



Transport
Roads & Maritime
Services

Heavy vehicle operations – chain of responsibility

Outlines how heavy vehicle operations will be managed as an integral part of the OneRMS safety management system (OneRMS SMS).



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Introduction

Under the [Heavy Vehicle National Law](#) (HVNL) chain of responsibility (CoR) provisions, every person in the heavy vehicle transport supply chain (supply chain) has a responsibility to ensure the safe and legal transport of goods. This places legal obligations on all parties who operate in the supply chain.

Roads and Maritime Services (Roads and Maritime) has processes in place to facilitate compliance with its obligations under the HVNL and state laws, including the [Work Health and Safety Act 2011](#) (WHS Act), [Work Health and Safety Regulation 2017](#) (WHS Regulation) and relevant codes of practice. The HVNL is complementary to existing WHS legislation in that it focuses on the safety of road transport operations, including the safety of heavy vehicles, drivers and the public. For this reason both the HVNL, the WHS Act and WHS Regulation apply to the management of heavy vehicle operations.

Under CoR, all [parties who influence, direct or control transport operations in the supply chain](#) share responsibility for compliance with the law and for the safety of heavy vehicle operations, even if they have no direct role in driving or operating a heavy vehicle.

Roads and Maritime officers and senior managers also have shared responsibilities for the actions of people under their management, direction and control. All parties in the supply chain hold a shared responsibility and can be held liable for offences.

The OneRMS safety management system (OneRMS SMS) applies to heavy vehicle operations as specified under the legislation in relation to WHS processes (eg risk management, assurance, consultation, cooperation and coordination) and integrates CoR requirements set out in the HVNL.

Purpose

This framework sets out how CoR is integrated into the OneRMS SMS and how WHS processes are applied to manage CoR risks at Roads and Maritime.

This framework works in conjunction with the:

- *WHS governance, accountabilities and responsibilities framework*, which sets standards and clear expectations for parties in the supply chain to ensure Roads and Maritime and industry partners meet their CoR obligations and requirements
- *WHS risk management framework*, which provides guidance for identifying foreseeable hazards, managing CoR risks and implementing effective controls
- *Safety assurance framework*, which seeks assurance that CoR performance is being managed within the expertise and capabilities of our industry partners
- *Consultation, cooperation and coordination (CCC) framework*, which ensures that WHS CCC is applied throughout all stages of the CoR process and that key information on CoR risks is shared to improve our systems
- *Heavy vehicle operations – chain of responsibility procedure*, which describes minimum expectations for ensuring CoR requirements are identified, applied and systematically managed across our operations
- Roads and Maritime contracts that contain CoR provisions:
 - *Construct Only (GC21)*
 - *Design and Construct (D&C)*
 - *Minor Physical Works and Services (MPWS)*
 - Small Works and Utility Works Contracts and Supply Agreements.

Scope and context

This framework applies to all:

- Roads and Maritime transport and supply chain activities associated with heavy vehicles owned or hired by Roads and Maritime
- Roads and Maritime workers and industry partners undertaking work for Roads and Maritime.

This framework also summarises some of the key CoR requirements under the [HVNL](#) as applied to heavy vehicles.

Under the HVNL, a road-going vehicle that has a gross vehicle mass (GVM) of more than 4.5 tonnes must meet a number of requirements in relation to mass, dimension, loading and speed. Vehicles that have a GVM or gross combination mass (GCM) of more than 12 tonnes, or a bus with a GVM of more than 4.5 tonnes designed to carry more than 12 people including the driver, are fatigue-regulated heavy vehicles and are subject to requirements in relation to fatigue management.

A heavy vehicle is determined by its GVM rating, not the load it is carrying at the time. When a heavy vehicle is returning to its depot without a load, there are still legislative obligations regarding speed and fatigue which must be complied with.

Heavy vehicles might be:

- Owned or hired by Roads and Maritime
- Used (whether owned or hired) by industry partners (eg contractors and their subcontractors) to:
 - Undertake work for Roads and Maritime
 - Supply goods and materials to Roads and Maritime.

System and CoR requirements

Requirements under this framework can be found in Appendix A. For all other system requirements see the [OneRMS SMS manual](#).

Managing the chain of responsibility (CoR)

1. Application of Heavy Vehicle National Law (HVNL)

The CoR provisions of the HVNL aim to address the underlying causes of non-compliance with the law and to minimise road safety risks in relation to heavy vehicles.

