Review of **Chain of Responsibility Obligations** Next Review Date **1/11/2020** **Ref No.** **SWMS/RA 09**

Personnel Consulted _____ Date _____

Evaluation Personnel Consulted _____ Date _____

Approved by **Steve Phillis** Position **General Manager / HSR** Signed _____ Date _____

Updated due to: Legislation Change [X] Incident [ ] Procedural Change [ ] Other *specify* _____

Remember to:		**WORK SAFELY – consider these 4 points!**	
▪ *Inspect the site and surrounds* ▪ *consider not only your normal operation but others in your work space* ▪ *talk to people who work with you* ▪ *consider environment considerations, extremes in weather, wind, rain, heat* ▪ *use the risk rating matrix & hierarchy of controls to minimize hazards*		**PLANNING** I do understand the task and how to perform it I have identified all associated hazards I have considered all safe work practices that apply to this task Do I need help to do this work safely?	**PROPER TOOLS & EQUIPMENT** I have the correct tool(s) & equipment to complete the task I have checked if tools / /equipment are in good working condition? I have the correct PPE for the task All electrical tools are correctly tagged
Additional hazards are listed in the Prompt Sheet at the end of this document		**TRAINING** I am trained to use the equipment and/or tools required? I have be deemed competent to do this work I understand the work tasks for this task	**STATE OF MIND** **I will stay out of the line of fire!** I will give my full attention to the task I will stop & redo my plan if something unforeseen happens? I am meeting or exceeding safety for this task

Risk Matrix

			Likelihood / Probability				
			A Rare *The event will occur only in exceptionally rare circumstances*	**B Unlikely** *The event may occur at some time but is unlikely to do so*	**C Possible** The event could occur	**D Likely** *The event will occur in most circumstances and is likely to do so*	**E Almost Certain** *The event will almost certainly occur*
Consequence	**5 Catastrophic**	Fatality or permanent disability to ten or more people. Environmental permanent & significant impact in significant areas.	**5A**	**5B**	**5C**	**5D**	**5E**
	4 Severe	Lost Time Injury, hospitalization, permanent disability, serious internal and/or head injuries. Environmental non-permanent impact with major detrimental effects.	**4A**	**4B**	**4C**	**4D**	**4E**
	3 Major	Medical Treatment injury, Environmental release with moderate detrimental effects requiring remedial action, reportable to authorities.	**3A**	**3B**	**3C**	**3D**	**3E**
	2 Minor	Minor injury requiring first aid treatment. Minor Environmental release. Impact immediately managed or contained.	**2A**	**2B**	**2C**	**2D**	**2D**
	1 Low	Near Hit with No injury. Environmental incident with potential to damage the environment but with No actual damage.	**1A**	**1B**	**1C**	**1D**	**1E**

Risk Class Ranking: **Extreme** **High** **Low**

Safe Work Method Statement – Compliance with National Heavy Vehicle Regulator (NHVR) requirements for Chain of Responsibility (CoR)

Risk Assessment							Treatment Actions (SWMS)					
Item	Activities *All steps and conditions*	Possible Hazard *Problem*	Risks / Impacts *Harm*	Initial Risk			Risk Control/Treatment *What will be done to make it safe?*	Personnel Responsible *Who will make it happen?*	Completion *Date and sign off*	Residual Risk		
				L	C	S				L	C	S
0	Paperwork Requirements	Non compliance with NHVR regulations	Fatality, vehicle accident, financial loss, fixed property damage,	C	5	5C	— Mass and dimensions of each vehicle is to be assessed and recorded in logbooks — Ensure documentation of the load is accurate, not false or misleading — Driver licences/records to be checked for currency — Ensure drivers/operators have all relevant inductions for pickup/delivery locations — Maintain all receipts, dockets and other delivery documentation that identifies the load — Ensure logbooks are provided to drivers and maintain records of: trip times, rest breaks, work and driving activity	Business Managers Scheduler HSE representative		B	3	3B

Risk Assessment							Treatment Actions (SWMS)					
Item	Activities *All steps and conditions*	Possible Hazard *Problem*	Risks / Impacts *Harm*	Initial Risk			Risk Control/Treatment *What will be done to make it safe?*	Personnel Responsible *Who will make it happen?*	Completion *Date and sign off*	Residual Risk		
				L	C	S				L	C	S
1	Planning the Job	Improperly scoping the job	Overloaded truck, delays due to unknown pickup/dropoff locations, collecting the wrong machine, delays due to weather, machinery damage due, infringement or penalties	C	4	4C	— Prepare a transport schedule and plan — Ensure logbooks are used — Consignment to be signed off by representative at pickup and dropoff locations	Scheduler Driver		B	2	2B
2	Mobilise truck to pickup location	Vehicle interactions	Delays due to unknown pickup location, vehicle accident, vehicle becoming stuck, building/fixed structure damage	C	3	3C	— Ensure maps are available to drivers — Positive comms between driver and depot/facility manager prior to arrival — Ensure transport plan/schedule is provided to driver — Machine/truck prestart prior to mobilising	Driver Scheduler Pickup location manager		B	1	1B
3	Preparing the roller for transport	Loading the incorrect roller	Financial loss, delays to the job, impact/delays to other jobs/, despatching the wrong roller, slips/trips/falls, cuts/abrasions,	C	2	2C	— Ensure adequate PPE when manual handling — Ensure no loose objects or other on the roller before transport — Ensure proper planning/scoping of the job — Planning the loading with relevant parties — Clearly communicate load weight and dimensions to transport company	Scheduler Packer		B	2	2B

Risk Assessment							Treatment Actions (SWMS)					
Item	Activities *All steps and conditions*	Possible Hazard *Problem*	Risks / Impacts *Harm*	Initial Risk			Risk Control/Treatment *What will be done to make it safe?*	Personnel Responsible *Who will make it happen?*	Completion *Date and sign off*	Residual Risk		
				L	C	S				L	C	S
4	Loading the truck	Plant Rollover	Crush injury or death, Machinery damage, financial loss, bystanders entering works area, machinery damage, impact to other jobs/operations	C	4	4C	— Use a spotter to assist loading — TAKE 5 assessment prior to loading — Load on a flat level surface — Establish exclusion zones — Ensure adequate straps/dunnage is provided and used — Ensure all vehicles and equipment are kept in good condition and inspected before use — Ensure roller is correctly isolated for transport	Driver Packer Scheduler		B	3	3B
5	Transporting the machine	Poorly defined transport schedule	Driver fatigue, operational delays, vehicle accident, financial loss,	C	4	4C	Ensure the transport plan/schedule/contract allows for: — Sufficient breaks — Sufficient time to reach destination — Does not encourage speeding or road traffic infringements — Regularly check load restraints —	Scheduler Driver		B	2	2B
6	Arriving at delivery location	Unknown delivery location	Delays due to unknown delivery location, vehicle accident, vehicle becoming stuck, building/fixed structure damage	C	3	3C	— Ensure maps are available to drivers — Positive comms between driver and depot/facility manager prior to arrival — Ensure transport plan/schedule is provided to driver — Ensure delivery time is recorded in logbooks	Driver Scheduler Delivery location manager		B	1	1B

Risk Assessment							Treatment Actions (SWMS)					
Item	Activities *All steps and conditions*	Possible Hazard *Problem*	Risks / Impacts *Harm*	Initial Risk			Risk Control/Treatment *What will be done to make it safe?*	Personnel Responsible *Who will make it happen?*	Completion *Date and sign off*	Residual Risk		
				L	C	S				L	C	S
7	Unloading the machine	Plant Rollover	Crush injury or death, Machinery damage, financial loss, bystanders entering works area, machinery damage, impact to other jobs/operations	C	4	4C	— Use a spotter to assist unloading — TAKE 5 assessment prior to unloading — unload on a flat level surface — Establish exclusion zones — Ensure adequate straps/dunnage is provided and used — Ensure all vehicles and equipment are kept in good condition and inspected before use	Driver Packer Scheduler		B	3	3B
8	Transfer of the roller to recipient	Roller not received by correct person or at the correct location	Machinery theft or vandalism, machine parked at incorrect location or in the way of other work groups, ground failure/collapse	C	3	3C	— Ensure transport plan/schedule clearly identifies recipient and contact details — Ensure roller is correctly locked up and isolated upon unloading — Ensure	Driver Scheduler		B	1	1B
9	Departing delivery location / return to depot	Poorly defined transport schedule	Driver fatigue, operational delays, vehicle accident, financial loss,	C	4	4C	Ensure the transport plan/schedule/contract allows for: — Sufficient breaks — Sufficient time to reach destination — Does not encourage speeding or road traffic infringements —	Scheduler Driver		B	2	2B

Risk Assessment							Treatment Actions (SWMS)					
Item	Activities *All steps and conditions*	Possible Hazard *Problem*	Risks / Impacts *Harm*	Initial Risk			Risk Control/Treatment *What will be done to make it safe?*	Personnel Responsible *Who will make it happen?*	Completion *Date and sign off*	Residual Risk		
				L	C	S				L	C	S
10	General	Environmental conditions- Hot Weather Fatigue Noise	Skin cancer, cuts, abrasions, hearing loss, dehydration.	C	2	2C	— Sunscreen, hats, long sleeve, long pants / overalls. — Supply of fresh water. — Minimise exposure e.g. Job rotation. — Operator to wear correct hearing protection and other PPE for working around if working around roller and other machinery.			A	3	3A
	Additional Issues Identified						—					
							—					

