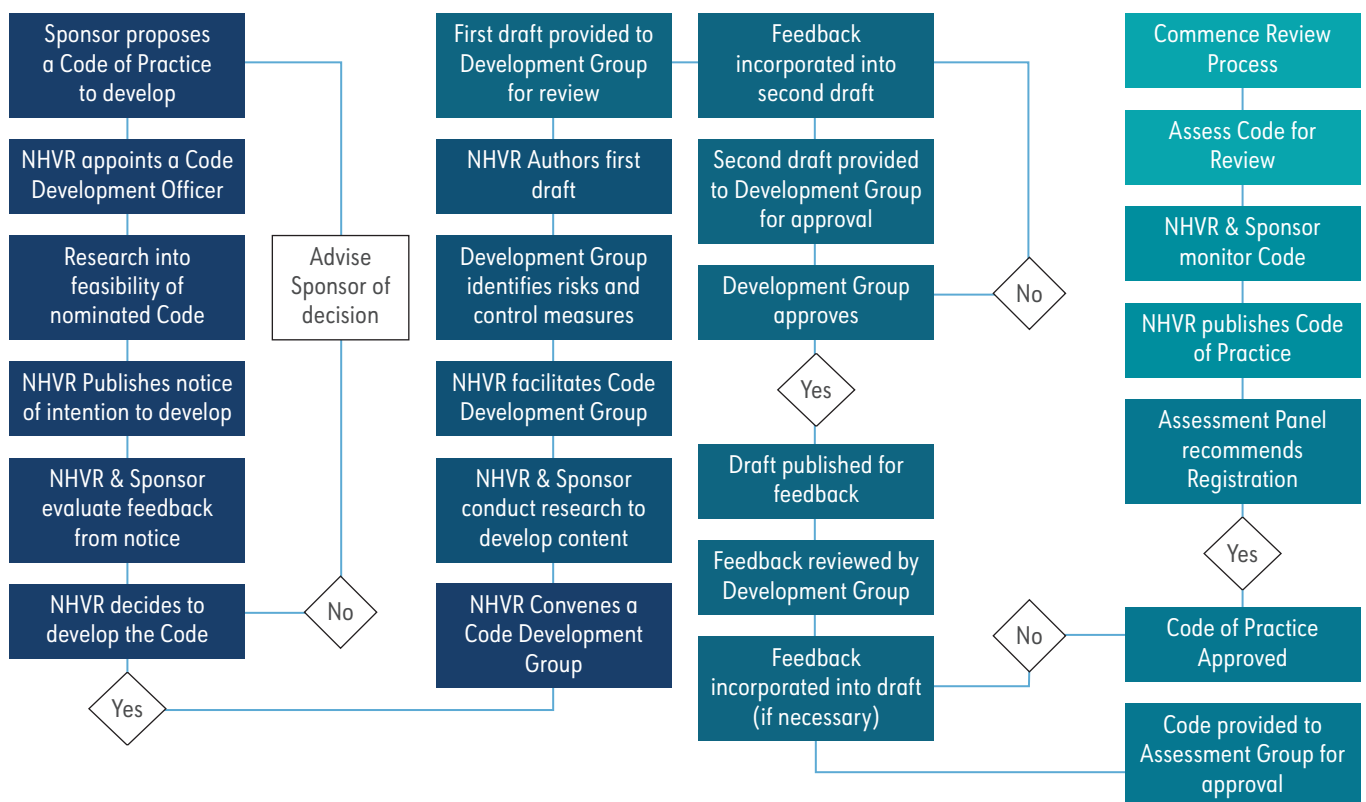
**Stage 2 – Research and Consultation**

**Stage 3 – Consultation Draft is prepared**

**Stage 4 – Industry Code of Practice is assessed**

**Stage 5 – Panel recommends Registration**

**Stage 6 – Maintenance and Review**



### Acknowledgement

These guidelines draw on material contained in the Austroads publication *Guidelines for the Content, Development, Approval and Use of Industry Codes of Practice*, (AP-R282-06).



## Stage 1 – Sponsor proposes a code for development

### 1. Sponsor submits a Notice of Intention

The code Sponsor prepares a Notice of Intention to Register an Industry Code of Practice (Schedule 1) and submits it to the NHVR.

In the Notice, the Sponsor must define the purpose, scope and intended outcomes of the Industry Code of Practice (ICP) and identify clearly:

- that the ICP is intended to help parties in the Chain of Responsibility to ensure the safety of their transport activities
- the industries or sectors addressed by the ICP
- the risks that the ICP deals with

The contents of Schedule 1 will be the basis for the development of the ICP and will guide the Sponsor and NHVR on the relevance of any content.

