



Chain of Responsibility

Fact Sheet



What is the Chain of Responsibility (CoR)?

The Chain of Responsibility (CoR) law ensures everyone who works with heavy vehicles – from the business that employs a driver to the place where goods are delivered – is accountable for safety.

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

As freight forwarders and a part of the supply chain, ICE is also liable for ensuring the goods that we move. And so is you!

When Am I Subject To The CoR Law?

You are a party in the CoR when you perform any of the following 10 functions:

- Employ a heavy vehicle driver (employer)
- Engage someone to drive a heavy vehicle under a contract for services (prime contractor)
- Direct the control and use of a heavy vehicle (operator)
- Schedule the transport of goods and passengers in a heavy vehicle, or schedule a driver's work and rest hours (scheduler)
- Consign goods for transport by a heavy vehicle (consignor)
- Receive goods delivered by a heavy vehicle (consignee)
- Pack or assemble goods for transport in a heavy vehicle (packer)
- Manage premises where five or more heavy vehicles are loaded or unloaded each day (loading manager)
- Load a heavy vehicle (loader)
- Unload a heavy vehicle (unloader)

Chain of Responsibility (CoR)

What Happens If I Don't Comply?

Road authorities can conduct CoR investigations into your business to see how effectively your legal obligations are being managed.

Both individuals and organisations can face fines, licensing and registration sanctions or prohibition orders for non-compliance.

Avoid Penalty

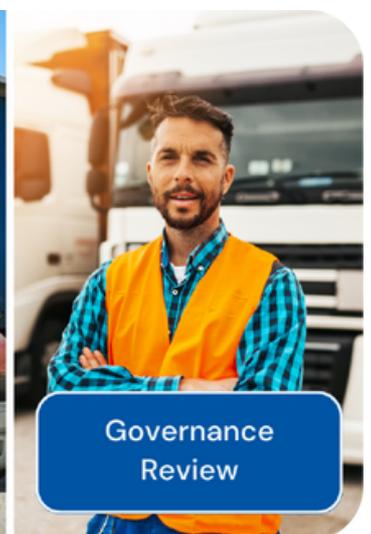
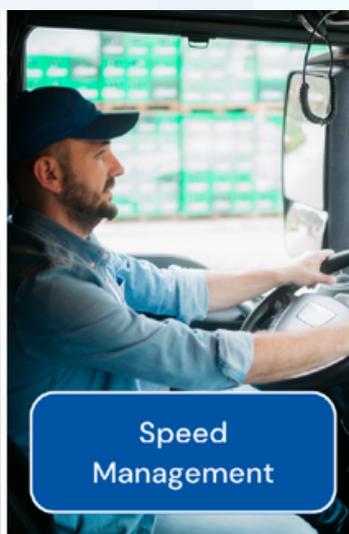
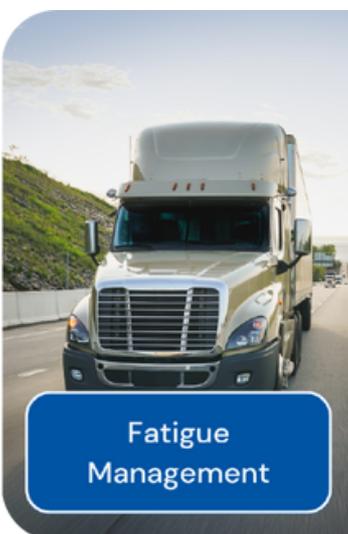
Significant penalties can be imposed for a CoR party that contravenes the primary duty.

Depending on the nature and seriousness of the contravention, the penalty for an **individual can be up to \$300,000 and five-years imprisonment**. The penalty for a business can be up to \$3 million.

An executive who fails to exercise due diligence can face the same penalty as an individual who contravened the primary duty.

Key CoR Safety Practices

There are 4 key safety systems your business should have in place:



SPEED MANAGEMENT



Did You Know?