Mandatory PPE:	**As requested by the jobsite / workplace if applicable**
Safety / Emergency Equipment Required	**First aid Kit**

Risk Assessment							Treatment Actions (SWMS)					
Item	Activities *All steps and conditions*	Possible Hazard *Problem*	Risks / Impacts *Harm*	Initial Risk			Risk Control/Treatment *What will be done to make it safe?*	Personnel Responsible *Who will make it happen?*	Completion *Date and sign off*	Residual Risk		
				L	C	S				L	C	S
Associated Procedures, Programs, References			Varies based on the CoR checklist for the persons in the transport operation					**201703-0484.** CoR Checklist **201705-0522**. CoR Loading Managers **201703-483.** CoR your role **201705-0520.** CoR Executive officers **201705-0525.** Prime Contractors				
Other Comment(s)												

Legal & Advisory Documentation that supports this Risk Assessment.	
ACTS	*Heavy Vehicle National Law Act 2012; Work Health & Safety Act 2011, Environmental Act,*
Regulations	*Heavy Vehicle (Fatigue Management) National Regulation 2016; Heavy Vehicle (General) National Regulation; Heavy Vehicle (Mass, Dimensions and Loading) National Regulation; Heavy Vehicle (Vehicle Standards) National Regulations; Work Health & Safety Regulations 2011*
Codes of Practice	National Logistics Safety - Code of Practice (transitional); Trucksafe - Operator Business Rules and code of conduct; Workcover NSW; Protection of the Environment Operations Act 1997; DEEWR NCOP National Guidelines 2012; COP Work Health & Safety Consultation, Cooperation & Coordination 2011;COP Managing Risk of falls at workplaces, COP Managing Noise and Preventing Hearing Loss at work 2011; MCOP First Aid in the Workplace 2012; MCOP Managing Risks of Plant in the Workplace; MCOP Construction Work 2012; OSHA 3151-12R (2003) Personal Protective Equipment; AS4602 - High visibility safety garments; AS4501 - Occupational protective clothing - General requirements;
Other Legislation Applicable	Workplace Injury Management & Workers Compensation Act 1998;

Personnel qualifications and experience required to complete the task	Specific training required to complete this task	Engineering Details/Certificates/Work Safe/WorkCover Approvals
Operators / driver relevant trade or vehicle licences	Heavy Vehicle Licence, Relevant trade Licences, WHS Card, Site Inductions, Rollers Australia Pty Ltd Site specific Inductions	Relevant trade Certificates, Machinery specification drawings, heavy vehicle route information (bridge load limits/widths etc)

This SWMS / Risk Assessment has been developed in consultation with the workers involved in this process.
This SWMS / risk assessment has been read, understood & signed by ALL people involved in this process
Signature is confirmation that this procedure in its entirety will be adhered to!

Name	Signature	Date	Name	Signature	Date

Prompt Sheet

Review below for additional hazards, when present write these hazards and their controls into your Risk Assessment

A	**Entanglement**
☐	Can anyone's hair, clothing, gloves, rags, or other materials become entangled with electrical tools, or materials in motion?
B	**Crushing**
☐	Can anyone be crushed due to material falling from heights?
C	**Fall from Heights**
☒	Can anyone fall from a height due to: a) Lack of a proper work platform?
☒	b) Lack of proper stairs or ladders?
☐	c) Lack of guardrails or other suitable edge protection?
☐	d) Unprotected holes, penetrations or gaps?
☒	e) Poor floor or walking surfaces, such as the lack of a slip-resistant surface?
☐	f) Steep walking surfaces?
☐	g) Lack of training?
☐	h) Collapse of the supporting structure?
D	**Cutting, Stabbing And Puncturing**
☒	Can anyone be cut or stabbed, or struck by moving objects due to: a) Coming in contact with sharp objects?
☒	b) Coming in contact with moving parts of electrical equipment?
☒	c) Coming into contact with hand tools?
☐	d) Uncontrolled or unexpected?
E	**Friction/Burns**
☐	Can anyone be burnt due to contact with moving parts or surfaces, or handling hot material?
F	**Striking**
☐	Can anyone be struck by moving objects?
G	**High Pressure Fluids**
☐	Can anyone come into contact with fluids under high pressure, due to plant failure or misuse of the plant?
H	**Electrical**
☒	Can anyone be injured by electrical shock or burnt due to: a) No RCD switch at main board?
☒	b) Incorrect use of equipment?
☐	c) Overload of electrical circuits?
☒	d) Damaged or poorly maintained electrical leads and cables?
☐	e) Damaged electrical switches?
☐	f) Water near electrical equipment?
☐	g) Lack of isolation procedures?
I	**Slipping, Tripping And Falling**
☒	Can people, slip, trip or fall due to: a) Uneven or slippery work surfaces?
☒	b) Poor housekeeping?
☒	c) Obstacles being placed in the vicinity of work area?
J	**Ergonomics**
☐	Can anyone be injured due to: a) Repetitive body movement?
☐	b) Constrained body posture or the need for excessive effort?
☐	c) Lack of consideration given to human error or human behaviour?
☒	d) Mismatch of task with human traits and natural limitations?
K	**Thermal Temperature Effects Or Fire**
☐	a) Can anyone come into contact with objects at high or extreme low temperatures?
☐	b) Can anyone suffer ill health due to exposure to high or low temperatures?
L	**Other Hazards**
☒	Can anyone be injured or suffer ill-health from exposure to: a) Chemicals?
☐	b) Toxic gases or vapours?
☐	c) Fumes?
☒	d) Dust?
☒	e) Noise?
☐	f) Vibration?
M	**Manual Handling**
☒	Can anyone be injured due to manual handling process? a) Moving?
☒	b) Assembling?
☒	c) Lifting?
☐	d) Digging?
☐	e) Carrying product?
N	**Environmental Aspects & Impacts to be considered**
☐	Can environment harm be caused by: a) Emissions to air?
☐	b) Releases to water and waterways?
☒	c) Waste management?
☒	d) Dust?
☒	e) Noise?

ROLLERS AUSTRALIA PTY LIMITED

ABN 50 087 309 091

Quality Certified Company
Licence Number Q0301
AS/NZS ISO 9001:2008

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7th November 2017

Chain of Responsibility – Preventing Driver Fatigue

Rollers Australia would like to ensure that all transport contractors that carry our equipment are aware of their Chain of Responsibility (CoR). All parties that have control or influence over the transport task are responsible for complying with the Heavy Vehicle National Law (HVNL)

CoR is a required component for our business to comply with Quality Assurance ISO 9001:2015 Quality Management Systems.

We have been requested on a formal basis to provide information that clearly shows our commitment and obligations to the CoR, as your company is one of our carriers it is necessary that you are aware of your obligations

Attached is a Table of Responsibilities and a check list that has been provided from our client for your records. These guidelines forms the basis for the NHVL Duties and Chain of Responsibility. For further clarification please find the following link https://www.nhvr.gov.au/law-policies/heavy-vehicle-national-law-and-regulations

Please reply back via email that your organisation has processes in place to abide by the NHVL Duties and Chain of Responsibility.

Carriers / Transporters Name: ……

Print Name:……

Signature:……..... **Date**:……

Regional Operations Centre – Tamworth
14-18 Hume Street Tamworth NSW 2340
PO Box 7099 NEMSC Tamworth NSW 2348
Tel: 02 6762 8020 Fax 02 6762 8021

Regional Operations Centre – Orange
21 Astill Drive Orange NSW 2800
PO Box 446 Orange NSW 2800
Tel: 02 6369 1799 Fax: 6369 1788

Regional Operations Centre- WaggaWagga
14B Lawson St Wagga Wagga NSW 2650
PO Box 867 Wagga Wagga NSW 2650
Tel: 02 6925 1400 Fax 02 69251455

Course provided by
HRIA

STATEMENT OF COMPLETION

This is presented to

Steve Phillis

For the completion of **Chain of Responsibility (CoR) Awareness for the transportation of hired plant & equipment.**
on HRIA

Date completed
18 February 2019

Certificate ID
#7918430

Powered by GO1 Training System.

Course provided by
HRIA

STATEMENT OF COMPLETION

This is presented to

Adrian Hudson

For the completion of **Chain of Responsibility (CoR) Awareness for the transportation of hired plant & equipment.**
on HRIA

Date completed
18 February 2019

Certificate ID
#7925061

Powered by GO1 Training System.

Chain of Responsibility

Your role

NHVR

Heavy vehicle safety. It's your business.

New Chain of Responsibility laws are coming in mid 2018. Is your business ready? Are you ready?

These reforms are a significant step forward in recognising that everyone in the supply chain has a role to play in ensuring heavy vehicle safety.

The reforms aim to complement heavy vehicle and national workplace safety laws, and place a positive duty of care on all heavy vehicle supply chain parties.

The new laws make it clear the responsibility of duty holders to understand and assess their risks, and ensure they are complying with the law.

