



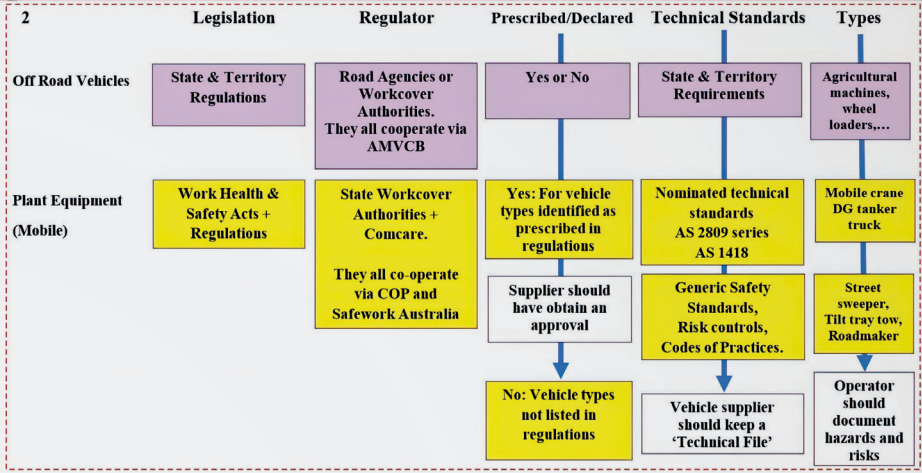
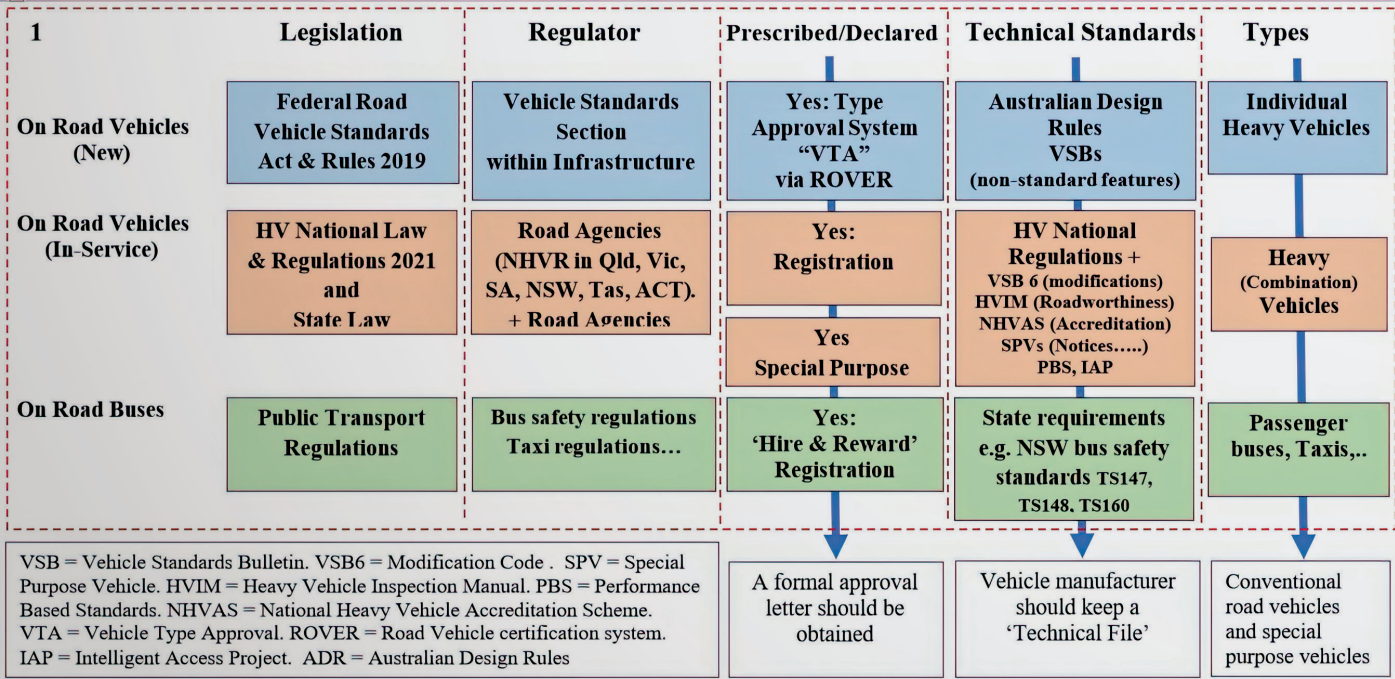
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# Regulations and regulators for heavy vehicles