The CoR provisions recognise that multiple parties may be liable for breaches of the HVNL, even if they have no direct role in driving or operating a heavy vehicle (eg packers, loaders and consignors). In addition, corporate entities, their directors, partners and managers in the CoR are accountable for the actions of people under their influence, direction and control.

The aim of CoR is to make sure each party in the supply chain shares responsibility for ensuring breaches of the HVNL do not occur. It recognises the effects that the actions, inactions and demands of off-road parties in the supply chain can have on the safe operation of heavy vehicles.

Roads and Maritime has a number of processes in place to ensure compliance with its obligations under the HVNL and state laws including the WHS Act, WHS Regulation and relevant codes of practice.

2. Key CoR risks in heavy vehicle operations

The CoR provisions are concerned with managing the risks and implementing risk controls for heavy vehicle operations in relation to:

- Load restraint
- Mass
- Dimensions
- Fatigue
- Speeding
- Vehicle standards (including maintenance).

Within Roads and Maritime, these must be managed in accordance with the [WHS risk management framework](#) and the procedure [WHS risk management](#). Specific risks and the actions required by the HVNL are addressed in the procedure [Heavy vehicle operations – chain of responsibility](#).

3. Responsible parties in the supply chain

Roads and Maritime has various roles and responsibilities in the supply chain (see Table 1).

Roads and Maritime senior managers in collaboration with key stakeholders must consider any CoR roles within their areas and seek assurance that all reasonably practicable steps are taken to avoid a breach of any of the CoR provisions.

Roads and Maritime [duty holders](#) with a CoR responsibility must identify, assess and manage supply chain risks and ensure compliance with applicable CoR requirements.

The [Chain of responsibility checklist](#) helps to identify what role or roles an organisation or individual may play in the heavy vehicle transport operation.

CoR obligations apply regardless of functions, titles and responsibility defined by the organisation. The obligations arise from the activities described in Table 1 (and see definitions in section 5 of the [HVNL](#)).

Table 1: Overview of CoR roles and their responsibilities

CoR role description	Summary of CoR responsibilities
<p>Prime contractor: A person who engages a driver to drive a heavy vehicle under a contract for services.</p> <p>Note: <i>Roads and Maritime is a prime contractor when it directly engages or contracts with drivers of heavy vehicles.</i></p> <p><i>Roads and Maritime is not considered the prime contractor in circumstances where it has no direct contractual relationship with the subcontractors who drive the heavy vehicles.</i></p> <p>See information sheet Prime contractors</p>	
<p>Employer: A person who employs the driver of a heavy vehicle.</p> <p>Note: <i>Roads and Maritime employs a number of drivers and therefore has CoR obligations.</i></p> <p>See information sheet Employers</p>	
<p>Operator of a heavy vehicle: A person who is responsible for controlling or directing the use of a heavy vehicle.</p> <p>Note: <i>Roads and Maritime is the operator of the heavy vehicles it owns and of any heavy vehicles it leases or otherwise directly controls.</i></p> <p>See information sheet Operators</p>	<p>Mass: Heavy vehicles do not exceed mass limits.</p> <p>Dimension: Loads do not extend beyond the legislated safe envelope of the vehicle.</p> <p>Loading: Loads are secure.</p>
<p>Consignor: A person who engages, directly or indirectly (including through an agent or other party), a heavy vehicle operator to transport goods to a consignee using the heavy vehicle.</p> <p>Note: <i>Roads and Maritime is a consignor for the transport of loads (including materials or plant) which are provided to Roads and Maritime for its projects and activities.</i></p> <p>See information sheet Consignors</p>	<p>Speed: Drivers do not exceed the maximum speed limit or a lower posted speed limit.</p> <p>Fatigue: Drivers do not exceed permissible driving hours or drive while fatigued.</p>
<p>Loader: A person who loads the vehicle, a freight container (whether or not it contains goods) or any container that is in or part of the vehicle, with the goods for road transport.</p> <p>See information sheet Loaders/Unloaders</p>	
<p>Loading manager: A person who manages or controls premises where goods are regularly loaded onto or unloaded from a heavy vehicle or a person who is responsible for supervising, managing or controlling (directly or indirectly) activities carried out by a loader on unloader of goods at the premises.</p> <p>See information sheet Loading managers</p>	

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Table 1: Overview of CoR roles and their responsibilities (continued)