Through the replacement of existing prescriptive obligations, the heavy vehicle industry can benefit from a reduction of red tape and better apply risk management processes to focus on safety outcomes.

The National Heavy Vehicle Regulator is here to support your business with information and resources to assist you to prepare for the changes.

Whether you are a driver, or part of the supply chain, heavy vehicle safety is your business.

Sal Petroccitto
CEO, NHVR

V1.0 March 2017

Contents

About the Chain of Responsibility

Our road laws generally address the actions of drivers and operators, but breaches of these laws are often caused by other parties in the transport supply chain.

Under chain of responsibility (CoR), all parties who have control or influence over the transport task are deemed responsible for complying with and for breaches of these laws. All parties must take reasonable steps to prevent breaches of mass, dimension, loading, speed and fatigue laws. In 2018 this will expand to include vehicle standards and maintenance.

Under the Heavy Vehicle National Law (HVNL), multiple parties may be responsible for offences committed in heavy vehicle operations. A person may be a party in the supply chain in more than one way and legal liability can apply to their actions, inactions and demands.

Every load. Every vehicle. Every person. Every time!

CoR laws:

- improve safety
- improve compliance
- require parties to manage risk
- create a level playing field and increase productivity
- protect infrastructure
- protect against the demands of off-road parties that can lead to breaches of the law.

Common breaches of CoR obligations

CoR obligations can be breached in many ways. Here are some examples:

- applying business practices or demands that cause a driver to breach fatigue management requirements, or speed limits
- failing to weigh, measure or secure loads
- setting schedules with unrealistic timeframes
- causing delays in loading and unloading
- packing goods incorrectly
- failing to consult or engage with other parties to ensure safe practices
- failing to assess driver fitness for duty

including terms in contracts and arrangements that encourage, reward or give incentives to the driver or other parties in the supply chain to breach the law.

Parties in the supply chain

Under the HVNL, each party in the supply chain is obliged to ensure breaches of road transport laws do not occur. A party may include any person who can influence or control the transport chain, such as:

- corporations, partnerships, unincorporated associations or other bodies corporate
- employers and company directors
- consignors/senders and consignees/receivers of the goods for transport
- exporters and importers
- primary producers
- drivers (including a bus driver or an owner driver)
- prime contractors of drivers
- operators of a transport company
- schedulers of goods or passengers for transport, and the schedulers or allocators of drivers
- loaders and unloaders of goods
- loading managers (loading/unloading supervisors) or managers of the premises where this occurs.

How CoR breaches are investigated

NHVR authorised officers and police can conduct CoR investigations into your business practices and systems to see how effectively your legal obligations are being managed. They may involve examination, review and assessment of your records, policies, procedures, business practices and documents to ensure your freight or supply chain operations comply with the law.

What happens in a CoR investigation

A CoR investigation can start the moment intelligence data or information is received that indicates a party in the supply chain may be posing a safety or compliance risk. This could happen after an event like a crash, roadside intercept or to monitor operations.

What are the penalties?

If you are in breach of CoR obligations a number of interventions are possible, depending on the severity of the breach. You may, for example, be subject to:

- warnings/education
- improvement notices
- infringement/expiation notices
- court imposed fines
- Supervisory Intervention Orders
- Road Compensation Orders
- Commercial Benefits Orders
- Prohibition Orders
- licensing and registration sanctions.

Have you taken reasonable steps?

Currently under the HVNL, you have complied with your CoR obligations so long as you have taken all reasonable steps, or undertaken all that was reasonably practical to prevent a breach.

You must also show that you did not know or could not have known that a breach occurred. Courts will recognise that the duties of parties are personal responsibilities, which cannot be delegated to others. Every person in the chain must satisfy themselves that every vehicle, every load and every driver is compliant with the law on every journey.

For a defence to be successful, all reasonable steps must have been taken, not just some.

Here are some reasonable steps that you can take.

Build systems that identify, assess and control risks

- Assess and identify clearly the responsibilities of all parties in your supply chain under CoR
- Develop systems to manage fatigue
- Maintain your heavy vehicle
- Check your vehicle dimensions and weights
- Include compliance and assurance conditions in commercial arrangements
- Seek legal advice on CoR obligations
- Work with your supply chain partners to eliminate risks
- Question requests that may cause breaches of the law.

Adopt better freight moving practices

- Establish and adhere to safe policies, procedures and workplace practices
- Ensure proper packing, placing and securing of loads
- Adopt safer loading and unloading procedures
- Ensure vehicles and drivers do not speed
- Train staff and partners on their CoR obligations.

CoR changes ahead

Amendments to the CoR laws are coming in mid 2018 and are aligned more closely with workplace health and safety laws. We will keep you informed about what the changes will mean, though all parties in the supply chain will need to be more proactive in managing risks to ensure safe transport operations.

Your responsibilities

Currently, under the HVNL, all parties who have control or influence over the transport task are deemed responsible for complying with CoR obligations.

All parties must take all reasonable steps to prevent breaches of mass, dimension, loading, speed and fatigue laws. Make sure your actions, inactions or demands do not contribute to, or encourage, breaches of the HVNL.

A party in the chain of responsibility includes any person who undertakes defined roles outlined in the HVNL, who can influence or control transport-related activities. This section sets out responsibilities for several parties in the supply chain, but it is not an exhaustive list.

The CoR applies to:

Operator/manager/scheduler responsibilities

- Ensure rosters and schedules do not require drivers to breach driving hours or speed limits
- Assess whether a driver is fit for duty
- Record driver activities, work and rest times
- Ensure drivers do not work while impaired by fatigue or while in breach of their work or rest hours
- Maintain vehicles and ensure properly functioning speed limiters are fitted
- Ensure vehicles are not loaded to exceed mass or dimension limits and are appropriately restrained
- Ensure drivers moving freight containers have a valid container weight declaration
- Consult regularly with other parties in the supply chain to identify risks and issues that may contribute to breaches of the HVNL.

Consignor/consignee responsibilities

- Ensure loads do not exceed mass or dimension limits and are appropriately restrained
- Check that operators carrying freight containers have a valid container weight declaration
- Your delivery requirements must not require or encourage drivers to:
  - exceed the speed limits
  - drive while impaired by fatigue
  - exceed regulated driving hours
  - fail the minimum rest requirements.
- Consult with other parties in the chain to identify risks and issues that may contribute to breaches of the HVNL.

Loading manager/loader/packer responsibilities

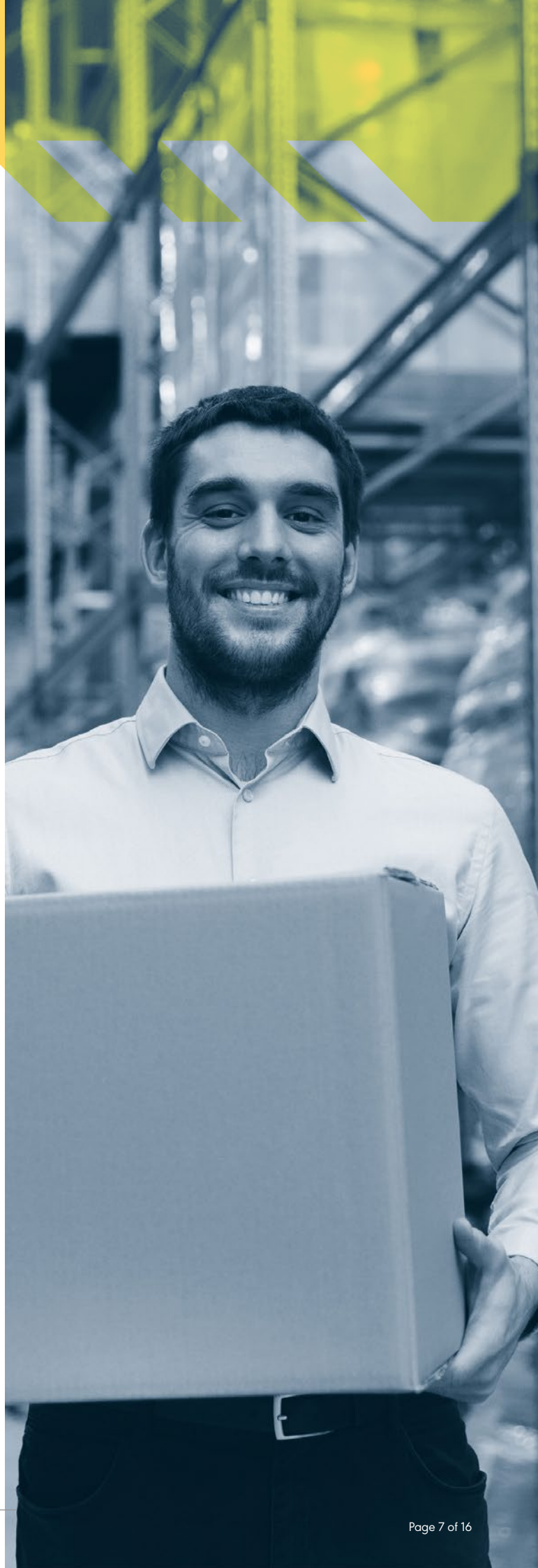
- Ensure that loading a heavy vehicle will not cause or contribute to the driver driving while impaired by fatigue
- Work with other off-road parties to make reasonable arrangements to manage loading/unloading times
- Ensure vehicle loading/unloading does not cause delays and advise drivers of any delays of more than 30 minutes
- Ensure loads:
  - do not exceed vehicle mass or dimension limits
  - do not cause the vehicle to exceed mass limits
  - comply with the load restraint standard
  - are placed and secured in a way so they do not become unstable, move or fall off the vehicle
- Provide reliable weight information to drivers prior to the journey
- Ensure load documentation is accurate
- Ensure goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded.