This article describes the regulations and regulators that apply to heavy vehicles in Australia. I hope that it will provide a useful reference map for vehicle owners and vehicle suppliers. The Australian situation is complicated because we have been able to create new schemes that allow ‘non-standard’ vehicles to run on Australian roads. The complexity is evident to vehicle operators trying to make use of new schemes. The regulators are trying to balance road safety, efficiency and

community opinions. The following map shows the regulatory structure for conventional road vehicles. The manufacturer or supplier must obtain a Vehicle Type Approval from the Federal Regulator to supply to the market. This is an example of a machine that is Prescribed/Declared. Additionally, the owner must get the vehicle registered. The Australian Design Rules are a necessary but not sufficient technical standard. Additional requirements can be applied by the in-service regulator. For example, a trivial example is that rear marker plates are not mandated by the ADRs but are needed in some states by state regulation. Some vehicle types may require substantial additional features, such as passenger door interlocks on buses operating in NSW or IAP monitoring equipment

on construction vehicles that operate in the Sydney environs or defined oversize vehicles in some jurisdictions. The National Heavy Vehicle Regulator (NHVR) is the relevant regulator for in-service vehicles in much of Australia, but not in WA or the NT. The NHVR does not own any roads and it must obtain the permission from the road owners (states, territories or local governments) before it can issue permits outside above agreed general limits. Frustrations arise because this process can take time. Progress has been made in streamlining the permit process over the last five years. Many vehicle types operate under notices, which publish long or short-term decisions of state and territory governments. Applicable notices can be found on the NHVR website for participating



jurisdictions. For example, B-doubles run throughout Australia under notices because their lengths exceed the 19m general road access limit. The second map shows the regulatory structure for off-road vehicles and for vehicles with plant equipment on top. Many types of off-road vehicle do not, and cannot, comply with the Australian Design Rules because they are not designed to be road vehicles. An example is a back-hoe-front-end-loader. This example cannot be approved but it can still be registered if it has technical features that are acceptable to a road agency or the NHVR. The NHVR website publishes the National Class 1 Agricultural Vehicle Notice. Road vehicle safety aspects are excluded from the scope of the work health and safety (OH&S) regulations in Australia. Plant equipment that might be attached to the vehicle is not excluded from scope; however, many vehicle suppliers fail to recognise this. There are some common plant equipment types that are commonly installed on trucks and trailers that are prescribed/declared equipment under OH&S rules. For example, vehicle loading cranes with a lifting capacity of 10 tonnes or more are prescribed. An approval is needed from an applicable OH&S regulator. Mostly vehicle loading cranes should be approved but seldom are.

It is now uncommon for specific occupational registration of plant equipment to be required. For example, Victoria requires a dangerous goods tanker to have a design approval but there is no special DG registration, only road registration. The OH&S regulations do require that suppliers and operators of plant equipment will identify the hazards and control the risks. This procedure should be a must-do for risk management in any business, whether plant equipment is used or not. A Hazard and Risk Assessment is basic business risk management. When it is done it must be documented. The key points in the box below give some guidance. It is usually straight forward to identify the hazards. For example, people falling off the top of a tanker or roll-away due to a driver forgetting to apply the parking brake with the engine running during load discharge are common issues. What is often harder to assess is the reliability of the protections that exist to control the risks of these hazards. There are tools readily available to guide suppliers and operators to do an adequate Hazard and Risk Assessment. I implore the reader to get such a tool and try it.

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## Key points

There are three regulators for heavy vehicles: Federal (new vehicles), NHVR & State (in-service), and State Work Safety regulators (plant and workplace). The vehicle expect that suppliers of vehicles will have a technical file that completely describes the vehicle, and a QA system that helps keep it consistent. The heavy vehicle is a workplace. The Work Health & Safety regulators require suppliers of plant equipment on vehicles to identify the hazards, classify the risks and control them. The risk assessment should be written down. Operators should have a process that frequently causes operational safety to be reviewed. This should be documented.

- Basic risk assessment needs detailed answers to the following six questions:
1. Realistically, what could go wrong? (“the hazard”)
  2. Under what conditions could the hazard occur?
  3. What is stopping the hazard occurring now?
  4. How reliable are the hazard preventions and do they need improvement?
  5. If improvement is needed, what is the priority?
  6. What needs to change immediately?

High and Extreme risks cannot be put off until later. They need urgent action. If the risk is Extreme, stop the process. High and Extreme risks need multiple levels of safety. There should be three independent controls that will stop these hazards occurring. Document what they are. It costs virtually nothing to do a Hazard and Risk Assessment. The cost of not doing one might end your business.