CoR role description	Summary of CoR responsibilities
<p>Unloader: A person who removes goods from a heavy vehicle that have been transported by road (including freight containers or any container that is in or part of the vehicle heavy vehicle).</p> <p>Note: <i>Roads and Maritime must ensure unloading activities do not cause a driver to commit a fatigue breach or exceed a speed limit (eg due to insufficient unload allocation time or delays in unloading).</i></p> <p>See information sheet Loaders/Unloaders</p>	<p>Speed: Drivers do not exceed the maximum speed limit or a lower posted speed limit.</p> <p>Fatigue: Drivers do not exceed permissible driving hours or drive while fatigued.</p>
<p>Packer: A person who packs or assembles packaged goods on a vehicle or supervises or manages or controls such an activity.</p> <p>See information sheet Packers</p>	<p>Mass: Heavy vehicles do not exceed mass limits.</p> <p>Dimension: Loads do not extend beyond the legislated safe envelope of the vehicle.</p> <p>Loading: Loads are secure.</p>
<p>Scheduler: A person who schedules the transport of any goods or passengers by the vehicle or schedules the work times and rest times of the vehicle's driver.</p> <p>Note: <i>Roads and Maritime staff, such as work supervisors who set rosters or team leaders who amend rosters for drivers, are considered schedulers under CoR.</i></p> <p>See information sheet Schedulers</p>	<p>Speed: Drivers do not exceed the maximum speed limit or a lower posted speed limit.</p> <p>Fatigue: Drivers do not exceed permissible driving hours or drive while fatigued.</p>
<p>Consignee: A person who is named or identified as the intended recipient of goods or has actually received the goods after they have been transported by heavy vehicle (but does not include a person who merely unloads the goods).</p> <p>Note: <i>A consignee must not make a demand that causes a driver to breach, or contributes to them breaching, a CoR provision – such as requesting an unreasonable delivery time that causes the driver to overload the vehicle, commit a fatigue breach or exceed a speed limit.</i></p> <p>See information sheet Consignees</p>	<p>Loading: Loads are secure.</p> <p>Speed: Drivers do not exceed the maximum speed limit or a lower posted speed limit.</p> <p>Fatigue: Drivers do not exceed permissible driving hours or drive while fatigued.</p>

Parties in the supply chain must ensure their activities or requirements are reasonable in the circumstances and do not require or encourage a driver to:

- Exceed the speed limits
- Exceed regulated driving hours
- Fail to meet the minimum rest requirements
- Drive while impaired by fatigue.

All parties must regularly consult with other parties in the supply chain to identify risks or issues that may contribute to HVNL breaches.

The [Heavy vehicle driver handbook](#) helps drivers understand their responsibilities and the rules and regulations that apply to drivers and their heavy vehicles.

See [Chain of responsibility – Your role](#) for more information.

4. CoR integration within OneRMS SMS

The systematic management of CoR requirements is achieved by integrating CoR within the OneRMS SMS and applying WHS management processes to risks associated with heavy vehicle operations. Table 2 shows how CoR is integrated within the OneRMS SMS.

Table 2: CoR processes under the OneRMS SMS

CoR process	OneRMS SMS resources
Establish governance of CoR	<i>WHS governance, accountabilities and responsibilities framework</i> : Outlines WHS governance arrangements to ensure that WHS risks are managed and WHS processes are implemented.
Conduct CoR planning and reporting activities	<i>Safety planning and performance reporting framework</i> : Provides safety leaders with risk information to enable effective decision-making and to prioritise the investment of resources.
Identify and manage CoR hazards and risks	<i>WHS risk management framework</i> : Applies an analytical, evidence-based approach to risk management to ensure there is a clear and consistent understanding of the agency's risk profile and controls. The procedure <i>Heavy vehicle operations - chain of responsibility</i> addresses specific CoR risks and treatments.
Conduct CoR assurance activities	<i>Safety assurance framework</i> : Provides an approach to verifying the effectiveness of risk controls.
Manage CoR occurrences and investigations	<i>Occurrence management and investigations framework</i> : Ensures that reported occurrences and investigations are managed.
Establish arrangements for managing interfaces with parties within the supply chain	<i>Consultation, cooperation and coordination framework</i> : Ensures WHS consultation, cooperation and coordination drive better-practice WHS risk management.
Identify and develop CoR capability and training	<i>WHS capability and training framework</i> : Ensures workers and managers are provided with appropriate WHS capability and learning solutions based on identified needs.
Monitor worker health and manage fitness for work (including fatigue)	<ul style="list-style-type: none"> • <i>Health and wellbeing framework</i>: Implements strategies to assess and manage a worker's fitness for work. • The procedure <i>Fatigue</i>: Identifies, manages and controls hazards and risks associated with fatigue in the workplace.
Manage CoR as part of the procurement lifecycle	<i>WHS in procurement framework</i> : Sets out principles on how WHS should be considered as part of the procurement process.