Driver/owner-driver responsibilities

- Comply with your relevant fatigue management work and rest requirements
- Keep an accurate work diary and records required by law
- Respond to changes in circumstances (such as delays) and report these to your base
- Ensure your vehicle does not exceed mass or dimension limits
- Ensure your load is properly restrained
- Check and report on all maintenance issues
- Obey all speed limits and road rules
- Subcontractors should also follow the lawful requirements of their prime contractors and be able to demonstrate compliance
- Identify and report hazards and risks associated with the transport task.

What do I do if I notice a CoR issue?

- Stop the activity to ensure everyone is safe
- Immediately review the activity to assess the risk and install a control measure
- Record and report the issue
- Install systems or practices to detect and prevent potential breaches
- Consult with drivers and supply chain partners to design ways of ensuring safety and dealing with issues
- Implement a system to regularly identify, assess, and control all activities that may cause a HVNL breach
- Install a system that monitors or supervises requirements in real-time, where possible
- Test the effectiveness of those systems regularly to ensure they are working as designed
- Review contracts and agreements to ensure they do not demand or encourage unlawful behaviour
- Say 'no' to anything that is unsafe or may lead to a breach of the HVNL
- Only deal with companies able to demonstrate safe and compliant practices
- Install a record-keeping system, and retain documents and records for three years.



Primary duties – from mid 2018

New primary duty in 2018

Under current CoR, all parties who have control or influence over the transport task are responsible for complying with and for breaches of these laws.

In mid 2018, HVNL will be amended to make it clear every party in the supply chain has a "duty" to ensure safe practices, rather than being deemed liable for breaches detected.

CoR requirements and legal responsibilities will now also extend to heavy vehicle standards and maintenance, and the liability of executive officers will broaden to require due diligence for safety across the entire HVNL.

This approach is similar to that of workplace health and safety laws and will be a significant step towards improving safety in the transport industry. It will also help to minimise regulatory burden by applying the same regime to transport operations.

Risk-based approach gives flexibility

Because the new CoR laws focus on managing risk, they will give you more flexibility to install measures tailored specifically to your business to prevent breaches of transport law.

This means, as a party in the chain, you can proactively reduce risks related to your transport tasks, rather than reacting when there's a possible breach of the law.

It also means ensuring that your supply chain activities are considered through risk assessments and systems to manage safety.

Primary duty – the new CoR principle

The basis for the new law is the establishment of a positive duty: *an obligation to eliminate and minimise public risks by doing everything reasonable to ensure transport-related activities are safe.*

This means that all parties must actively prevent breaches and eliminate any arrangement that may cause or encourage another to break the law.

Executive officers will have a "due diligence" obligation to ensure parties in the chain of responsibility comply with their requirements under the law.

The list of parties in the chain of responsibility remains the same, so if you are a party in the transport supply chain you will have a duty to ensure safety. Sometimes you may have more than one duty at the same time.

The change is that you will only be accountable for the activities that you manage and control.

A set of principles to guide application and interpretation of the duty of care will be included in the amendments to the law. It will also be broadened to include vehicle standards and maintenance.

"So far as is reasonably practicable"

In order to align with national workplace health and safety law, the primary duty obligation will be assessed against the "so far as is reasonably practicable" test, rather than the "reasonable steps" standard.

The "so far as is reasonably practicable" test takes into account and weighs up relevant matters including:

- the likelihood of the risk occurring
- the degree of harm
- what the person knows about the risk
- ways to remove or reduce the risk and whether they are feasible
- whether the costs are proportionate to the risk.

If you are doing everything that is reasonably able to be done to identify, assess and remove any public risk as a party in the chain of responsibility, you are likely to be complying with the new law.

Registered Industry Codes of Practice

Industry-developed registered codes of practice can help identify what is known about a hazard or risk, and the risk control or business systems that can assist achieving compliance with the new laws.

If you adopt a registered code of practice, a court may find you are effectively addressing your primary duty within the chain of responsibility, as known risks will have been identified and control measures will have been installed.

New powers for authorised officers

The new law will change the types of evidence that must be presented to a court, which necessitates changes to the duties and obligations of authorised officers to gather evidence.

Authorised officers will have increased powers to obtain documents and information as evidence of potential breaches, particularly from third party providers outside the supply chain. This means they can investigate primary duties offences more effectively.

Authorised officers need to be able to make inquiries regarding safety and risk, based on the practices and systems a business has in place. The new duties mean that they will not need to link an investigation to an offence or roadside inspection allowing a much more proactive approach to intervening to address unsafe practices across the entire supply chain.

Any relevant information may be grounds to trigger an enquiry into the way a company and parties in the supply chain manage their safety responsibilities. Investigators may also do this as part of their monitoring responsibilities under the law.

Undertakings and penalties

Penalties for breaches of a primary duty will be similar to those under workplace health and safety laws, set at:

- a maximum fine of $3 million for a corporation
- $300,000 or five-years imprisonment, or both, for a person.

Under the new CoR laws, penalties will be based on the severity of the risk posed by an offence.

The new law will also introduce enforceable undertakings as an intervention option. These are agreements signed by a party who has breached CoR requirements, stating they will take specific steps to ensure that their business complies with the law.

Authorised officers will be able to issue enforceable undertakings in writing, as an alternative to prosecution and improvement notices. This is similar to what occurs under workplace health and safety laws and the Rail Safety National Law.

Tools and guidance

As part of the transition to primary duties, and to increase awareness of CoR requirements generally, the NHVR is developing tools and guidance materials for release in 2017. These tools and guidance materials are available at www.nhvr.gov.au/cor

Our materials will help you:

- identify, assess and control risk
- manage speed, fatigue and mass, dimension and loading, and vehicle standards requirements through identified best practice
- report to executive officers
- document and record actions taken to manage safety
- review and monitor safety in your operations.

Managing fatigue risks

Under the CoR, everyone in the supply chain has an obligation to prevent fatigue breaches.

CoR extends to identifying fatigue risks to prevent or reduce potential harm or loss, to yourself and others.

Responsible parties in the chain include: employers, prime contractors, schedulers, loaders/unloaders, loading managers, operators, consignors, and consignees.

What is driver fatigue?

Driver fatigue is a common by-product of the 24-hour, seven day a week transport task. Driver fatigue impairment is a major risk for heavy vehicle operations.

Fatigue can be the result of long or arduous work, little or poor sleep and the time of day when the work is performed. It can also be influenced by health and emotional issues, or by several factors in combination. Fatigue can accumulate over an extended period of time.

Driver fatigue is often experienced as a combination of being tired, drained or exhausted and can lead to poor judgment, slower reactions to events, and decreased driving skills.

Importantly, fatigue also impairs a driver's judgment of his or her own state of fatigue, which means the effective management of fatigue should not be the responsibility of the driver alone. The most effective way to manage the risks associated with driver fatigue and meets your HVNL obligations is through effective fatigue risk management.

Fatigue risk management

Fatigue risk management is the process of managing and reducing the risks relating to fatigue in road transport to as low as reasonably practicable. One way to do this is through a Fatigue Risk Management System (FRMS). A FRMS will enable you to identify, assess, control and review fatigue risks on a regular basis.

The CoR laws indicate that reasonable actions that include these sorts of systems and controls for managing driver fatigue should be in place for safe transport operations.

Fatigue Risk Management System (FRMS)

A Fatigue Risk Management System, as the name suggests, is a system used by an operator to reduce driver fatigue-related safety risks. An FRMS integrates safety culture, management practices and procedures used to manage the risks of fatigue into one process.

All FRMSs are based on four components:

- **Management commitment** – allocating resources and giving staff responsibility for managing fatigue
- **Setting standards** – putting policies and procedures in place to reduce the risks of driver fatigue
- **Risk management** – identifying and understanding the fatigue risks in your operations, and making informed decisions on how to manage those risks
- **Risk assurance** – continually monitoring and reviewing the performance of your FRMS, including any potential new fatigue risks and continually improving.

An FRMS is not a one-off process; it requires ongoing management and monitoring.

What's in it for me?

In addition to meeting your CoR obligations under the HVNL, there are several commercial benefits in having an effective FRMS in place. These include:

- improved safety performance, through greater awareness and participation
- better decision making based on risk and evidence
- costs savings and improved efficiency
- legal protection by having evidence of the steps you take to manage the risks of fatigue, and
- better safety/compliance reputation for your business.

What is your fatigue-related risk?