### 2. NHVR appoints a Code Development Officer

The NHVR appoints a Code Development Officer (CDO) to liaise and consult with the Sponsor throughout the different stages of the code development process.

The CDO proposes timelines for the completion of each phase and assists the Sponsor to meet deadlines.

The Sponsor brings subject matter expertise about the topic of the code, the industry, and the commercial and regulatory environment.

### 3. NHVR surveys existing guidance

The CDO searches for existing codes of practice, regulations or guidance material about the topic of the proposed code

Available safety information is reviewed to determine whether the proposed ICP is likely to improve safety outcomes. The NHVR considers whether a code of practice is the appropriate regulatory response to the safety issue identified.

The NHVR advises the Sponsor of potential obstacles or challenges for the development of the ICP.

### 4. NHVR publishes the Notice of Intention

The NHVR publishes the Notice of Intention on its website.

This informs the industry and the public of the subject matter and scope of the proposed ICP and identifies the Sponsor.

Interested parties are invited to respond to the Notice of Intention, commenting on the topic of the ICP, its scope, or any other matter.

They are also invited to nominate for participation in a Development Group; or to join the codes of practice mailing list for receipt of regular updates about the code's development.

The CDO works with the Sponsor to identify and connect with other industry members and advocates who can participate in code development or who can disseminate information about the ICP to the industry.

### 5. NHVR and the Sponsor evaluate feedback

The NHVR and the Sponsor review and evaluate all public feedback to the Notice of Intention.

The NHVR may recommend that the ICP be developed in a different way, for example, with adjustments to its scope, in collaboration with another organisation, or with other changes.

### 6. NHVR decides whether the code should be developed

Having considered all relevant matters, the NHVR decides whether the code should be developed.

The NHVR advises the Sponsor of its decision and its reasons for the decision.

The NHVR updates its website to show whether the proposed ICP will be developed, noting any changes from the original Notice of Intention.

The website indicates a timeline for the steps in the development of the ICP.

## Stage 2 – Research and consultation

### 7. Research

The NHVR and the Sponsor review and assess evidence and information about the kinds of incidents that occur within the industry, their causes, frequency, and outcomes, and the existence and effectiveness of control measures.

Publications produced by the NHVR, National Transport Commission (NTC), standards organisations, technical bodies and educational institutions may provide technical or subject matter assistance in assessing risks and controls specific to the relevant industry.

The Sponsor provides the research material to the CDO who documents the findings and provides it to the Development Group.

### 8. NHVR convenes a Code Development Group

The CDO and Sponsor compile a list of suitably interested and experienced persons to contribute to the Code Development Group (the Development Group). The group must include a mix of industry participants and persons with technical and regulatory experience.

The NHVR invites suitable persons to take part in a Code Development Group. Members are provided with a draft schedule of meetings and must undertake to comply with Terms of Reference for the group.

The CDO acts as the secretariat of the Code Development Group, scheduling meetings, recording proceedings and decisions and circulating documents.

### 9. Development Group identifies risks and control measures

The Development Group consults comprehensively with the relevant industry sector and considers regulatory, technical, industry body and operator advice and experience.

The CDO and the Sponsor facilitate input from other SMEs as determined by the Development Group from time to time.

### 10. Identifying risks

Following the guidance in Part 6.4 of AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines, the Development Group identifies risks to “public safety”, namely, risks of harm or damage to:

- other road users
- drivers and passengers of heavy vehicles
- road infrastructure and the environment
- property, including vehicles, loads and private property adjacent to roads.

The focus should be upon risks exclusive to or strongly associated with the relevant industry, rather than general risks that are covered by other codes of practice.

Because an ICP covers an industry rather than a single business, it must identify types of risk, rather than specific instances of a risk.

For each risk type the factors that can affect its likelihood and the gravity of its consequences must also be identified.

### 11. Identifying measures to control risks

Following the guidance in Part 6.5 of AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines, the Development Group identifies the control measures that can be used to eliminate or minimise each identified risk. Many of these may already be well-known, but the consultation process may identify shortcomings or potential improvements to those measures.

Where there are a range of appropriate control measures, it will be necessary to identify the factors, if any, that would favour a particular measure, or that should rule it out.

The focus should be on control methods that would apply to all participants in an industry rather than highly prescriptive or specific control methods.