Speeding heavy vehicles is at a greater risk of being involved in a motor vehicle incident. Evidence suggests that if you travel at 10 km/h faster than the average speed of other traffic, you are twice as likely to have a serious crash. Speeding offences will also be penalised with fines, demerit points and terms of license suspension.

3 Common Speed-Related Risks

- 1 Schedulers over-scheduling a driver where they are unable to complete the scheduled runs without exceeding the speed limit.
- 2 Schedulers allocating timeslots that cannot be met without a driver exceeding the speed limit.
- 3 Loaders experiencing delays in vehicle loading which puts pressure on the driver to speed in order to recover lost time.



Avoid Penalties

The CoR provisions are aimed at persons who can influence and/or control driver behaviour, and the consequences of breaching any element of the CoR policy may result in:

- receiving fines from \$1,890 to up to \$25,200 or
- Court imposed penalties or
- Demerit points

Stay Compliant With Speed Management



Scheduling

- Implement rosters and schedules that do not require drivers to exceed the speed limit.
- Ensure delayed drivers can contact schedulers to re-schedule timeslots and/or notify them of updated availability.

Employment Contract

- Build speed compliance into employment contracts.
- Ensure payment schemes do not incentivise drivers to speed.

Monitoring and Supervision

- Monitor rosters, schedules, trip plans, and driver work diaries for speed-related risks or non-conformance.
- Install speed limiters in vehicles to limit their maximum speed.

Policies, Procedures, and Tools that:

- Communicate the roles, responsibilities and requirements of the Speed Risk Management Framework.
- Enable those roles with control or influence over driver speeding to eliminate or minimise speed-related risks (e.g. Safe Driving Plans, Scheduler Checklist).

Information and Training on:

- Safe driving behaviour.
- Safe scheduling practices.

MASS, DIMENSION & LOADING MANAGEMENT

As a part of the chain, you need to ensure that loads are secured and restrained effectively, mitigating the potential for injuries, and property damage.

Why Should I Comply?



To Be Safe

Loads that aren't restrained properly can injure or kill and cause significant property damage.

If the load falls off it endangers the lives of other road users through a direct collision or by causing other drivers to swerve to avoid it.

If the load moves forwards it can pierce the cabin and injure or kill the driver or passenger.



It's Good For Business

Your corporate reputation and your financial position can suffer if you're involved in a load restraint incident due to:

- Adverse publicity;
- Loss of contracts due to damaged goods;
- Insurance excess payments.



Unrestrained Loads May Move

The weight of a load is not enough to hold it in place. A heavy load is just as likely to fall off as a light load because the heavier the load, the higher the forces it experiences.

10 Steps To Follow When Restraining Your Load

Before Loading Your Load

- 1 Understand your load (weight, dimension, friction levels, etc.).
- 2 Choose a suitable vehicle for your load type and size.
- 3 Use a restraint system that is suitable for your load. There are two basic methods: tie-down or direct restraint.
- 4 Position your load to maintain vehicle stability, steering and braking.
- 5 Check your vehicle structures and restraint equipment are in good working condition and strong enough to restrain your load.

When Loading the Vehicle

- 6 Make sure your load is stabilised. Unstable and tall loads can tip over under heavy braking or cornering, even if they are restrained properly at the base.
- 7 Make sure you understand and use safe work practices when loading and unloading a vehicle.
- 8 Make sure you use enough restraint to keep you and others safe.

While Driving

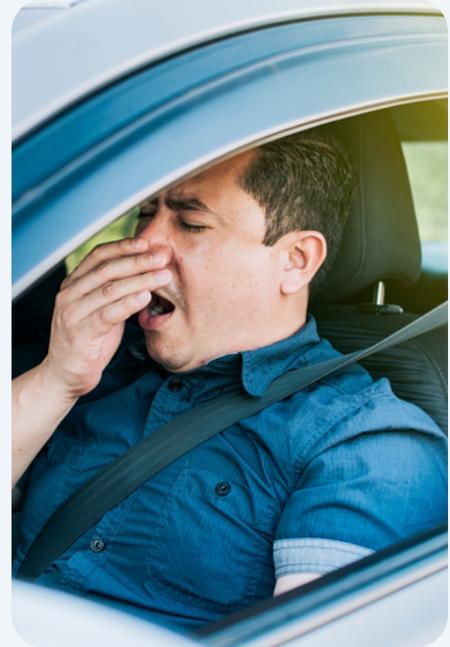
- 9 Allow for changes in vehicle stability by understand the effect of steering and braking when driving a loaded vehicle.
- 10 Check the load and its restraint regularly during your journey.