In order to identify the degree of risk related to fatigue in your business you will need to conduct a fatigue risk assessment. This is the overall process of:

1. Identifying risks that are posed by driver fatigue
2. Analysing those risks to determine their cause and consequences
3. Evaluating those risks to determine the degree of risk related to fatigue that is acceptable to your business
4. Implementing countermeasures to minimise the impact of the risk or remove the risk altogether
5. Monitoring the effectiveness of the countermeasures you have put in place.

Maintenance

Identifying fatigue risks

In order to determine the fatigue-related risks in your business, common questions to consider include:

- when is the risk of fatigue increased for us?
- when the fatigue-related risk is increased, who is it impacting?
- is there a specific group of drivers that are at increased risk due to the nature of their work arrangements/ schedules?
- how does the increased risk impact our operations?
- what specific tasks/jobs are susceptible to fatigue?

Once you have a list of possible fatigue-related risks for your business, ask yourself:

- how are we currently managing our fatigue risk?
- are we managing our fatigue risk effectively?
- what can we do that we are currently not doing?

The answers to these questions will guide you in selecting any additional countermeasures that reduce the risks of fatigue in your business.

What are reasonable controls?

Reasonable controls can either prevent or minimise driver fatigue. Examples include:

- having a program for assessing fitness for duty
- a no blame system that encourages fatigued drivers to stop
- having a system for contingency planning in relation to fatigue and work/rest hours
- having a system of appropriate supervision and management of drivers
- having a system for sufficient notice of scheduling changes
- having a system to manage work/rest hours of drivers
- having a system to review driving or work schedules and work records
- a system that reviews loading and unloading times
- having a system that identifies and remedies problems related to fatigue and compliance
- avoiding incentives and demands in commercial arrangements that may cause fatigue or breaches of work/rest requirements
- having formalised processes to engage and consult with all other chain parties.

Impacts of changing CoR laws

The safety of all road users hinges upon the proper maintenance of heavy vehicles.

Many of the more serious injury and fatality crashes of recent times have resulted from poor or ineffective maintenance regimes.

Recognising the role that all parties can play in highlighting and responding to defective or unsafe vehicles, the law will soon require positive action from any party that can influence or control vehicle standards.

All parties in the supply chain will have to either take direct action to properly manage vehicle standards under a documented maintenance regime, or be more watchful and consultative with their transport partners.

Heavy Vehicle Operators

Under the current law, heavy vehicle operators are required to ensure that their fleet is free of defects, mechanically safe and in proper working order before a vehicle enters the road network.

Under the new law, this duty will not change. The maintenance systems in place may come under much closer scrutiny however.

To assure themselves of compliance, and safe operations generally, investigators will likely examine systems features such as: fault reporting, fault correction, maintenance programs and schedules, documentation and partner collaboration for supply chain reporting.

Supply Chain parties

While it is recognised that non-transport supply chain parties may not be able to control the maintenance of heavy vehicles, it is acknowledged that they can influence the use of defective or unsafe vehicles on the road.

In this sense, the role of supply chain parties is one of observe, report and record. If a supply chain partner sees a defective, unsafe or potentially dangerous condition on a vehicle, then contact ought to be made with the responsible transport company to report the issue.

Vehicle examinations or inspections by supply chain parties are not necessary, but vigilance and a preparedness to report observations are a reasonable response.

Documenting or keeping a record of the observations made, the interaction with the company and the action taken are essential to ensure that supply chain parties are complying with their duties under the law.

Loads in excess of legal limits

Overloading puts everyone at risk

You may think that over-loading a heavy vehicle gives you an advantage, but it puts you and all road users at risk.

The impact of overloaded heavy vehicles can:

Affect the safety of your workers and all road users

- Increases load restraint risk and the potential for load shift
- Even minimal overloading hinders heavy vehicle stability, so the vehicle takes longer to stop after braking
- Increases braking distance.

Add to your costs

- They increase wear and tear on your vehicle, and cause equipment failure and breakdowns
- They use extra fuel and add to your maintenance costs
- They can affect your insurance costs and policies.

Add to public costs (which adds to your costs)

- They increase wear and tear on roads, bridges and structures, leading to higher taxes and costs for all road users
- They can cause road congestion, which increases downtime, and reduces your profits.

What the law says

Who determines the limits?

Heavy vehicle loading and mass limits (including axles) are regulated under the HVNL and are detailed in the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

The HVNL states that a person must not drive a heavy vehicle on a road when its total weight exceeds its mass requirements.

Although you also cannot legally load the vehicle, combination, trailer or any of their components to more than the manufacturer's mass rating, the HVNL may set even more stringent limits.

Unless you are operating under a notice permit or specific scheme, the general mass limits apply.

Chain of Responsibility requirements

The HVNL has CoR provisions that mean that anyone controlling or influencing heavy vehicle operations, not just drivers, have to comply with the law.

Under CoR, commercial contracts or work arrangements must not result in or encourage drivers or other parties in the supply chain to breach the HVNL.

Drivers, loaders, packers, weighbridge staff, consignors, managers, and senior executives are responsible for overloading, if they influence the mass of the vehicle or its load or do nothing to prevent breaches.

Everyone in the supply chain must ensure that systems are in place to address heavy vehicle safety. This can involve contractual arrangements that insist on all parties complying with CoR requirements and tools to monitor and prove that your operations are safe and comply with the law.

Don't overload in the first place

Even with the best of intentions, mistakes can be made. You need to set up systems and adopt business practices that stop overloading in the first place. This applies to business owners and everyone else in the transport task.

Every business is different but here are things you can do to reduce the risk of overloading in your operations.

Share information about load limits and restraints

- Management, staff and supply chain partners should share information about issues, and ways to improve current practices
- Understand information partners should know about weighing, loading, restraint and unloading
- Include information in training, policies and procedures provided to staff and contractors. Make it easy for them to find and understand
- Review information provided to staff and contractors regularly.

Use the right equipment and maintain it

By using certified, reliable weighbridge or on-board mass monitoring you reduce both your risk of exceeding mass limits and going underweight.

Good equipment helps you to detect and prevent overloads at the earliest possible time.

If possible, use equipment that:

- weighs axles and combinations, such as weighbridges (split platforms)
- measures the weights of all goods such as pallets, boxes and containers and provides on-board mass monitoring.

If possible, use loading equipment fitted with electronic recording that reports to supervisors for monitoring.

Make sure the equipment you use to check load mass is accurate and well maintained.

Put in place a system that ensures regular maintenance and calibration of all weighing and loading equipment.

Plan your loads

Have a process to manage and plan every load and its placement on the vehicle. Share the plans with all involved and ensure that drivers receive a copy.

Ensure all changes to the plan are approved by the loading manager before departure.

Plan your journey

Thorough planning of the route to be taken will reduce the risk of mass breaches.

- Follow safe and approved routes particularly where mass restrictions for infrastructure (such as crossings, bridges and tunnels) apply
- Ensure the vehicle or journey is consistent with permit or scheme conditions.

Select the right vehicles and trailers

Put in place a process that ensures trucks or trailers selected for a task are appropriate for the load that is to be delivered, and ensure loads are properly restrained.

Weigh before you drive

Put processes in place to weigh and measure accurately all goods to be transported.

Have processes to:

- record total load and axle weights for each journey
- manage load variances, such as adjustment of over mass loads, awareness of wet loads (as opposed to dry loads such as gravel and sand), and weighing when the fuel tank is full
- display load weights on the vehicle to guide and inform loaders.

Something went wrong? Talk about it and find out why

The only way to improve your systems is to continuously learn.

- Have a system in place to record incidents or events when you failed to comply with legal load limits
- Ensure you discuss the incident, analyse what went wrong and introduce measures into your business operations to stop it happening again.

What if the vehicle is overloaded?

If you do everything suggested above, it's unlikely the vehicle will exceed mass limits. If a load is not correct, however, and weighing equipment or a weighbridge detects that your load exceeds the legal limit, you may be breached under the HVNL.

Your breach will be classified

Mass breaches are classified as *minor, substantial* and *severe*, depending on how much the load exceeds the legal limit that applies to you.

When classifying the breach, the authorised officer (including transport inspectors and police officers) will also take into account the level of risk the breach poses to public safety and the potential damage to infrastructure.

You may be issued a warning, notice or report

The authorised officer may issue a formal warning, infringement notice or offence report depending on the circumstances and their assessment of the risk the overloading poses.

What happens to the vehicle?

Authorised officers who detect a breach must take action to correct the issue immediately or move the vehicle to a place where the breach can be rectified.

You may not be able to proceed on your journey until the load is rectified and no longer poses a risk.

You may need to contact a supervisor to send out another vehicle, or organise another way to rectify the load so that you can continue on your journey in compliance with the load limits.

Managing speed

Everyone is in the driver's seat

When it comes to managing speed of heavy vehicles, everyone is in the driver's seat.

Responsibility for speeding offences extends from the steering wheel to the boardroom.

The HVNL prohibits any person from asking, directing or requiring a driver or other party in the supply chain, to enter into any contract or agreement that would reward, encourage or provide incentive to a driver to exceed speed limits.

If you work anywhere in the supply chain, you must take practical steps within your area of responsibility to ensure that you do not cause or influence drivers to exceed speed limits.

This applies to:

- employers, operators and managers in relation to transport activities and business practices
- schedulers in relation to delivery requirements and schedules or rosters
- loading managers in relation to loading and unloading work practices and arrangements
- consignors and consignees in relation to business practices for orders or deliveries.

