NHVR
National Heavy Vehicle Regulator



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# Chain of Responsibility

## Operators

### 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.

#### Am I carrying out an operator's transport tasks?

Under the HVNL, you are generally classified as an operator of a heavy vehicle if you are responsible for controlling or directing the use of a heavy vehicle, whether or not you are actually present for any of the transport tasks.

An operator may also include such persons also known as an owner, carrier, transporter, conveyer, shipper, etc. You can use the *CoR checklist* to confirm whether you are classified as an operator for road transport using a heavy vehicle under the HVNL.

#### Your key responsibilities as an operator

Some key responsibilities may include ensuring that:

- schedulers comply with all of their obligations
- appropriate, serviceable and well maintained loading and restraining equipment is used to restrain loads
- suitable and appropriate vehicles and/or combinations are utilised for all loads
- heavy vehicles and their loads comply with relevant mass and dimension requirements
- drivers are provided with relevant documentation including a complying Container Weight Declaration before commencing a journey
- your business practices do not require or encourage drivers to:
  – exceed the speed limits

## 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 operator 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 |
| • 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 the fatigue of the driver |
| • 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 |
| **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 and loading process: |
| • System to train all parties in the chain regarding their contribution to the safety of the transport activity |
| 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 an operator to ensure breaches of the HVNL do not occur and that every road user is safe.