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CoR process	OneRMS SMS resources
Ensure CoR document and records control	<ul style="list-style-type: none"> • Document control framework: Ensures that documents are controlled, reliable and fit for purpose. • Records control framework: Ensures that records are controlled and retrievable, creates an 'audit trail' and allows processes to be monitored.
Identify the need for, and develop and distribute, CoR information	Safety promotion framework : Ensures WHS-related messages are communicated effectively across the agency and with industry partners.
Review the CoR process	Review and continuous improvement framework : Outlines the process for review and continuous improvement of the OneRMS SMS.

5. CoR and procurement

5.1 Contract management

Industry partners who work with Roads and Maritime must have appropriate systems in place to meet their obligations under the legislation and to ensure compliance with CoR requirements. In managing CoR hazards and risks, industry partners must consider the full extent of their obligation to others in the supply chain.

CoR contract requirements including CoR management plans are referred to within the procedure [Heavy vehicle operations – chain of responsibility](#).

5.2 Assurance and review

Duty holders under the WHS and/or HVNL legislation must take all reasonably practicable steps to assure that requirements in relation to the safe operation of heavy vehicles are met.

Roads and Maritime may request its industry partners within the supply chain to provide evidence of all or part of their CoR management plan, and may be required to demonstrate the effectiveness of their risk controls. This is to ensure Roads and Maritime's duty of care and CoR responsibilities are met.

Roads and Maritime may seek to consult with industry partners during any stage of the procurement lifecycle to:

- Establish or review agreed assurances or review checkpoints
- Ensure appropriate monitoring of CoR requirements.

Seeking assurance may include an inspection, audit or a request for information. Assurance activities should include the close-out of any identified open actions. See the [Safety assurance framework](#) and CoR assurance tools.

Roads and Maritime will report CoR matters through the current reporting processes. See the [Safety planning and performance reporting](#) and [WHS governance, accountabilities and responsibilities](#) frameworks.

5.3 Capability and training

Where there is a risk to health or safety and CoR obligations exist, parties in the supply chain must provide evidence of currency for any required licences, competency or training relevant to CoR when lodging a tender submission to Roads and Maritime.

Roads and Maritime workers with CoR responsibilities must ensure they have an understanding of CoR requirements so they can comprehensively and professionally assess the CoR components of a tender submission.

5.4 Consultation, cooperation and coordination (CCC)

CCC arrangements must be implemented when new work arrangements are established. This obligation applies to all industry partners who work with Roads and Maritime to deliver services.

CCC enables all parties to work together to meet CoR requirements and reduce and WHS risks by sharing knowledge, information, experience and lessons learned with workers and others whose health and safety are directly impacted by the agency's operations. Examples of this include developing documented processes to ensure that, where appropriate:

- An appointed principal contractor's¹ documentation of CoR risks and treatments arising in relation to the construction project are provided to subcontractors (as applicable to the scope of works they are undertaking before commencement of work)
- Subcontractors participate in undertaking assurance activities with the principal contractor.

See [Consultation, cooperation and coordination framework](#).

¹ 'Principal contractor' relates to construction projects, and is defined in the WHS Regulation, clause 293.

Roles and responsibilities

Specific roles and responsibilities of parties in the supply chain are described in the procedure [Heavy vehicle operations – chain of responsibility](#).

ROLE	RESPONSIBILITIES
Executive (Chief Executive and executive directors)	<ul style="list-style-type: none"> • Govern CoR processes • Ensure steps and processes are in place to address the following: <ul style="list-style-type: none"> - Compliance with CoR requirements - CoR risks are captured within divisional safety risk profiles - CoR responsibilities are clearly communicated. • Seek assurance that CoR requirements are being met.
Senior managers (directors)	<ul style="list-style-type: none"> • Identify CoR roles that apply to their area and seek assurance that all reasonable steps are taken to avoid a breach of any of the CoR provisions.
Line managers (including project managers)	<ul style="list-style-type: none"> • Identify CoR activities that relate to the supply chain • Identify, assess and manage risks associated with heavy vehicle operations • Review risk mitigation strategies and documentation to ensure that activities related to heavy vehicle operations comply with CoR requirements • Seek assurance that activities that are part of the supply chain have risk controls in place to comply with CoR requirements • Identify and implement the CoR training requirements for personnel who undertake CoR responsibilities as part of their work.