Speed kills

Statistics show that speed is a causal factor in 40 per cent of fatal crashes, an aggravating factor in the severity of all crashes and, for every 5 km/h increase over the limit you travel in a 60 km/h speed zone, the risk of involvement in a casualty crash doubles.

The faster you drive:

- the less time you have to respond to hazards
- the harder it is to turn or take other evasive action
- the vehicle travels further and takes longer to stop once you hit the brakes.

It is particularly important for heavy vehicles to reduce their speeds in lower speed zones, including highways, due to risks such as roadwork sites and increased traffic at intersections.

Heavy vehicles have additional rules

You need about 60 metres to safely stop a heavy vehicle being driven at 60 km per hour. Every extra touch on the accelerator adds metres to that distance.

For heavy vehicles in particular, speeding is not just an offence you could commit when you travel faster than the speed limit. Some states and territories apply limits to heavy vehicles that do not apply to other vehicles within the same speed zone.

Quite aside from exceeding legal speed limits, you are subject to dangerous driving offences if you travel at speeds that are unsafe for the load you are carrying or in certain road conditions, such as around corners, on steep descents, and in foggy, wet or icy conditions.

Fined, and you weren't even driving!

Heavy vehicle drivers know and are constantly made aware of the safety risks of speeding. They also know about compliance costs: too many speeding offences puts them out of a livelihood because of the demerit points associated with speeding offences.

What transport and supply chain businesses need to understand is that speeding is not just a driver's problem. Under CoR provisions within the HVNL, an employer, prime contractor or operator may be liable for a driver's speeding offence unless they have done everything practical to prevent it from happening.

Don't limit your speed limiters

The fitting of speed limiter devices to certain types of heavy vehicles is mandatory.

The HVNL requires that you maintain and operate these devices properly and makes it an offence for anyone to tamper with them.

Authorised officers conduct regular crackdowns on speed-limiter tampering and in some cases entire company fleets have been grounded.

CoR investigations start from the ground up

Businesses that fail to manage speed may be subject to a CoR investigation.

The trigger for an investigation might be an event on the ground, such as a driver committing a speeding offence, or information that safety is being compromised, but a CoR investigation can still lead to those at the top of the business.

Authorised officers conducting an investigation will require you to produce files and records to check whether your business practices and systems address speeding issues effectively or whether they breach compliance obligations.

If you are found to have breached HVNL requirements, you may be subject to actions or penalties ranging from formal warnings to an infringement notice or court action, depending on the severity of the offence.

Under the HVNL, offences are categorised according to the risk they present to safety and to road infrastructure.

If your systems are not addressing these issues satisfactorily, investigators can work with you to understand the risks inherent in your business. They can suggest measures you could take to minimise those risks, such as installing and operating new technologies or adopting new work practices.

Making time rather than beating the clock

Timeliness is core to the transport and supply chain industry based on tight production and delivery schedules.

Incentives to speed may exist if your business operates in a reactive way and you don't adopt systems and processes to create predictable and reliable journey times.

Consider logistics operations as a whole, not just the time the driver needs to spend on the road. Bottlenecks or events throughout a journey can also cause unnecessary delays.

It is impossible to predict or plan for every possible pitfall on the road, but you can prevent many delays if you:

- schedule realistic journey plans and allow for sufficient rest for drivers
- identify high traffic periods and locations and build journey plans to work around them
- have contingency plans to handle high traffic situations and other incidents
- are aware of and share information about events or incidents that may lead to delays
- use vehicle monitoring systems to alert drivers and supervisors when they are speeding
- improve the efficiency of loading or unloading operations
- keep vehicles well-maintained to reduce the chance of break-downs
- keep other parties advised of unscheduled delays.

Survival trumps early arrival

It's in the interest of your business and all within the heavy vehicle chain of responsibility to make sure staff involved in transport operations know their responsibilities.

Delays are never good for business, but speeding isn't an option for overcoming them.

Once you factor in the risk of incidents, crashes, and speeding offences, everyone involved in heavy vehicle operations have sound reasons to set up systems and adopt business practices that ensure drivers have no need to speed.

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Chain of Responsibility check list

All parties that have control or influence over the transport task are responsible for complying with the Heavy Vehicle National Law (HVNL). A person may be a party in the supply chain in more than one way and legal liability can apply to their actions, inactions and demands.

This checklist will help you identify what role or roles you may play in the transport operation.

If you select (yes) in ANY of the following checkboxes for a specific role/s, you are a party in the transport supply chain under the HVNL.

Are you a loading manager?

1. An average of five heavy vehicles are loaded or unloaded at the premises each day the premises are operated for loading/unloading heavy vehicles ☐

   AND you do the following tasks:

2. Goods are loaded or unloaded onto or from a heavy vehicle **AND** ☐

3a) You are responsible for the operation of the regular loading or unloading premises **OR** ☐

b) You have been assigned by the manager or the person responsible for supervising, managing or controlling activities carried out by the loader ☐

Are you a consignee?

1. You have agreed to and been named as a consignee in the documentation for the road transport of the goods **OR** ☐
2. You receive the goods after road transport (but not merely the unloader) ☐

   Note: In some circumstances, this also applies when acting through an agent or intermediary ☐

Are you an operator?

1. You control or direct the use of a heavy vehicle ☐

Are you a consignor?

1. You have agreed to and been named as a consignor in the documentation for the road transport of the goods ☐
2. You request an operator of the heavy transport vehicle (directly, indirectly or through their representative) to transport the goods by road ☐
3. You load a vehicle with the goods (and the goods are in your possession or control) immediately before the operator transports them ☐
4. You load a vehicle with the goods for road transport at an unattended storage/collection location. The goods are stored, or temporarily held waiting for collection ☐

   Note: This storage/collection location would be unattended, other than by the vehicle's driver or someone else necessary for the normal use of the vehicle, during loading ☐

5. The goods are imported into Australia and you are the importer ☐

Are you a scheduler?

1. You schedule the transport of goods or passengers **OR** ☐
2. You schedule the work/rest times of a heavy vehicle driver ☐

Are you a packer?

1. You pack goods **AND**

   a) You put goods into packaging ☐

   b) You assemble goods in an outer packaging (e.g. mixed products bundled on a pallet) ☐

   c) You supervise, manage or control packaging ☐

Are you a loader and unloader?

1. You load or unload goods in or from a heavy vehicle ☐
2. You load or unload the vehicle or any container that is in or part of the vehicle ☐
3. You load or unload the vehicle with a freight container (whether or not it contains goods for road transport) ☐

What is a heavy vehicle load?

- All the goods, passengers, drivers and other persons in the vehicle
- All fuel, water, lubricants and readily removable equipment carried in the vehicle and required for its normal use
- Personal items used by the vehicle's driver or someone else necessary for the normal use of the vehicle
- Anything that is normally removed from the vehicle when not in use

Are you an employer?

1. You employ someone to drive a heavy vehicle (including casual, permanent, part time, contract driving and labour hire) ☐

Are you an executive officer?

1. You are the Director of the corporation ☐
2. You are a person who is concerned or takes part in the management of the corporation ☐

Are you a prime contractor?

1. You engage driver/s to drive a heavy vehicle under a contract for services ☐

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May 2017

Chain of Responsibility

Executive Officers

About the chain of responsibility (CoR)

Our road laws generally address the actions of drivers and operators, but breaches of these laws are often caused by other parties in the transport supply chain.

The aim of CoR for a heavy vehicle is to make sure everyone in the supply chain actively prevents breaches of the Heavy Vehicle National Law (HVNL). The CoR law also extends to preventing or reducing potential harm or loss (risks) to yourself and others. Managing (controlling) these risks ensures that you always recognise and carefully consider all potential dangers and satisfactorily reduce or avoid them before they occur.

Who has a responsibility?

Under CoR laws, if you undertake specified functions that exercise, or have the capability of exercising, control or influence over *any* transport task, you are part of the chain of responsibility and have an obligation to ensure compliance with the HVNL.

What if I have multiple transport tasks?

Everyone in the supply chain has a responsibility to ensure the safety of their transport tasks related to the vehicle. If you carry out *more than one task* in the supply chain, this responsibility will extend to *all* of the tasks that you carry out. You may therefore be classified by *multiple roles* in the transport supply chain under the HVNL.

Your responsibility as an executive officer

As a 'party' in the supply chain, with influence over the transportation of goods or passengers, an executive officer has an ongoing responsibility to prevent breaches of mass, dimension, loading, speed and fatigue laws under the HVNL.

As an executive officer, you also have an ongoing responsibility to prevent or reduce potential harm or loss (risks) to yourself and others, and to ensure that you don't ask, require or direct activities you know will breach the law.

Am I carrying out an executive officer's transport tasks?

Under the HVNL, you are generally classified as an executive officer if you are a director for, or a person concerned with the management of a corporation responsible for controlling or directing the use of a heavy vehicle, whether or not you are actually present for any of the transport tasks.

Executive officers have an obligation to exercise 'due diligence' to ensure parties in the chain of responsibility comply with their requirements under the HVNL. This may be described as a comprehensive appraisal of business systems and activities to establish methodology or evaluate performance of safe goods transportation.