Specific control measures or treatments may be useful as examples but must be clearly identified as such.

Controls that consist of equipment or services should be referred to generically, without nominating specific products or brands.

### 12. Documenting Identified Risks and Control Measures

The CDO compiles a report documenting each of the risks and control measures identified through consultation and research. The report is provided to the Sponsor and the Development Group.

## Stage 3 – NHVR prepares Consultation Draft

### 13. Drafting commences

The CDO commences drafting the ICP using the Template (Schedule 2).

Recommendations already made in the Master Code, or another code, should be incorporated by reference rather than being duplicated.

Technical standards and other guidance material about potential control measures may be incorporated by reference. Any such document must be readily and freely available and must have a system to reference new versions.

### Plain English

An ICP must be accurate, easy to understand and free of ambiguity. It must use Plain English as the document will be used by many readers in government and industry, by courts and by the general public.

Define all acronyms, technical and industry terms and use them consistently throughout the document.

## 14. Alignment with the HVNL

A key function of a registered ICP (an RICP) is to assist a party in the Chain of Responsibility to comply with its primary duty to ensure the safety of its transport activities. It must explain:

- the risks that arise in the relevant industry sector
- the factors within each transport activity that contribute to each of those risks,
- the range of controls that may be used to eliminate or minimise those risks

In each case, the recommended control measures must be consistent with the legal requirements and the objects of the HVNL.

The RICP may identify other legal requirements in the HVNL relevant to particular risks or controls

The RICP must be sufficiently comprehensive and of a quality that would permit its use in court proceedings, as per s632A, HVNL.

## 15. The RICP includes guidance for developing a risk management process

An RICP can only identify risk types. It cannot anticipate every possible risk to which an enterprise is exposed due to its specific location, weather conditions, load and equipment types, organisational structure and business environment.

To fill this gap, the RICP must explain to code adopters how they can use the risk management process to identify, assess and treat risks within their own enterprise.

The RICP must instruct and assist adopters to:

### Develop a risk management process

This should be consistent with *AS/NZ ISO 31000:2018 Risk Management – Principles and Guidelines*.

### Implement control measures

Use the Code to help identify and assess the risks associated with their own transport activities; and

Select and implement appropriate control measures from those recommended in the Code, in order to eliminate or mitigate each risk within their business.

There is no required format so long as the document is consistent with *AS/NZ ISO 31000:2018 Risk Management Principles and Guidelines*.

## 16. The RICP requires a system for monitoring, feedback and review

An RICP must require code adopters to incorporate compliance monitoring, feedback mechanisms and periodic reviews into their customised risk management process so that it remains responsive to change and is continually improved.

Monitoring enables the code adopter to measure how well their system is implemented, and to record obstacles to compliance and the incidence of near misses.

Analysing this information allows them to discover weaknesses or gaps in procedures, which can then be addressed.

Providing feedback mechanisms to staff enables new circumstances or changed operating conditions to be reported and addressed as required.

Reviewing the risk management process at regular intervals ensures code adopters adapt to changes in legislation, new technical innovations or testing methods.

The RICP must require adopters to re-train staff and associates each time the customised risk management process is changed.

The RICP must require adopters to seek and incorporate within their risk management process new information that will help identify emerging risks or to assess their gravity or likelihood. This could come from technical bodies, research organisations, industry reports, or from other businesses.

## 17. Development Group reviews draft

The Development Group and the Sponsor provide feedback to the Sponsor about the draft ICP.

The draft is amended and revised until the Development Group, the Sponsor and CDO are satisfied that the draft (the Consultation Draft) is ready for broader consultation and assessment.

## 18. NHVR publishes the Consultation Draft

The consultation draft of the ICP is uploaded to the NHVR website and displayed there for a period of 28 days. A copy is sent to the Mailing List.

The NHVR collects and collates any public feedback that is received in relation to the draft.

## 19. Consultation draft may be amended

The Development Group may further amend the Consultation Draft in response to feedback. If substantial changes are made, the Consultation Draft may be published for a further period of public consultation.



## Stage 4 – Industry Code of Practice is assessed

### 20. NHVR appoints an assessment panel

During the publication period the NHVR appoints a panel to assess the Consultation Draft of the ICP.

This will consist of qualified and experienced persons. Members of the panel will consist of NHVR employees and may include independent consultants or experts from a relevant field as well as the Sponsor and the ICP Development Officer.

