

Chain Of Responsibility Policy



This template policy is designed to draw your attention to some of the important issues under the Heavy Vehicle National Law and its associated regulations (HNVL) that may be relevant to you. To create your own chain of responsibility policy you need to consider all of the issues listed in this template and whether, and to what extent, they are relevant to your business.

1.0 APPLICATION

- 1.1 This policy applies to all Chain of Responsibility Participants. This policy should be read in conjunction with
- 1.2 A party may participate in the chain of responsibility in more than one capacity and its participation is irrespective of its job title, description or name. It is the performance of any of the functions of a Chain of Responsibility Participant, whether exclusively or occasionally, that determines whether a party is a Chain of Responsibility Participant, rather than the party's job title or description in a contract.

2.0 BACKGROUND

- 2.1 Chain of Responsibility Legislation recognises that the actions, inactions and requirements of off-road parties in the transport and supply chain may influence on-road behaviour.
- 2.2 Every Chain of Responsibility Participant is responsible for:
 - (a) ensuring, so far as is reasonably practicable, the safety of their Transport Activities;
 - (b) eliminating public risks, so far as is reasonably practicable, and, to the extent it is not reasonably practicable to eliminate public risks, minimising the public risks; and
 - (c) ensuring, so far as is reasonably practicable, that their conduct does not directly or indirectly cause or encourage breaches of Chain of Responsibility Legislation.
- 2.3 Every Executive is responsible for exercising due diligence to ensure that the business managed by the Executive complies with its duties under Chain of Responsibility Legislation.

3.0 PURPOSE AND OBJECTIVES

- 3.1 _____ is committed to conducting its business in compliance with all relevant national and state laws and regulations, including Chain of Responsibility Legislation.
- 3.2 _____ aims to provide a safe and compliant working environment for all Chain of Responsibility Participants and the public.
- 3.3 In implementing this policy, _____ will:
 - (a) adopt a consultative approach with other Chain of Responsibility Participants; and
 - (b) apply systematic hazard identification and controls.

The meaning of the terms used in this document are set out below.

means

Chain of Responsibility Legislation means the Heavy Vehicle National Law Act, the Heavy Vehicle (Fatigue Management) National Regulation, the Heavy Vehicle (General) National Regulation, the Heavy Vehicle (Mass, Dimension and Loading) National Regulation, the Heavy Vehicle (Vehicle Standards) National Regulation as enacted in any Australian state or territory.

Chain of Responsibility Participant means the Consignee, Consignor, Prime Contractor, the Operator, Driver's Employer, Loader, Unloader, Loading Manager, Packer and Scheduler (or any one of them) undertaking activities associated with the use of a Heavy Vehicle.

Consignee means a person who arranges for goods to be delivered to it or who accepts goods for delivery.

Consignor means a person who dispatches goods for delivery.

Driver means a person who drives a Heavy Vehicle under a contract of service or contract for services.

Driver's Employer means a person who employs a Driver under a contract of service.

Executive means:

- (a) a director or person who is concerned or takes part in the management of a corporation (where the corporation is a Chain of Responsibility Participant);
- (b) a partner of an unincorporated partnership (where the partnership is a Chain of Responsibility Participant); or
- (c) a management member of an unincorporated body (where the unincorporated body is a Chain of Responsibility Participant).

Heavy Vehicle means a vehicle with a GVM or ATM of more than 4.5 tonnes or a combination that includes a vehicle with a GVM or ATM of more than 4.5 tonnes.

Load Restraint Guide means the Load Restraint Guide published by the National Transport Commission.

Loader means a person who loads goods into a Heavy Vehicle or loads a Heavy Vehicle with a freight container.

Loading Manager means a person who:

- (a) manages or is responsible for the operation of regular loading or unloading premises at which goods are loaded onto or unloaded from Heavy Vehicles; or
- (b) has been assigned by a person mentioned in (a) as responsible for supervising, managing or controlling, directly or indirectly, activities carried out by a Loader or Unloader of goods at regular loading or unloading premises for Heavy Vehicles.

Operator means a person who is responsible for controlling or directing the use of a Heavy Vehicle.

Packer means a person who:

- (a) puts goods into packaging, even if that packaging is already on a vehicle;
- (b) assembles goods as packaged goods in an outer packaging, even if that packaging is already on a vehicle;
- (c) supervises an activity mentioned in (a) or (b); or
- (d) manages or controls an activity mentioned in (a) or (b).

Prime Contractor means a person who engages a Driver to drive a Heavy Vehicle under a contract for services.

Scheduler means a person who schedules the transport of goods by road on a Heavy Vehicle.