An executive officer may also include such persons also known as a director, administrator, principal, manager, controller, producer, etc. You can use the *CoR – Executive Officer Tasks Form* to confirm whether you are classified as an executive officer for road transport using a heavy vehicle under the HVNL.

Your key responsibilities as an executive officer

Some key responsibilities may include ensuring that:

- your business practices do not require or encourage drivers to:
  - exceed the speed limits
  - exceed regulated driving hours
  - fail to meet the minimum rest requirements
  - drive while impaired by fatigue.
- heavy vehicles and their loads comply with relevant mass and dimension requirements
- you remain informed of business performance in regards to CoR responsibilities
- you lead other parties in the supply chain with effective guidance with regards to complying with the HVNL
- your decisions do not influence the conduct of the corporation to breach the law
- systems to manage safety and all requirements and obligations of the HVNL are in place.

What are the possible penalties for a breach?

As an executive officer, you could be held legally liable for breaches of the HVNL even though you have no direct role in driving or operating a heavy vehicle. If your actions, inactions or demands cause or contribute to an offence, you can be held legally accountable. Penalties and sanctions can range from formal warnings to court imposed fines and penalties relating to the commercial benefit derived from offences.

Safety systems and controls

All parties in the supply chain have a responsibility to prevent or reduce potential harm or loss (risks) by ensuring transport-related activities are safe. Under the HVNL, safety systems and controls (such as safe work practices, training and procedures) should be in place to prevent breaches of the HVNL, manage risk and maintain a safe road environment. This means, as a 'party' in the supply chain, that you can proactively reduce risks related to your transport tasks, rather than only reacting when there is a possible breach of the law.

The following table lists some examples of the effective safety systems and controls you can implement as an executive officer to ensure breaches of the HVNL do not occur and that every road user is safe.

Safety systems and controls – Examples

Governance (administration) and review systems
• Ensure that a system of engagement and consultation with all other parties is in place
• Ensure that a system of risk identification, assessment and management is in place
• Ensure that a system that reports risks and issues to the Executive Officers is in place
• Ensure that a system to remedy breaches and take corrective action is in place
• Ensure that a system to manage safety and ensure compliance with all requirements of the law is in place
• Ensure that a system to test effectiveness of all controls that manage transport activities is in place
Fatigue
Managing the fatigue of the driver:
• Ensure that a system to ensure the terms of the consignment, contracts and agreements will not result in, encourage, or provide an incentive to a relevant party to cause the driver to drive whilst fatigued is in place
• Ensure that a system to monitor drivers work and rest times is in place
Fatigue management process:
• Ensure that a system to assess driver fitness for duty is in place
• Ensure that a system to manage the fatigue of the driver is in place
Fatigue assurance procedures:
• Ensure that a system to ensure business practices will not cause the driver to drive whilst fatigued or breach their work/rest hours is in place
• Ensure that a system to record driver work and rest times is in place
Speed
Speeding assurance procedures:
• Ensure that a system to ensure terms of consignment, contracts and agreements will not cause the driver to exceed speed limit is in place
• Ensure that a system to ensure demands are not made of the driver that may result in the driver exceeding the speed limit is in place
• Ensure that a system to ensure driver's schedule will not cause the driver to exceed the speed limit is in place
Mass, dimension, and loading (Loaders only)
Mass, dimension and loading process:
• Ensure that a system to train all parties in the chain regarding their contribution to the safety of the transport activity is in place
Mass, dimension, loading assurance procedures:
• Ensure that a system to ensure accuracy of the load weights is in place
• Ensure that a system to ensure compliance with applicable gross and axle weights is in place
• Ensure that a system to ensure the accuracy of load positioning is in place
• Ensure that a system to ensure loads are properly restrained is in place

The examples in the Safety systems and controls table represent *only a selection* of the possible safety systems and controls you can implement as an executive officer to ensure breaches of the HVNL do not occur and that every road user is safe.

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Chain of Responsibility

Loading Managers

About the chain of responsibility (CoR)

Our road laws generally address the actions of drivers and operators, but breaches of these laws are often caused by other parties in the transport supply chain.

The aim of CoR for a heavy vehicle is to make sure everyone in the supply chain actively prevents breaches of the Heavy Vehicle National Law (HVNL). The CoR law also extends to preventing or reducing potential harm or loss (risks) to yourself and others. Managing (controlling) these risks ensures that you always recognise and carefully consider all potential dangers and satisfactorily reduce or avoid them before they occur.

Who has a responsibility?

Under CoR laws, if you undertake specified functions that exercise, or have the capability of exercising, control or influence over *any* transport task, you are part of the chain of responsibility and have an obligation to ensure compliance with the HVNL.

What if I have multiple transport tasks?

Everyone in the supply chain has a responsibility to ensure the safety of their transport tasks related to the vehicle. If you carry out *more than one task* in the supply chain, this responsibility will extend to *all* of the tasks that you carry out. You may therefore be classified by *multiple roles* in the transport supply chain under the HVNL.

Your responsibility as a loading manager

As a 'party' in the supply chain, with influence over how and when goods are *received, dispatched and transported*, a loading manager has an ongoing responsibility to prevent breaches of mass, dimension, loading, speed and fatigue laws under the HVNL.

As a loading manager, you also have an ongoing responsibility to prevent or reduce potential harm or loss (risks) to yourself and others, and to ensure that you don't ask, require or direct activities you know will breach the law.

Am I carrying out a loading manager's transport tasks?

Under the HVNL, a loading manager can operate or work from any regular loading or unloading premises or place where a heavy vehicle or a container that is part of that vehicle is loaded or unloaded with goods.

A load includes all the goods and passengers, fuel, water, and removable equipment that are carried.

A loading manager may also include such persons also known as a controller, administrator, organiser, supervisor, conductor, etc. You can use the *CoR – Loading Manager Tasks Form* to confirm whether you are classified as a loading manager for road transport using a heavy vehicle under the HVNL.

Your key responsibilities as a loading manager

Some key responsibilities may include ensuring that:

- the vehicle together with its load comply with mass, and dimension requirements
- appropriate, serviceable and well-maintained loading and restraining equipment is used.
- potential loading and unloading congestion is identified in consultation with drivers and other parties in the chain of responsibility
- drivers are advised if loading/unloading times will be 30 minutes or more either late or early so they can manage their work/rest times
- rest facilities are provided to allow drivers to take rest while waiting to load/unload
- reasonable arrangements are made to manage loading/unloading time slots
- loading and unloading practices do not require or encourage drivers to:
  - exceed the speed limits
  - exceed regulated driving hours
  - fail to meet the minimum rest requirements
  - drive while impaired by fatigue.

What are the possible penalties for a breach?

As a loading manager, you could be held legally liable for breaches of the HVNL even though you have no direct role in driving or operating a heavy vehicle. If your actions, inactions or demands cause or contribute to an offence, you can be held legally accountable.

Penalties and sanctions can range from formal warnings to court imposed fines and penalties relating to the commercial benefit derived from offences.

Safety systems and controls

All parties in the supply chain have a responsibility to prevent or reduce potential harm or loss (risks) by ensuring transport-related activities are safe. Under the HVNL, safety systems and controls (such as safe work practices, training and procedures) should be in place to prevent breaches of the HVNL, manage risk and maintain a safe road environment.

This means, as a 'party' in the supply chain, that you can proactively reduce risks related to your transport tasks, rather than only reacting when there is a possible breach of the law.

The following table lists some examples of the effective safety systems and controls you can apply as a loading manager to ensure breaches of the HVNL do not occur and that every road user is safe.

Safety systems and controls – Examples

Governance (administration) and review systems
• System of engagement and consultation with drivers and all other parties
• System to remedy breaches and take corrective action
Fatigue
Fatigue management process:
• System to assess the fatigue of the driver
• System to incidences of driver fatigue to the driver's operator/employer
Fatigue assurance procedures:
• System to ensure loading/unloading will not cause the driver to drive whilst fatigued or breach their work/rest hours
Speed
Speeding assurance procedures:
• System to ensure loading/unloading will not cause the driver to exceed speed limit
• System to ensure demands are not made of the driver that may result in the driver exceeding the speed limit
Mass, dimension, and loading (Loaders only)
Mass, dimension, loading assurance procedures:
• System to ensure accuracy of the load weights (including container weights)
• System to ensure compliance with applicable gross and axle weights
• System to ensure the accuracy of load positioning
• System to ensure loads are properly restrained

The examples in the Safety systems and controls table represent *only a selection* of the possible safety systems and controls you can implement as a loading manager to ensure breaches of the HVNL do not occur and that every road user is safe.

For more information

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NHVR
National Heavy Vehicle Regulator

May 2017

Chain of Responsibility

Prime Contractors

About the chain of responsibility (CoR)

Our road laws generally address the actions of drivers and operators, but breaches of these laws are often caused by other parties in the transport supply chain.

The aim of CoR for a heavy vehicle is to make sure everyone in the supply chain actively prevents breaches of the Heavy Vehicle National Law (HVNL). The CoR law also extends to preventing or reducing potential harm or loss (risks) to yourself and others. Managing (controlling) these risks ensures that you always recognise and carefully consider all potential dangers and satisfactorily reduce or avoid them before they occur.

