



Chain of Responsibility

Executive Officers

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.

Your responsibility as an executive officer

As a 'party' in the supply chain, with influence over the transportation of goods or passengers, an executive officer has an ongoing responsibility to prevent breaches of mass, dimension, loading, speed and fatigue laws under the HVNL.

As an executive officer, you also have an ongoing responsibility to prevent or reduce potential harm or loss (risks) to yourself and others, and to ensure that you don't ask, require or direct activities you know will breach the law.

Am I carrying out an executive officer's transport tasks?

Under the HVNL, you are generally classified as an executive officer if you are a director for, or a person concerned with the management of a corporation responsible for controlling or directing the use of a heavy vehicle, whether or not you are actually present for any of the transport tasks.

Executive officers have an obligation to exercise 'due diligence' to ensure parties in the chain of responsibility comply with their requirements under the HVNL. This may be described as a comprehensive appraisal of business systems and activities to establish methodology or evaluate performance of safe goods transportation.

An executive officer may also include such persons also known as a director, administrator, principal, manager, controller, producer, etc. You can use the *CoR checklist* to confirm whether you are classified as an executive officer for road transport using a heavy vehicle under the HVNL.

Your key responsibilities as an executive officer

Some key responsibilities may include ensuring that:

- your business practices do not require or encourage drivers to:
 - exceed the speed limits
 - exceed regulated driving hours
 - fail to meet the minimum rest requirements
 - drive while impaired by fatigue.
- heavy vehicles and their loads comply with relevant mass and dimension requirements
- you remain informed of business performance in regards to CoR responsibilities
- you lead other parties in the supply chain with effective guidance with regards to complying with the HVNL
- your decisions do not influence the conduct of the corporation to breach the law
- systems to manage safety and all requirements and obligations of the HVNL are in place.

What are the possible penalties for a breach?

As an executive officer, you could be held legally liable for breaches of the HVNL even though you have no direct role in driving or operating a heavy vehicle. If your actions, inactions or demands cause or contribute to an offence, you can be held legally accountable. Penalties and sanctions can range from formal warnings to court imposed fines and penalties relating to the commercial benefit derived from offences.

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 executive officer 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

- Ensure that a system of engagement and consultation with all other parties is in place
- Ensure that a system of risk identification, assessment and management is in place
- Ensure that a system that reports risks and issues to the Executive Officers is in place
- Ensure that a system to remedy breaches and take corrective action is in place
- Ensure that a system to manage safety and ensure compliance with all requirements of the law is in place
- Ensure that a system to test effectiveness of all controls that manage transport activities is in place

Fatigue

Managing the fatigue of the driver:

- Ensure that a 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 is in place
- Ensure that a system to monitor drivers work and rest times is in place

Fatigue management process:

- Ensure that a system to assess driver fitness for duty is in place
- Ensure that a system to manage the fatigue of the driver is in place

Fatigue assurance procedures:

- Ensure that a system to ensure business practices will not cause the driver to drive whilst fatigued or breach their work/rest hours is in place
- Ensure that a system to record driver work and rest times is in place

Speed

Speeding assurance procedures:

- Ensure that a system to ensure terms of consignment, contracts and agreements will not cause the driver to exceed speed limit is in place
- Ensure that a system to ensure demands are not made of the driver that may result in the driver exceeding the speed limit is in place
- Ensure that a system to ensure driver's schedule will not cause the driver to exceed the speed limit is in place

Mass, dimension, and loading (Loaders only)

Mass, dimension and loading process:

- Ensure that a system to train all parties in the chain regarding their contribution to the safety of the transport activity is in place

Mass, dimension, loading assurance procedures:

- Ensure that a system to ensure accuracy of the load weights is in place
- Ensure that a system to ensure compliance with applicable gross and axle weights is in place
- Ensure that a system to ensure the accuracy of load positioning is in place
- Ensure that a system to ensure loads are properly restrained is in place

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 executive officer to ensure breaches of the HVNL do not occur and that every road user is safe.

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