### 21. NHVR assessment panel assesses the Industry Code of Practice

At the end of the publication period the panel convenes to assess whether the ICP meets the requirements of the Guidelines.

The panel may take into account any relevant communication, including public feedback provided during the publication period.

The panel may return the draft to the Development Group with recommendations.

The panel may re-assess the ICP after the Development Group has followed its recommendations.

## Stage 5 – Panel recommends registration

### 22. Assessment panel recommends registration and nominates a review period.

Once all information is available and considered the assessment panel reports to the NHVR with a recommendation to register the ICP for a defined period.

The panel may make other recommendations.

The NHVR then decides whether to register the ICP, and the appropriate review period, having regard to the panel's recommendations.

### 23. Conditions of registration

There are statutory conditions that must be imposed on every registered ICP (RICP):

- the RICP must be reviewed after the stated period
- a person must be appointed to maintain the RICP and ensure it is updated following changes to best practice methods for the industry to which it relates
- the RICP must be updated following changes to the Guidelines for preparation and content of the ICP in force under Section 705

The NHVR requires the Sponsor of the RICP, to acknowledge their obligation to continue to monitor safety risks and best practice within the relevant industry and to liaise with and assist the CDO to keep the RICP current (see Schedule 4.)

The NHVR may impose additional conditions as recommended by the panel, or in the exercise of its own discretion.

### 24. NHVR publishes Registered Industry Code of Practice (RICP) on NHVR website

Once registration is approved, the RICP is published on the NHVR website. It displays the Sponsor's details and the Creative Commons Licence. (See Schedule 3)

For the information of adopters, the date of review is clearly displayed.

## Stage 6 – Maintenance and review

### 25. NHVR maintains the RICP after Registration

The CDO and the Sponsor monitor the Registered Industry Code of Practice (the RICP) to ensure that it remains current with respect to:

- changes to best practice methods for the sector or industry to which it relates
- changes to the Codes of Practice Guidelines

If either of them becomes aware that the RICP is no longer current, they notify the other that the RICP requires review and provide supporting information.

The CDO and the Sponsor may conduct preliminary research and make further enquiries.

The CDO considers all relevant information then makes a recommendation to the NHVR that the RICP should be reviewed immediately, or that its review may be deferred until its assigned review date.

### 26. Any person may request review of an RICP

Any person may recommend to the NHVR that an RICP be revised because of changes in best practice, new risks, changes to the operating environment, or for another reason.

The form in Schedule 5 is completed and submitted to the NHVR.

The CDO notifies the Sponsor about the submission. The CDO and the Sponsor may conduct preliminary research and make further enquiries.

The CDO considers all relevant information then makes a recommendation to the NHVR that the RICP should be reviewed immediately, or that its review may be deferred until its assigned review date.

## 27. Review at assigned review date

No later than 12 months before the review date, the CDO updates the NVHR website to show that the RICP is due for review. The CDO liaises with the Sponsor to plan the scope and procedure of the review.

## 28. RICP is reviewed

The CDO may conduct a review of the RICP if the changes are likely to be minor. For more substantial changes, the CDO establishes a Code Development Group to conduct the review.

The Sponsor supports the review process by assisting the CDO with research and industry consultation.

## 29. NHVR re-assesses reviewed RICP

In any case, where changes are made to the RICP, the amended draft is re-assessed by an Assessment Panel.

The Panel may recommend that the NHVR:

- extend the registration and state a new date for review
- impose new conditions, such as an amendment to the RICP, or
- cancel the registration.

The outcome of the review is reported on the NHVR website and where relevant, the revised RICP is published with a new review date.

## Schedules

Notice of Intention	<b>Schedule 1</b>	Completed and addressed to Manager, codes of Practice, NHVR ( <a href="mailto:codes@nhvr.gov.au">codes@nhvr.gov.au</a> )
Code of Practice Template	<b>Schedule 2</b>	Guidance material for drafting a code.
Sponsor's Acknowledgement of NHVR's IP (Includes sample Creative Commons Licence)	<b>Schedule 3</b>	Executed and provided to the NHVR.
Sponsor's Undertaking	<b>Schedule 4</b>	Completed and addressed to Manager, codes of Practice, NHVR ( <a href="mailto:codes@nhvr.gov.au">codes@nhvr.gov.au</a> )
Request to Review Code of Practice	<b>Schedule 5</b>	Completed and addressed to Manager, codes of Practice, NHVR ( <a href="mailto:codes@nhvr.gov.au">codes@nhvr.gov.au</a> )