Who has a responsibility?

Under CoR laws, if you undertake specified functions that exercise, or have the capability of exercising, control or influence over *any* transport task, you are part of the chain of responsibility and have an obligation to ensure compliance with the HVNL.

What if I have multiple transport tasks?

Everyone in the supply chain has a responsibility to ensure the safety of their transport tasks related to the vehicle. If you carry out *more than one task* in the supply chain, this responsibility will extend to *all* of the tasks that you carry out. You may therefore be classified by *multiple roles* in the transport supply chain under the HVNL.

Your responsibility as a prime contractor

As a 'party' in the supply chain, with influence over how goods are transported, a prime contractor has an ongoing responsibility to prevent breaches of mass, dimension, loading, speed and fatigue laws under the HVNL.

As a prime contractor, you also have an ongoing responsibility to prevent or reduce potential harm or loss (risks) to yourself and others, and to ensure that you don't ask, require or direct activities you know will breach the law.

Am I carrying out a prime contractor's transport tasks?

Under the HVNL, you are generally classified as a prime contractor of a heavy vehicle if you are responsible for engaging the driver of a heavy vehicle by contract or other arrangement, whether or not you are actually present for any of the transport tasks.

Prime contractors undertake the performance of goods transportation by a form of agreement and may deploy, employ, manage one or more other sub-contractors. All have an obligation to ensure parties in the chain of responsibility comply with their requirements under the HVNL.

A prime contractor may also include such persons also known as a manufacturer, producer, promoter, merchant, agent, etc. You can use the *CoR – Prime Contractor Tasks Form* to confirm whether you are classified as a prime contractor for road transport using a heavy vehicle under the HVNL.

Your key responsibilities as a prime contractor

Some key responsibilities may include ensuring that:

- your requests or practices do not require or encourage drivers to:
  - exceed the speed limits
  - exceed regulated driving hours
  - fail to meet the minimum rest requirements
  - drive while impaired by fatigue.
- operators and other parties are properly informed of the nature and type of goods for transportation
- heavy vehicles and their loads comply with relevant mass and dimension requirements
- systems to manage safety and all requirements and obligations of the HVNL are in place.

What are the possible penalties for a breach?

As a prime contractor, you could be held legally liable for breaches of the HVNL even though you have no direct role in driving or operating a heavy vehicle. If your actions, inactions or demands cause or contribute to an offence, you can be held legally accountable.

Penalties and sanctions can range from formal warnings to court imposed fines and penalties relating to the commercial benefit derived from offences.

Safety systems and controls

All parties in the supply chain have a responsibility to prevent or reduce potential harm or loss (risks) by ensuring transport-related activities are safe. Under the HVNL, safety systems and controls (such as safe work practices, training and procedures) should be in place to prevent breaches of the HVNL, manage risk and maintain a safe road environment.

This means, as a 'party' in the supply chain, that you can proactively reduce risks related to your transport tasks, rather than only reacting when there is a possible breach of the law.

The following table lists some examples of the effective safety systems and controls you can implement as prime contractor to ensure breaches of the HVNL do not occur and that every road user is safe.

Safety systems and controls – Examples

Governance (administration) and review systems
• System of engagement and consultation with all other parties (especially sub-contractors)
• System to remedy breaches and take corrective action
• System to manage safety and ensure compliance with all requirements of the law
Fatigue
Managing the fatigue of the driver:
• System to ensure the terms of the consignment, contracts and agreements will not result in, encourage, or provide an incentive to a relevant party to cause the driver to drive whilst fatigued
• System to monitor drivers work and rest times
Fatigue management process:
• System to assess driver fitness for duty
• System to manage the fatigue of the driver
Fatigue assurance procedures:
• System to ensure business practices will not cause the driver to drive whilst fatigued or breach their work/rest hours
• System to record driver work and rest times
Speed
Speeding assurance procedures:
• System to ensure terms of consignment, contracts and agreements will not cause the driver to exceed speed limit
• System to ensure demands are not made of the driver that may result in the driver exceeding the speed limit
• System to ensure driver's schedule will not cause the driver to exceed the speed limit
Mass, dimension and loading
Mass, dimension, loading assurance procedures:
• System to ensure accuracy of the load weights
• System to ensure compliance with applicable gross and axle weights
• System to ensure the accuracy of load positioning
• System to ensure loads are properly restrained

The examples in the Safety systems and controls table represent *only a selection* of the possible safety systems and controls you can implement as a prime contractor to ensure breaches of the HVNL do not occur and that every road user is safe.

For more information

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CoR - Gap Assessment Summary

Role Name: Executive Officer
Identifier Code: oSKEeb5M18
Date: 30-10-2017

Summary Overview

The following is a summary of your results from the NHVR CoR - Gap Assessment Tool (Last Updated - 01-Oct-2017) . This summary provides you with a general gap analysis and recommendations for systems you can implement to help you manage safety and meet your obligations under the Heavy Vehicle National Law (HVNL)

Your Assessment

You have completed your assessment as an executive officer covering your obligations in the following areas under the HVNL:

- Management
- Governance

Your General Recommendations

As a general recommendation, you can implement the following systems to help you manage safety and meet your obligations under the Heavy Vehicle National Law (HVNL):

Management

Standard	Requirement	Recommendations
Documented Policies and Procedures	Risk Management	Conduct a risk assessment of your requirements and obligations under the Heavy Vehicle National Law.
Documented Policies and Procedures	Risk Management	Specify that the risk management process reflects AS/NZS ISO 31000:2009.
Operational Practice	Duties and obligations	Install a system for educating, training and informing staff about the requirements of a party in the Chain of Responsibility to ensure compliance and safe practice.
Operational Practice	Assurance	Install a system of effectiveness testing to examine compliance with work/rest hours options.
Operational Practice	Assurance	Install a system of effectiveness testing to examine speed (including polling points for average speed calculations).

Further Information

For further information on implementing systems to help you manage safety and meet your obligations under the HVNL, please refer to www.nhvr.gov.au/cor

For more information on installing a risk management framework check out our online help at www.nhvr.gov.au/cor

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contained in the Tool or the recommendations.

The information provided in this document is general information only and does not constitute a formal HVNL compliance assessment. Compliance with the information or material in this publication does not relieve the users of their legislative obligations.

CoR - Gap Assessment Summary

Role Name: Loader
Identifier Code: oSKEeb5M18
Date: 30-10-2017

Summary Overview

The following is a summary of your results from the NHVR CoR - Gap Assessment Tool (Last Updated - 01-Oct-2017) . This summary provides you with a general gap analysis and recommendations for systems you can implement to help you manage safety and meet your obligations under the Heavy Vehicle National Law (HVNL)

Your Assessment

You have completed your assessment as a loader covering your obligations in the following areas under the HVNL:

- Governance
- Mass
- Dimension
- Loading
- Fatigue
- Vehicle Standards
- Speed

Your General Recommendations

As a general recommendation, you can implement the following systems to help you manage safety and meet your obligations under the Heavy Vehicle National Law (HVNL):

Governance

Standard	Requirement	Recommendations
Review and Assess	System of review	Install a method of assuring compliance with the HVNL.

Further Information

For further information on implementing systems to help you manage safety and meet your obligations under the HVNL, please refer to www.nhvr.gov.au/cor

For more information on installing a risk management framework check out our online help at www.nhvr.gov.au/cor

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CoR - Gap Assessment Summary

Role Name: Governance
Identifier Code: oSKEeb5M18
Date: 30-10-2017

Summary Overview

The following is a summary of your results from the NHVR CoR - Gap Assessment Tool (Last Updated - 01-Oct-2017) . This summary provides you with a general gap analysis and recommendations for systems you can implement to help you manage safety and meet your obligations under the Heavy Vehicle National Law (HVNL)

Your Assessment

You have completed your assessment as a governance covering your obligations in the following areas under the HVNL:

- Governance

Your General Recommendations

As a general recommendation, you can implement the following systems to help you manage safety and meet your obligations under the Heavy Vehicle National Law (HVNL):

Governance

Standard	Requirement	Recommendations
Documented Policies and Procedures	Risk Management	Conduct a risk assessment of your requirements and obligations under the Heavy Vehicle National Law.
Documented Policies and Procedures	Risk Management	Specify that the risk management process reflects AS/NZS ISO 31000:2009.
Documented Policies and Procedures	Training	Install a system of training for all relevant parties in the supply chain that includes the identification of relevant obligations, ensures effectiveness of the training, and includes a system of refresher training.
Documented Policies and Procedures	Assurance	Install a system of effectiveness testing to review transport activities from beginning to end.
Documented Policies and Procedures	Consultation	Install a consultation process that involves all your supply chain parties in identifying risks.
Documented Policies and Procedures	Consultation	Install a consultation process that formalises the frequency of discussions with your supply chain partners.
Contract Management	Management	Install formal contracts with all relevant parties in the supply chain.

Further Information

For further information on implementing systems to help you manage safety and meet your obligations under the HVNL, please refer to www.nhvr.gov.au/cor

For more information on installing a risk management framework check out our online help at www.nhvr.gov.au/cor

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