NHVR

Industry Codes of Practice

Guidelines

for preparing and issuing
Industry Codes of Practice

ABOUT THESE GUIDELINES

These Guidelines for preparing and issuing industry Codes of Practice (the Guidelines) outline the process the NHVR will follow when developing codes of practice under the *Heavy Vehicle National Law* (HVNL).

Under section 705 of the HVNL, the National Heavy Vehicle Regulator (NHVR) may issue, amend or revoke a code of practice relating to compliance with duties and obligations under the HVNL for parties in the Chain of Responsibility (CoR) and drivers of heavy vehicles. In accordance with the HVNL, draft codes of practice and substantive amendments to issued codes must be made publicly available for consultation before being issued or amended by the NHVR.

The Guidelines assist industry participants or representative associations that wish to partner with the NHVR to develop an Industry Code of Practice (ICP). They outline the requirements for an ICP and describe the process for how industry and the NHVR collaborate to develop, assess and issue an ICP.

The Guidelines may be amended from time-to-time.

INDUSTRY CODE OF PRACTICE DEVELOPMENT PROCESS

The development of an ICP involves the following stages:

Stage 1 – Assessment and agreement to develop an ICP

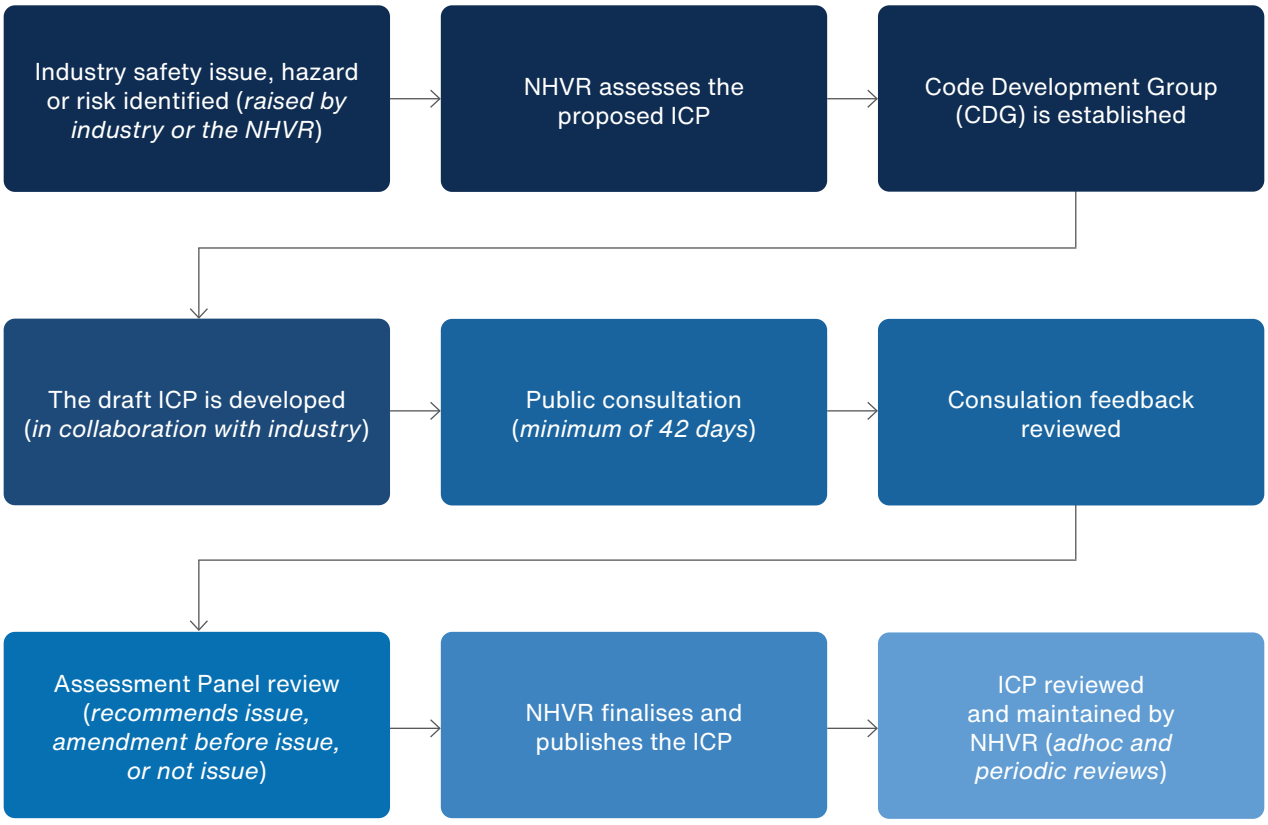
Stage 2 – Code Development and Industry Collaboration

Stage 3 – Public Consultation and Feedback

Stage 4 – Code Review and Assessment

Stage 5 – Code Finalisation and Publication

Stage 6 – Code Maintenance



STAGE 1 – ASSESSMENT AND AGREEMENT TO DEVELOP AN ICP

1. Identification of an industry safety issue, hazard or risk

- A potential need for a new ICP may be identified by the NHVR or by industry.
- The proposal for an ICP should address the hazards, risks, controls or operational practices that are not adequately addressed through existing guidance or the Master Code.

2. Submission of an Expression of Interest (EOI)

- Where industry identifies the need for a new ICP, an Expression of Interest (EOI) must be submitted using the EOI form available on the NHVR website.
- The EOI should outline the identified safety issue, hazards or risks, and why an industry specific ICP is required.

