



14 March 2014

**Mr Paul Retter**  
Chief Executive Officer  
National Transport Commission  
Level 15,  
628 Bourke Street,  
Melbourne 3000

Via National Transport Commission website portal

See Distribution

**GAS ENERGY AUSTRALIA SUBMISSION**  
**NATIONAL TRANSPORT COMMISSION**

**CHAIN OF RESPONSIBILITY REVIEW - ASSESSMENT OF OPTIONS PAPER - FEBRUARY 2014**

Dear Paul,

Gas Energy Australia appreciates the opportunity to make a submission to the National Transport Commission (NTC) on the Chain of Responsibility (CoR) Review – Assessment of Options Paper February 2014 (CoR Options Paper).

Gas Energy Australia is the national peak body which represents the bulk of the downstream gaseous fuels industry which covers Liquefied Petroleum Gas (LPG), Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG). The industry comprises major companies and small to medium businesses in the gaseous fuels supply chain, including refiners, fuel marketers, equipment manufacturers, vehicle converters, and the providers of services to the industry.

Gas Energy Australia supports a robust CoR and is concerned that the CoR Options Paper represents a selective approach to the Review. Further, that by selectively changing sections of the CoR laws and regulations it may potentially create more issues than it solves. Gas Energy Australia will reserve detailed comment until a final position paper is released. In the interim, I offer the following general observations.

**1. Need for alignment**

Gas Energy Australia supports uniformity and harmonisation, and the approach to align the CoR framework to other regulator mechanisms such as the Workplace Health and Safety laws, is beneficial to an industry that operates cross state and territory borders.

The philosophy of alignment needs to be continued throughout the regulation. As an example, alignment to amend the Heavy Vehicle National Law (HVNL) to provide an overarching, HVNL-wide general duty based on the general duties contained within the model Work Health and Safety Act (WHS Act) and Rail Safety National Law (RSNL), would be a sensible approach. The alignment would have flow on effects with options discussed later in the paper such as; specific duties, executive officer liability and overlapping obligations.

This approach provides a strategic framework for the Review and removes the issue of a selective review which could potentially create issues.

Recommendation: the National Transport Commission adopt an appropriate legislative model framework (such as the model Work Health and Safety Act) and use this as a litmus test for all proposed changes to the CoR.

## 2. Time to review

Gas Energy Australia notes that there are some complex issues being considered in the CoR Options Paper including specific duties, executive officer liability and overlapping obligations. It is difficult to review the individual options outlined in the CoR Options Paper in isolation as there is interaction and overlap between drivers and consigners extending through to Managing Directors and CEO's.

Without the full text this interaction cannot be understood and Gas Energy Australia will reserve detailed comment until a final position paper is released.

In light of the complex and legal aspects which will be contained in any subsequent proposal, sufficient time must be allowed for respondents to provide comments back to the NTC.

Recommendation: That sufficient time for comment be allowed by the NTC between release of any future discussion papers and the closing date for submission.

## 3. Summary of Recommendations

Gas Energy Australia recommends that;

- a. the NTC adopt an appropriate legislative model framework (such as the model Work Health and Safety Act) and use this as a litmus test for all proposed changes to the CoR, and
- b. that sufficient time for comment be allowed by the NTC between release of any future discussion papers and the closing date for submission.

For your earliest consideration and advice.

Yours sincerely



Mike Carmody  
Director and Chief Executive Officer  
Gas Energy Australia

Distribution: Gas Energy Australia Transportation Committee

For information:

Gas Energy Australia State Representatives  
Gas Energy Australia Safety Standards and Technical Committee  
Gas Energy Australia Technical Committees – Chairpersons  
Gas Energy Australia Secretariat