



About the Chain of Responsibility

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.

Under chain of responsibility (CoR), all parties who have control or influence over the transport task are deemed responsible for complying with and for breaches of these laws. All parties must take all reasonable steps to prevent breaches of mass, dimension, loading, speed and fatigue laws.

Under the Heavy Vehicle National Law (HVNL), multiple parties may be responsible for offences committed in heavy vehicle operations. 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.

The chain of responsibility applies to:

Every load. Every vehicle. Every person. Every time!

CoR laws:

- improve safety
- create a level playing field and increase productivity
- protect infrastructure
- protect against the demands of off-road parties that can lead to breaches of the law.

Common breaches of CoR obligations

CoR obligations can be breached in many ways. Here are some examples:

- applying business practices or demands that cause a driver to breach fatigue management requirements, or speed limits

- failing to weigh, measure or secure loads
- setting schedules with unrealistic timeframes
- causing delays in loading and unloading.
- packing goods incorrectly
- failing to consult or engage with other parties to ensure safe practices
- failing to assess driver fitness for duty
- including terms in contracts and arrangements to encourage, reward or give incentives to the driver or other parties in the supply chain to breach the law.

Parties in the supply chain

Under the HVNL, each party in the supply chain is obliged to ensure breaches of road transport laws do not occur. A party may include any person who can influence or control the transport chain, such as:

- corporations, partnerships, unincorporated associations or other bodies corporate
- employers and company directors
- consignors/senders and consignees/receivers of the goods for transport
- exporters and importers
- primary producers
- drivers (including a bus driver and an owner-driver)
- prime contractors of drivers
- operators of a transport company
- schedulers of goods or passengers for transport, and the schedulers or allocators of drivers
- loaders and unloaders of goods
- loading managers (loading/unloading supervisors, or managers of the premises where this occurs).



How CoR breaches are investigated

Road authorities can conduct CoR investigations into your business practices and systems to see how effectively your legal obligations are being managed. They may involve examination, review and assessment of your records, policies, procedures and business documents to determine whether your freight or supply chain operations comply with the law.

What happens in a CoR investigation

A CoR investigation can start the moment intelligence data or information is received that indicates that a party in the supply chain is posing a safety or compliance risk. This could happen after an event like a crash or roadside intercept, or simply during planned compliance operations.

What are the penalties?

If you are in breach of CoR obligations a number of actions or penalties may be taken against you, depending on the severity of your breach. You may, for example, be subject to:

- warnings/education
- improvement notices
- infringement/expiation notices
- court imposed fines
- Supervisory Intervention Orders
- Road Compensation Orders
- Commercial Benefits Orders
- Prohibition Orders
- licensing and registration sanctions.

Have you taken reasonable steps?

Under the HVNL, you will comply with your CoR obligations so long as you have taken all reasonable steps, or undertaken all that was reasonably practical to prevent a breach.

You must also show that you did not know or could not have known that a breach occurred. Courts will recognise that the duties of parties are personal responsibilities, which cannot be delegated to others. Every person in the chain must satisfy themselves that every vehicle, every load and every driver is compliant, on every journey.

For a defence to be successful, all reasonable steps must have been taken, not just some. Here are some reasonable steps that you can take:

Build systems that identify, assess and control risks

- Assess and identify clearly the responsibilities of all parties in your supply chain under CoR.
- Install systems to manage fatigue.
- Maintain your equipment.
- Check your vehicle dimensions and weights.
- Include compliance and assurance conditions in commercial arrangements.
- Seeking legal advice on CoR obligations.

Adopt better freight moving practices

- Establish and adhere to, safe policies, procedures and workplace practices.
- Ensure proper packing, placing and securing of loads.
- Adopt safer loading and unloading procedures.
- Ensure vehicles do not speed.
- Train staff and partners on their CoR obligations.

CoR changes ahead

Amendments to the CoR laws are coming in 2018 so that they align more closely with workplace health and safety models. We will keep you informed about what the changes will mean, though all parties in the supply chain will need to be more proactive in ensuring safe transport operations.

For more information

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Visit: www.nhvr.gov.au
Telephone: 1300 MYNHVR (1300 696 487)*
Email: info@nhvr.gov.au

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