4.0

DEFINITIONS (continued)

Transport Activities means activities, including business practices and making decisions, associated with the use of a Heavy Vehicle on a road, including but not limited to:

- (a) contracting, directing or employing a person to drive the vehicle or to carry out another activity associated with the use of the vehicle (such as maintaining or repairing the vehicle);
- (b) consigning goods for transport using the vehicle;
- (c) scheduling the transport of goods or passengers using the vehicle;
- (d) packing goods for transport using the vehicle;
- (e) managing the loading of goods onto or unloading of goods from the vehicle;
- (f) loading goods onto or unloading goods from the vehicle; and
- (g) receiving goods unloaded from the vehicle.

Unloader means a person who unloads goods from a Heavy Vehicle or unloads a freight container from a Heavy Vehicle.

Vehicle Standards means vehicle standards under the Chain of Responsibility Legislation and Australian Design Rules.

5.0

RESPONSIBILITIES OF CHAIN OF RESPONSIBILITY PARTICIPANTS

5.1 Every Chain of Responsibility Participant must comply with:

- (a) all mass, dimension and loading requirements under Chain of Responsibility Legislation; and
- (b) all speed and fatigue management requirements under Chain of Responsibility Legislation.

5.2 must do everything reasonably practicable to ensure all Heavy Vehicles used in its Transport Activities are roadworthy, safe to operate, well maintained and meet Vehicle Standards.

This section needs to refer to the detailed procedures you have in place to manage risk

5.3 's
sets out in detail the responsibilities of Chain of Responsibility Participants and the safety management systems and controls has in place to identify, assess, evaluate, and control risks associated with Transport Activities.

6.0

RESPONSIBILITIES OF DRIVER

6.1 Although the Driver is not in the chain of responsibility, the Driver has a responsibility to ensure that the Heavy Vehicle driven by the Driver does not breach Chain of Responsibility Legislation.

6.2 's
sets out in detail the responsibilities of Drivers.

7.0

RESPONSIBILITIES OF EXECUTIVES

Executives are responsible for:

- (a) acquiring and keeping up to date knowledge about the safe conduct of Transport Activities and the hazards and risks associated with Transport Activities;
- (b) ensuring business practices do not require or encourage Drivers to:
 - (i) exceed applicable speed limits;
 - (ii) exceed regulated driving hours;
 - (iii) fail to meet the minimum rest requirements; or
 - (iv) drive while impaired by fatigue;
- (c) ensuring systems and processes are in place to:
 - (i) eliminate or minimise hazards and risks;
 - (ii) receive, consider, and respond in a timely way to, information about those hazards and risks and any incidents; and
 - (iii) comply with the businesses' duties under the Chain of Responsibility Legislation; and
- (d) ensuring that the effectiveness of the systems and processes mentioned in (c) are regularly monitored and reviewed.

8.0

COMPLIANCE AUDITS

may conduct an inspection or request copies of the records, including electronic records, of a Chain of Responsibility Participant to verify:

- (a) compliance with the Chain of Responsibility Legislation;
- (b) compliance with 's policies and procedures;
- (c) evidence of Heavy Vehicle roadworthiness, service and maintenance records;
- (d) the currency of licences and Heavy Vehicle registrations; and
- (e) where applicable, compliance with any Heavy Vehicle accreditation requirements.

9.0

SANCTIONS IN THE EVENT OF BREACH OF THE POLICY

- 9.1 Upon becoming aware of any breach of the Chain of Responsibility Legislation, may report the breach to the relevant authorities and retain records of the breach.
- 9.2 If there is a breach of Chain of Responsibility Legislation, _____ reserves the right, in its absolute discretion, to:
- (a) terminate the employment or engagement of any Driver who is responsible for a breach of the Chain of Responsibility Legislation (where _____ is the Operator, Driver's Employer or Prime Contractor);
 - (b) require that a particular Heavy Vehicle is not used to provide services to _____ in the future;
 - (c) require that any Driver who is responsible for a breach of the Chain of Responsibility Legislation is not used or engaged to provide services to _____ in the future; and
 - (d) terminate or suspend any ongoing contract for the provision of goods or services with any Chain of Responsibility Participant who is responsible for a breach of the Chain of Responsibility Legislation.

10.0

NOTIFICATIONS

- 10.1 Every Chain of Responsibility Participant is encouraged to notify _____ of any work system, situation or practice that the Chain of Responsibility Participant considers may have the consequence of breaching, or may facilitate a breach of, the Chain of Responsibility Legislation.
- 10.2 _____ will treat any notification made under this clause seriously. Following such a notification may make inquiries or may make changes to a work system, situation or practice.

The Heavy Vehicle National Law (HVNL) and regulations imposes a primary duty in the chain of responsibility. Businesses are required to comply by identifying their risks, and develop and implement control measures tailored to their circumstances. This Form is a **guide only** and does not contain a definitive list of Heavy Vehicle National Law and regulatory requirements. To meet your obligations under the HVNL and regulations you are required to seek independent advice to assess your circumstances

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