Definitions

Term	Definition
Chain of responsibility (CoR)	CoR means that every person in the supply chain has a responsibility to ensure the safe and legal transport of goods. This places legal obligations on all parties who operate in the transport supply chain.
Duty holder	<p>Refers to any person who owes a WHS duty under the WHS Act including a person conducting a business or undertaking (PCBU), designer, manufacturer, importer, supplier, installer of products or plant used at work (upstream duty holders), an officer, workers and other persons at the workplace.</p> <p>More than one person can concurrently have the same duty in which case the duty is shared. Duties cannot be transferred.</p>
Executive	Roads and Maritime's Chief Executive and executive directors.
Heavy Vehicle National Law (HVNL)	The national law that regulates the use of heavy vehicles throughout Australia (in NSW the <i>Heavy Vehicle National Law (NSW)</i>).
Officer	Broadly, an officer is a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the organisation's activities – see section 4 of the WHS Act .
Parties in the supply chain	<p>A party may include any person who can influence or control the heavy vehicle transport chain, such as:</p> <ul style="list-style-type: none"> • Corporations, partnerships, unincorporated associations or other bodies corporate • Employers of heavy vehicles and their directors • Consignors/senders and consignees/receivers of goods for transport • Exporters and importers • Primary producers • Drivers of heavy vehicles (including a bus driver or an owner-driver) • Prime contractors • Operators of a heavy vehicle • Schedulers of goods or passengers for transport, and the schedulers or allocators of heavy vehicle drivers • Loaders and unloaders of goods • Loading managers (loading/unloading supervisors) or managers of premises where loading or unloading occurs.

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Term	Definition
Supply chain	The activities supporting transport, including driving, packing, loading, scheduling, transportation and receiving of goods.
Worker	Any person who carries out work in any capacity for Roads and Maritime – that is, Roads and Maritime employees (including labour hire workers, apprentices and trainees); professional services contractors and consultants; contractors, subcontractors and their employees; outworkers; students gaining work experience; and volunteers.

References

Roads and Maritime references

Doc no	
PN066P32	Procedure Heavy vehicle operations – chain of responsibility
RMS 07.353	Heavy vehicle driver handbook

External references

Title	Source	Type
Heavy Vehicle National Law (NSW)	NSW legislation www.legislation.nsw.gov.au	Legislation
Work Health and Safety Act 2011	NSW legislation www.legislation.nsw.gov.au	Legislation
Work Health and Safety Regulation 2017	NSW legislation www.legislation.nsw.gov.au	Legislation
Chain of responsibility checklist	National Heavy Vehicle Regulator www.nhvr.gov.au	Checklist
Chain of responsibility – Your role	National Heavy Vehicle Regulator www.nhvr.gov.au	Guide
Prime contractors Employers Operators Consignors Loaders/Unloaders Loading managers Packers Schedulers Consignees	National Heavy Vehicle Regulator www.nhvr.gov.au	Information sheet

Appendices

A. OneRMS SMS chain of responsibility requirements

Heavy vehicle operations – chain of responsibility

COR1	Define CoR roles and responsibilities	Roads and Maritime identifies the parties and roles with CoR obligations. See procedure Heavy vehicle operations – chain of responsibility .
COR2	Identify and manage CoR risks associated with heavy vehicles operations in relation to: <ul style="list-style-type: none">• Speed• Fatigue• Mass• Dimension• Loading• Vehicle maintenance	Roads and Maritime: <ul style="list-style-type: none">• Implements processes to facilitate compliance with CoR obligations under the HVNL• Takes all reasonable steps to ensure that all parties in the supply chain can achieve compliance to prevent a breach.
COR3	Seek or provide assurance that appropriate measures are in place to manage CoR risks	Roads and Maritime implements and maintains a process that seeks to assure controls are effective, ie fit for purpose, suitable for the nature and duration of work, and set up and used correctly.
COR4	Establish and provide arrangements for consultation, cooperation and coordination with other duty holders to cover CoR aspects	Roads and Maritime ensures that consultation, cooperation and coordination (CCC) arrangements are implemented and maintained in line with the Consultation, cooperation and coordination framework . WHS Act (sections 27, 46 and 47)
COR5	Report CoR-related occurrences	Roads and Maritime implements and maintains a process for reporting CoR-related occurrences.
COR6	Establish CoR metrics as part of safety performance reporting	Roads and Maritime ensures that CoR metrics are measured and reported as part of safety performance reporting. See Safety planning and performance reporting framework .

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Feedback

Provide feedback on this document at onermsms@rms.nsw.gov.au