

Chain of Responsibility and heavy vehicle safety

The heavy vehicle supply chain plays an important role in supporting safe, reliable road transport for all road users.

For at least the last two decades the people and businesses that make up the heavy vehicle supply chain have had specific legislative obligations. These obligations are commonly referred to as the Chain of Responsibility (CoR).

What's new?

On 1 October 2018, CoR laws were amended to align more closely with workplace health and safety provisions. This means that all parties in the chain must reduce risks related to the safety of transport tasks.

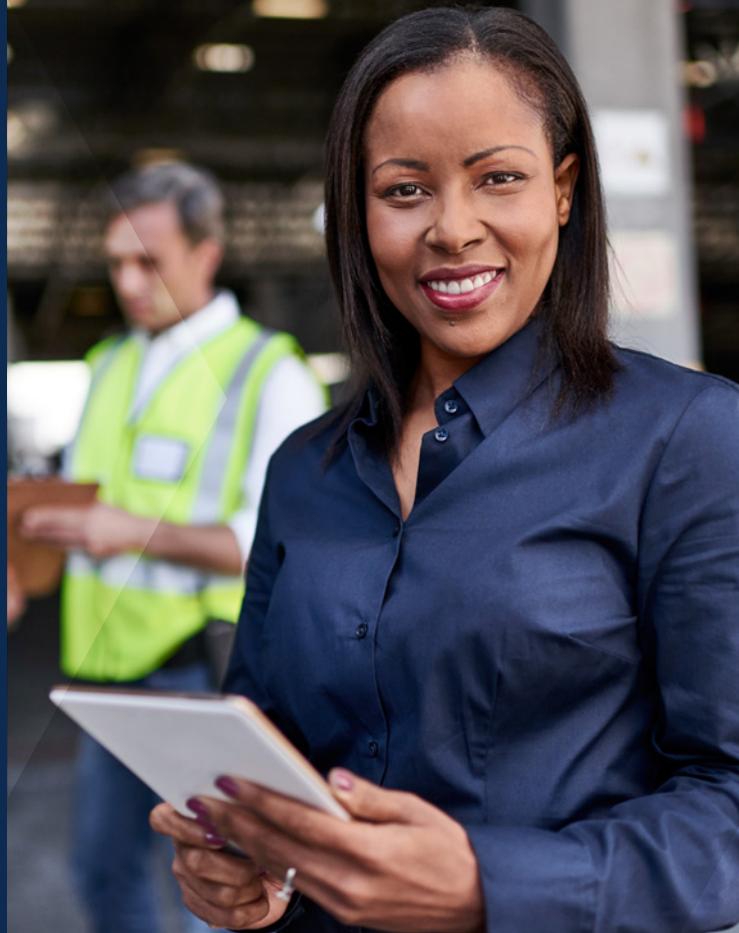
Previously, parties in the chain were usually held responsible only once a breach by a driver had been detected. Although the laws have changed, they still only apply to activities that a person or business has responsibility for and could influence.

In other words, no one will be liable for breaches they cannot control.

Am I part of the heavy vehicle supply chain?

Any time you or your business sends or receives goods using a heavy vehicle with a gross vehicle mass of more than 4.5 tonnes, you become part of the supply chain. You therefore have a shared safety management responsibility to prevent breaches of the law.

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. Some roles that can influence heavy vehicle safety include loading manager, consignee, operator, consignor, scheduler, packer, loader, employer, executive officer and prime contractor.



Contact us

For further information about our activities, functions and services, please visit our website www.nhvr.gov.au or contact us via:

P 1300 MYNHVR (1300 696 487)

E info@nhvr.gov.au

National Heavy Vehicle Regulator
PO Box 492
Fortitude Valley Qld 4006

Chain of Responsibility



What is a “primary duty”?

This approach is similar to the “general duties” provisions under existing workplace health and safety laws and is a significant step towards further improving safety in the transport industry.

The law makes it clear that every party in the supply chain has an ongoing “duty” to ensure safe practices.

If you are doing everything that is reasonably able to be done to identify, assess, reduce or wherever possible, remove safety risks related to your transport activities, you are likely to be complying with the law.

What are some common breaches of CoR obligations?

CoR obligations can be breached in many ways. Some examples include 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; and entering 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.

How do I fulfil my safety duty?

What you should do will depend on the level of safety risk and factors such as whether you own your own vehicle or contract the heavy vehicle services from a transport operator.

If you have defined ways to make sure you’re doing everything you can to manage the safety risks associated with your operations, then you should continue to apply those same processes.

Some things you could do include acquiring a knowledge of potential risks to your heavy vehicle transport task, taking steps to minimise or eliminate your heavy vehicle safety risks and monitoring heavy vehicle safety.

Safety Management Systems

The NHVR encourages all parties in the heavy vehicle supply chain to adopt and utilise a Safety Management System as part of their everyday business, to help effectively consider and manage their operation’s day-to-day safety risks.

For more information go to www.nhvr.gov.au/sms



What are the penalties?

- **The laws include new penalties for breaches of the safety duty.**
- **The maximum fines are similar to fines under workplace health and safety laws.**
- **These fines can only be imposed by a court – not by the issue of an infringement notice.**
- **Courts take into account numerous factors when deciding penalties, including previous offences and positive steps that were taken to ensure safety.**
- **Maximum fines are a guide to courts, and are only ever imposed for the worst possible examples of an offence.**

Where can I get more information?

For information and tools to help you understand your responsibilities as a heavy vehicle owner or operator in the Chain of Responsibility visit www.nhvr.gov.au/cor
Resources include:

- information sheets outlining the specific roles and responsibilities of each party in the chain
- podcasts and videos to help you understand your obligations
- a checklist for the tasks you undertake in your role
- a Gap Assessment Tool so you can examine your business practices and systems controls against known risks and best practice.

For information and tools to help you develop a Safety Management System for your business, visit www.nhvr.gov.au/sms