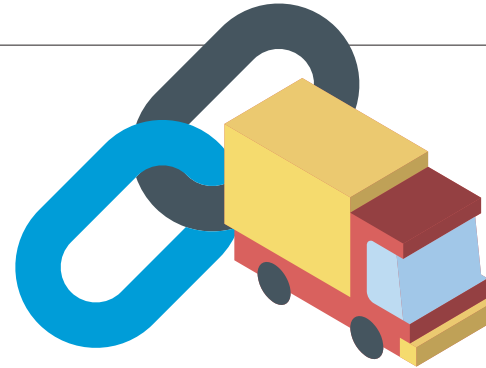


COMPLIANCE GUIDE: ROAD TRANSPORT CHAIN OF RESPONSIBILITY (CoR) LAWS

The **CoR laws** apply under the Heavy Vehicle National Law in Qld, NSW, ACT, Vic, Tas and SA and State-specific laws in WA. Amendments to the HVNL are due to commence on 1 October 2018 and are summarised here.

The Chain of Responsibility principles

- 🔗 The actions of every party in the Chain contribute to on-road safety
- 🔗 Control/influence = responsibility = legal liability
- 🔗 Road safety is a shared obligation
- 🔗 Every party in the Chain is responsible for ensuring the safety of their transport activities
- 🔗 Parties in the Chain can be held responsible for non-compliance by others in the Chain
- 🔗 CoR duties cannot be passed on or contracted out



Who is caught

Employer of driver | Prime contractor for driver | Operator | Driver | Scheduler | Consignor | Packer | Loader | Loading Manager | Unloader | Consignee



What is covered

Mass | Dimension | Load restraint | Speed | Fatigue | Vehicle roadworthiness and standards



Business compliance duty

All parties in the Chain must, so far as reasonably practicable, ensure the safety of their transport activities relating to the use of a heavy vehicle on a road and that their actions/inactions do not cause, encourage or provide an incentive for any other party in the Chain to breach the CoR laws

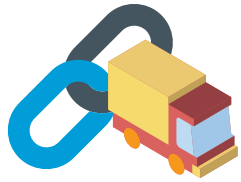


What 'transport activities' are caught

Activities, business practices and decisions associated with the use of a heavy vehicle on a road, including:

Engaging a person to drive a vehicle | Engaging a person to carry out any activity associated with the use of a vehicle (e.g. maintenance) | Consigning goods | Scheduling transport | Packing goods | Loading/unloading goods | Managing loading/unloading of goods at premises | Receiving goods





Compliance risk analysis

The CoR laws focus on eliminating or reducing:

Risks to safety | Risk of damage to road infrastructure

Parties in the Chain are required to:

Identify the risks and hazards to safety arising from their transport activities | Consider the harm that could result | Consider the range of ways to eliminate the risk or minimise any damage | Implement suitable risk control measures



Ensuring compliance by others in the Chain

Where you can control or influence the compliance conduct of others within the Chain, you may be held liable for their breaches. You will need to structure how you will manage or oversee their compliance, either through:

Pre-engagement screening and compliance assurance, or Post-engagement compliance monitoring

Executive liability

The Executive of a business must exercise due diligence to ensure that the business complies with its CoR obligations, including:

- 🔗 obtaining and keeping up to date knowledge about what the business is doing to ensure that its transport activities are safe
- 🔗 understanding how and in what capacities the business engages in transport activities
- 🔗 understanding the hazards and risks, including risks to the public, associated with the business' engagement in transport activities
- 🔗 ensuring the business has, and uses, appropriate resources to eliminate or minimise those hazards and risks
- 🔗 ensuring the business has, and implements, processes to (a) eliminate or minimise those hazards and risks (b) receive, consider and respond to information about those risks and (c) comply with the business' primary duty
- 🔗 checking that the resources and processes referred to above are in fact being provided, used and implemented by the business, its management and staff and are effective in eliminating or minimising identified hazards and risks



The compliance 'Big 5'

Every party in the Chain is required to have in place 'business practices' to ensure compliance, including:

- 1.** CoR compliance policies and working procedures
- 2.** CoR compliance induction and ongoing education processes
- 3.** CoR compliance assurance contract terms in supply chain contracts
- 4.** CoR compliance assurance systems (i.e. verification of the design, implementation and functioning of the foregoing), including incident reporting and response/remediation and periodic internal or external auditing
- 5.** CoR compliance performance reporting for the Executive



How much?

CATEGORY 1:

Recklessly engaging in conduct exposing an individual to a risk of death or serious injury or illness
CORPORATION: \$3,000,000
INDIVIDUAL: \$300,000 and up to 5 years imprisonment

CATEGORY 2:

Failing to comply with a CoR duty and exposing a person(s) to a risk of death or serious injury or illness
CORPORATION: \$1,500,000
INDIVIDUAL: \$150,000

CATEGORY 3:

Failing to comply with a CoR duty
CORPORATION: \$500,000
INDIVIDUAL: \$50,000

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