

# Chain of Responsibility

## Schedulers

### 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 scheduler

As a 'party' in the supply chain, with influence over transport activity, a scheduler has an ongoing responsibility to prevent breaches of speed and fatigue laws under the HVNL. Although schedulers should be aware of mass, dimension and loading issues, they do not have specific HVNL obligations.

As a scheduler, 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 scheduler's transport tasks?

Under the HVNL, you are classified as a scheduler if you plan the transport of any goods or passengers or schedule the work and rest times of a driver.

A scheduler may also include such persons also known as a planner, roster clerk, programmer, 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 a scheduler

Some key responsibilities may include ensuring that:

- journeys and routes are suitably planned with consideration of potential traffic issues and other unexpected delays
- drivers' activities, including work and rest times, are accurately recorded
- regular scheduling reviews are carried out
- there is appropriate consultation with operators, managers, contractors and drivers concerning rosters, schedules and routes
- all necessary scheduling, journey and route information is accessible
- your delivery requirements 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.

### What are the possible penalties for a breach?

As a scheduler, 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 scheduler 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 in the supply chain
- System to remedy breaches and take corrective action
- System to review scheduling arrangements
- System to review the accuracy of work records
- System to ensure requests, demands or other arrangements do not cause or encourage a driver to breach the law

#### Fatigue

##### Managing the fatigue of the driver:

- System to ensure that rosters, schedules and routes will not result in, encourage, or provide an incentive to a relevant party to cause the driver to drive whilst fatigued
- System to provide timely advice to drivers of schedule changes

##### Fatigue management process:

- System to manage the fatigue of the driver

##### Fatigue assurance procedures:

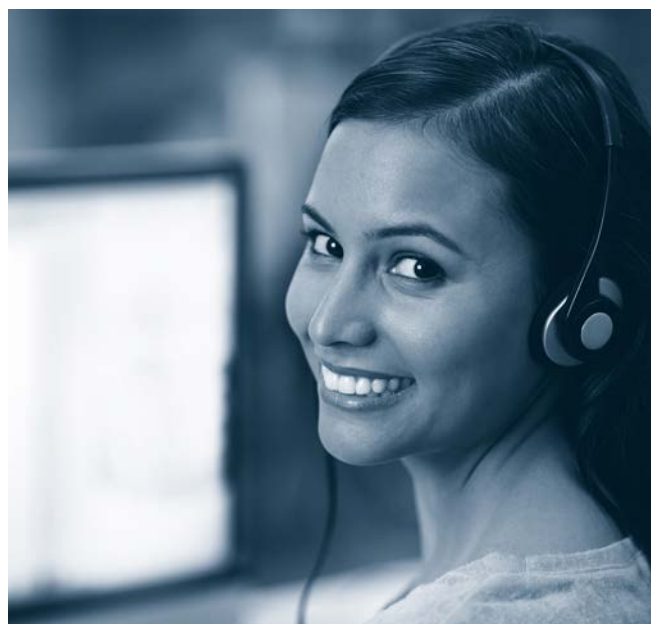
- System to ensure rosters, schedules and routes will not cause the driver to drive whilst fatigued or breach their work/rest hours
- System to monitor a drivers work and rest times (in real time if possible)

#### Speed

##### Speeding assurance procedures:

- System to ensure rosters, schedules and routes will not cause the driver to exceed speed limit

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



#### For more information

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