FATIGUE MANAGEMENT

Driver fatigue, defined as driving while feeling sleepy, or lacking energy, is a major heavy vehicle safety hazard. Lack of sleep, driving at night, and being awake for a long time are the main causes of fatigue.

Don't Drive Fatigued

- Between 15–30% of all road crashes are caused by drivers falling asleep behind the wheel.
- High-risk for fatigue-related crashes appear to be mid-afternoon and between midnight and dawn.
- Driving on less than five hours' sleep in the previous 24 hours raises the risk of having a crash by 3x!



Record Keeping is Essential

A record keeper (the employer, an accredited operator, or the driver) must keep detailed information about drivers of fatigue-regulated vehicles. The record keeper must keep the followings as an example:

- Driver's name, license name, license number and contact details.
- The dates fatigue-regulated heavy vehicles were driven.
- The total of each driver's work and rest times for each day and week.
- Driver timesheets and pay records.

Note: All records must be kept for three years at a location accessible to an authorised officer for audit

Be Aware of Maximum Work and Minimum Rest Limits

If you perform any of the tasks below, you are required by law to count work and rest times in a specific way.

- driving
- waiting in a line of vehicles to load or unload
- inspecting, servicing, repairing, cleaning or refuelling the vehicle
- attending to the load or to passengers (on a bus)
- instructing or supervising another person (like a trainee)
- recording information or completing a document (like your work diary)

Work Periods Less Than

24 HRS

must be counted forward from the end of any period of rest time. Example: it is an offence for a solo driver operating under standard hours to work more than 7 hours and 30 minutes during an 8-hour shift.

Work Periods of

24 HRS

or more must be counted forward from the end of a relevant major rest break. Example: if driving solo, you must start counting 24-hour periods from the end of a rest break of 7 or more continuous hours.

Work Periods of

7,14,28 DAYS

or longer must be counted forward from the end of any relevant major rest break, such as a full day of rest.



Use an Electronic Work Diary

An EWD is an electronic device or system approved by the NHVR to monitor and record the work and rest times and can be used by drivers as an alternative to making records in a written work diary.

EWDs allow you to proactively manage fatigue and enable easy auditing with a click of a button.

GOVERNANCE REVIEW

Safe Management System (SMS)

Under the CoR and HVNL, having a SMS can be one of the most effective ways to meet your safety. The below 7 steps will guide the implementation of an SMS as part of your day-to-day business so you can stay compliant with the law.

1 Risk Assessment, Treatment and Monitoring

Identify safety risks, consider how they could impact your business, what risk controls are in place, if further treatments or monitoring are required to ensure all works as designed.

2 Hazard and Incident Reporting

A hazard and incident reporting process can help identify where things could go or have gone wrong and a concerning safety issue has or may arise.

3 Management, Commitment, and Documentation

Formally record incidents and other safety information and assist the executive in meeting their HVNL due diligence requirements.

4 Internal Safety Investigations

Investigating reported incidents helps establish how and why the incident has occurred. This helps reduce the chance of similar events recurring by exploring opportunities for safety improvements.

5 Safety Training and Communication

Provide education, advice, or training to staff to help ensure they remain safe at work, and don't contribute to cause some safety incident.

6 Safety Performance Monitoring

Safety performance monitoring helps measure the quality of safety practices in your business to meet established safety objectives. This also helps to identify areas that aren't working well.

7 Third-Party Interactions

Documenting third-party interactions as an integrated component of your SMS helps the business to identify, understand and manage the shared safety responsibilities for heavy vehicle operations.



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