3. Assessment of proposed ICPs

- The NHVR assesses industry EOIs to determine whether an ICP is the most appropriate regulatory response to address the identified safety issue, or whether another regulatory tool (e.g. Regulatory Advice, Safety Bulletin, Fact Sheet or Notice) would be more suitable.
- Where the NHVR identifies the need for an industry specific ICP independently, it may commence the development of the ICP without an EOI.
- In either case, the NHVR will seek collaboration opportunities with a suitable industry participant or representative association to support the development of the ICP and provide expert guidance on industry practices, hazards and controls.

4. Approval to proceed with ICP development

- The NHVR determines whether the proposed ICP will proceed and, where approved, confirms commencement of the development process.

STAGE 2 – CODE DEVELOPMENT AND INDUSTRY COLLABORATION

5. Establishment of the Code Development Group (CDG)

- The NHVR identifies and invites suitably qualified and experienced individuals to form the CDG.
- The CDG comprises NHVR representatives, relevant industry associations, industry participants and individuals with appropriate technical and regulatory expertise.

6. Appointment and engagement of CDG members

- Members are formally invited by the NHVR to participate in the CDG and are required to agree to the Terms of Reference governing the group's operation and responsibilities.
- The NHVR acts as the secretariat for the CDG, responsible for coordinating meetings, managing documentation, recording discussions and decisions and distributing materials to members.

7. Development of ICP draft content and controls

- The CDG provides information on industry specific hazards, risks, operational contexts, current practices and existing controls relevant to the ICP.
- The CDG advises on appropriate risk controls and what constitutes good practice within the industry, with the NHVR using this input to develop and refine draft ICP content in collaboration with the CDG.

8. Review and refinement of the draft ICP

- The CDG reviews draft versions of the ICP and provides feedback to the NHVR.
- The NHVR considers feedback and incorporates amendments to ensure the draft is suitable for progression to public consultation.

STAGE 3 – PUBLIC CONSULTATION

9. Preparation of the draft ICP for public consultation

- The NHVR prepares the draft ICP for publication following internal stakeholder review and input from the CDG.
- Supporting documentation is finalised to support public consultation.

10. Publication and promotion of the draft ICP for consultation

- The draft ICP is published on the NHVR website for public comment for a minimum of 42 days, in accordance with s705 of the HVNL.
- The NHVR promotes the consultation period through appropriate communication channels, including social media and industry networks, encouraging stakeholders to review the draft and provide feedback.

11. Review and analysis of feedback

- The NHVR receives and records all feedback submitted during the consultation period for review and consideration. Where necessary, clarification may be sought to support accurate interpretation of submissions.

12. Revision of the draft ICP following consultation

- The NHVR updates the draft ICP to reflect relevant feedback.
- The NHVR determines whether further review by the CDG is required prior to progression to the assessment panel stage.

STAGE 4 – CODE REVIEW AND ASSESSMENT

13. Establishment of the Assessment Panel

- The NHVR convenes an Assessment Panel to review and assess the draft ICP following completion of public consultation. The Assessment Panel provides an independent review of the draft ICP following public consultation and is separate from the CDG.
- The Assessment Panel comprises representatives with industry experience, regulators and subject matter experts, and recommends whether the ICP should be issued, amended before issue, or not issued.

14. Provision of draft materials and consultation outcomes

- The Assessment Panel is provided with the updated draft ICP, a deidentified summary of feedback received during public consultation and any supporting documentation required to assist the review process.

15. Assessment and refinement of the draft ICP

- The Assessment Panel reviews the draft ICP to ensure it is practical, comprehensive, reflects current industry practices and is consistent with the HVNL and relevant regulatory requirements.
- The Assessment Panel considers feedback received during public consultation and identifies any amendments, clarifications or additional information required before the ICP is finalised.

STAGE 5 – CODE FINALISATION AND ISSUE

16. Finalisation of the ICP

- Where the Assessment Panel recommends the ICP be issued, the NHVR finalises the content, formatting, quality assurance and document checks.
- The ICP is prepared as a complete and accessible document suitable for digital publication and where required, physical distribution.

17. Issue and publication of the ICP

- The NHVR issues the ICP and publishes the final version on the NHVR website.
- The published ICP includes the date of issue and the nominated review date (typically 5 years from issue date, unless otherwise recommended by the Assessment Panel).

18. Communication of the issued ICP

- The NHVR communicates the release of the issued ICP through appropriate communication channels to support industry awareness and uptake.

STAGE 6 – CODE MAINTENANCE

19. Ongoing maintenance of the ICP

- The NHVR is responsible for maintaining issued ICPs to ensure they remain current, accurate and relevant.
- The NHVR may make minor administrative amendments between the date of issue and the nominated review date. Minor amendments may include formatting corrections, clarification of wording, updates to references or other non-substantive changes.

20. Review and substantial amendments

- The NHVR reviews issued ICPs in accordance with the nominated review period or earlier where required.
- A review may be initiated by the NHVR, an industry participant or representative association in response to emerging risks, changes in legislation, industry practices, operating environments, or other relevant circumstances.
- Where substantial amendments are required, the NHVR will determine the appropriate review and development process. In accordance with s705 of the HVNL, draft amendments must be publicly available for consultation for at least 42 days, with any feedback submissions considered before the amended ICP is reissued.

SUBMISSIONS AND FEEDBACK

Expression of Interest form	Completed and addressed to Safety Duties & Codes Team, NHVR (codes@nhvr.gov.au)
Feedback	Feedback on any ICP is welcome and should be addressed to Safety Duties & Codes Team, NHVR (codes@nhvr.gov.au)

www.nhvr.gov.au **E** info@nhvr.gov.au **P** 13 NHVR (13 64 87)

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