



Chain of Responsibility

Packers

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 a packer

As a 'party' in the supply chain, with influence over how and where goods are packed, a packer has an ongoing responsibility to prevent breaches of mass, dimension, loading, and fatigue laws under the HVNL.

As a packer, 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 a packer's transport tasks?

Under the HVNL, you are generally classified as a packer of goods when you engage in the process of placing goods into packaging or assemble goods in packaging for a heavy vehicle load or any container that is part of its load. If you supervise, manage or control these actions you are also considered as a packer.

Packaging means, anything that contains, holds, protects or encloses goods to enable them to be received, held for transport, or be transported. Note— it may be that a container constitutes the whole of the packaging, as in the case of a drum in which goods are directly placed.

A load includes all the goods, passengers, drivers and other persons in the vehicle along with all fuel, water, lubricants and readily removable equipment that are carried, personal items necessary for normal use of the vehicle, and anything normally removed from the vehicle when not in use.

Packers have a key role in the transport supply chain, which may be overlooked or misunderstood. For example, livestock feeders and refuelers can be packers under the HVNL. A packer may also include such persons also known as a storeperson, wholesaler, bagger, boxer, labourer, filler, feeder, etc. You can use the *CoR checklist* to confirm whether you are classified as a packer for road transport using a heavy vehicle under the HVNL.

Your key responsibilities as a packer

Some key responsibilities may include ensuring that:

- goods packed are marked correctly and documentation is accurate, and not false or misleading
- goods packed are appropriately secured
- goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded
- delays in loading packed goods are prevented

- your packing of goods do not require or encourage drivers to:
 - exceed regulated driving hours
 - fail to meet the minimum rest requirements
 - drive while impaired by fatigue.

What are the possible penalties for a breach?

As a packer, 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 apply as a packer 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 loaders and all other parties to review packing practices
- System to ensure goods are appropriately packed for road transport
- System to ensure packing and weighing equipment is maintained
- System to provide accurate documentation to loaders for drivers

Fatigue

Fatigue management process:

- System to review packing practices that may lead to delays in loading
- System to assess and report concerns relating to driver fatigue to a loading manager

Fatigue assurance procedures:

- System to ensure packing processes will not cause the driver to drive whilst fatigued or breach their work/rest hours

Mass, dimension, and loading

Mass, dimension, loading assurance procedures:

- System to ensure accuracy of the packaged good's weights including container weights
- System to ensure the accuracy of itemisation/identification of packaged goods
- System to ensure packaged goods are properly secured
- System to ensure packaging remains operative and serviceable

The examples in the Safety systems and controls table represent *only a selection* of the possible safety systems and controls you can implement as a prime contractor to ensure breaches of the HVNL do not occur and that every road user is safe.



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