



What is our **responsibility to drivers** coming on and off our property all day?

Your Chain of Responsibility obligations under National Heavy Vehicle Regulations

On 1 October 2018, the Heavy Vehicle National Law (HVNL) was amended to provide that every party in the heavy vehicle transport supply chain has a duty to ensure the safety of their transport activities.

In practical terms, this primary duty represents an obligation to eliminate or minimise potential harm or loss (risk) by doing all that is reasonably practicable to ensure safety.

What role do you play in the **supply chain**?

Are you a **loading manager**? Y/N

- Heavy vehicles are loaded or unloaded at the premises each day the premises are operated for loading/unloading heavy vehicles
- Goods are loaded or unloaded onto or from a heavy vehicle
- You are responsible for the operation of the regular loading or unloading premises
- 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**? Y/N

- You have agreed to and been named as a consignee in the documentation for the road transport of the goods
- You receive the goods after road transport (but not merely the unloader)

Are you a **consignor**? Y/N

- You have agreed to and been named as a consignor in the documentation for the road transport of the goods
- You request an operator of the heavy transport vehicle (directly, indirectly or through their representative) to transport the goods by road
- You load a vehicle with the goods (and the goods are in your possession or control) immediately before the operator transports them
- 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
- 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
- The goods are imported into Australia and you are the importer

Are you a **scheduler**? Y/N

- You schedule the transport of goods or passengers
- You schedule the work/rest times of a heavy vehicle driver

Are you an **operator**? Y/N

- You control or direct the use of a heavy vehicle

Are you a **packer**? Y/N

- You pack goods
- You put goods into packaging
- You assemble goods in an outer packaging (e.g. mixed products bundled on a pallet)
- You supervise, manage or control packaging

Are you a **loader and unloader**? Y/N

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

Are you an **employer**? Y/N

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

Are you an **executive officer**? Y/N

- You are the Director of the corporation
- You are a person who is concerned or takes part in the management of the corporation

Are you a **prime contractor**? Y/N

- You engage driver/s to drive a heavy vehicle under a contract for services

All parties that have control or influence over the transport task are responsible for complying with the Heavy Vehicle National Law

If you selected **YES** in **ANY** of the role/s on the previous page, you are a party in the transport supply chain under the 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.



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



Scenario 1:

I am a business using my own heavy vehicle and my own workers.

The most relevant areas of responsibility for you as a primary producer are:

- what and how much is loaded onto the vehicle and how the load is restrained
- to be aware that certain requests, instructions, requirements or demands and any influence placed upon transporters, including causing a driver to speed, may be unlawful whether written in a contract or made verbally
- that the vehicle is fit for purpose, mechanically safe and legally able to be used on a road
- that the driver, who may be you, is not tired or sleepy and doesn't work longer than they are allowed by the law
- that you understand the safety risks that your activities pose to the transport task, including:
 - packing goods for transport, scheduling travel and delivery times, and the impacts of delays in loading and unloading trucks
 - if you're using your own truck, make sure it's maintained to a roadworthy standard.

Scenario 2:

I am using transporters to deliver product ie. urea, or to transport your produce ie grain, livestock, grapes.

The most relevant areas of responsibility for you as a business or PCBU are:

- work with your transporters so that you and they fully understand the requirements of the law and how your activities may affect the freight operation
- avoid making demands of transporters that may lead to speeding, driving while tired or overloading
- ensure all loads are within legal limits and properly restrained.



What happens if I breach the law?

If you're the driver of the vehicle, you could be penalised for breaches relating to fatigue, speed, mass, dimension, loading (including restraint of loads) and vehicle standards.

If one of your employees or a transport contractor is moving your goods, you may be investigated under CoR for your part in any heavy vehicle offence they commit.

Not knowing the law and the obligations it places on you is not an excuse. You may face significant penalties for non-compliance.

What is the best way of ensuring compliance

- identify, assess, evaluate, and control risk
- manage compliance with speed, fatigue, mass, dimension, loading and vehicle standards requirements through identified best practice
- involve regular reporting, including to executive officers
- document actions taken to manage safety

How can Safe Ag Systems help resolve this issue?

- Induct your drivers providing clear instructions as to your expectations regarding speed, fatigue, mass, dimension, loading and vehicle maintenance
- Record vehicle maintenance
- Record any conversations you may have with a driver if you are not happy that they are giving due consideration to their responsibilities
- Request written confirmation from contractors that they comply with NHVR and their workers are appropriately inducted

