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# Chain of Responsibility Policy

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# 1. Purpose

The purpose of this Chain of Responsibility (CoR) policy is to provide guidance to Federation Council staff and heavy vehicle contractors of the legislative requirements of Chain of Responsibility.

# 2. Background

Chain of Responsibility (CoR) is a nationally legislated set of laws which imposes responsibilities on all parties which have control or influence over heavy vehicle road transport tasks involving mass, dimension, loading, speed and fatigue; these laws are applicable to Federation Council fleet operations for vehicles over 4.5 tonnes. From July 2018, the CoR laws will extend to cover heavy vehicle standards and maintenance.

# 3. Scope

This Policy forms part of Federation Council's Governance, Risk and Compliance strategy. It applies to all Federation Council staff, contractors, volunteers, suppliers and visitors that have responsibility for or involvement in, road transport laws.

# 4. Definitions

National Heavy Vehicle Regulator (NHVR) administers one set of laws for heavy vehicles under the Heavy Vehicle National Law, delivering a comprehensive range of services under consistent regulatory framework.

Heavy Vehicle is a vehicle having a Gross Vehicle Mass (GVM) of more than 4.5 tonnes.

Fatigue-regulated heavy vehicles: Under National heavy vehicle laws, a fatigue-regulated heavy vehicle is one of the following:

- A vehicle with a Gross Vehicle Mass (GVM) of over 12t

- A combination when the total of the GVM is over 12t

- Buses with a GVM over 4.5t fitted to carry more than 12 adults (including the driver)

- A truck or a combination including a truck, with a GVM of over 12t with a machine or implement attached.

Chain of Responsibility parties who have control or influence over a transport task:

- Operator/manager/scheduler;

- Consignor/consignee;

- Loading manager/loader/packer;

- Driver/owner-driver.

## **Duty of care**

The law says that if it is “reasonably foreseeable” that a person might suffer some sort of loss or harm because of something someone else does, then that person is owed a duty of care.

## **Due diligence**

Due Diligence means the steps, procedures and processes a reasonable person, in the same position as another, would have undertaken to prevent something adverse from happening.

Council also has the WHS Act obligation to demonstrate due diligence placed on “Officers”. This involves taking reasonable steps:

- To gain and update knowledge of WHS;
- In understanding the operations and general hazards and risks;
- For appropriate resources to eliminate/minimise hazards and risks;
- In managing information about incidents, hazards and risks;
- To implement processes to comply with duties;
- To verify that resources and processes have been provided, and their use.

## **5. Policy Statement**

Federation Council is committed to the provision of services to the community and the construction and maintenance of its infrastructure assets in the safest way possible for our loaders, receivers, contractors, heavy vehicle drivers and the general public, to ensure the safety of all within or operations or supply chain.

To achieve this Federation Council undertakes to comply with all Chain of Responsibility legislation and associated regulations. Executive officers of Federation Council have a “due diligence” obligation to ensure all parties in the Chain of Responsibility comply with their requirements under the law.

All staff involved in driving, loading, organising contractor heavy vehicles, or ordering goods to be delivered in heavy vehicles, shall be trained to a degree sufficient to enable them to understand, participate in and maintain the Federation Council CoR procedures and processes effectively.

In implementing this Policy, Federation Council will:

Continue a consultative approach with our staff, vendors, heavy vehicle contractors, transport business operators, local government partners and stakeholders;

Apply risk management principles in the identification, assessment and control of risks involved in all our activities involving heavy vehicles;

Provide appropriate, cost effective and relevant training and supervision in CoR responsibilities;

Provide a documented Procedure and any supporting documentation appropriate for the guidance of staff and contractors;

Provide appropriate, cost effective and relevant resources to meet this commitment.

The implementation of this Policy is a Senior Management responsibility. Compliance with CoR legislative requirements is the responsibility of all Council staff and contractors to ensure the safety of the general public, staff and heavy vehicle drivers.

Federation Council takes the Chain of Responsibility obligations seriously. Any breach of this Policy and supporting Procedures and processes may result in disciplinary action.

## 6. References & Associated Documents

NHVR publication “Chain of Responsibility – Your Role”

NHVR publication “Chain of Responsibility check list”

Website: [www.nhvr.goc.au](http://www.nhvr.goc.au)

Roads and Maritime Chain of Responsibility Fact Sheets available at:

[Rms.nsw.gov.au/business-industry/heavy-vehicles/safety & compliance/Chain of Responsibility](http://Rms.nsw.gov.au/business-industry/heavy-vehicles/safety%20&%20compliance/Chain%20of%20Responsibility)

### Legislation

Heavy Vehicle National Law (NSW)

Heavy Vehicle (Fatigue Management) National Regulation

Heavy Vehicle (Vehicle Standards) National Regulation

## 7. Roles and Responsibilities

### Council

- Council will review this policy from time to time to ensure it complies with current legislation and is achieving Council’s intent.

### General Manager

- Shall ensure the development of Chain of Responsibility Procedures and Guidelines that conforms to Council’s Policy.
- Shall monitor the effectiveness of the Chain of Responsibility Procedures and Guidelines in operation and authorise changes to improve the procedures to conform to Council’s Policy.
- Shall report to Council any issues that arise out of the Policy.

### Director and staff

- The Directors and appropriate departmental staff are responsible for the implementation and ongoing operation of the Policy and Chain of Responsibility Procedures and Guidelines.
- Shall implement and carry out the actions listed in the Policy, Control Plan Procedures and Guidelines.
- All Managers/Supervisors are responsible for ensuring, upon engagement, that external contractors, consultants or volunteers are aware of, and have access to, this Policy.
- Shall report regularly to the General Manager on the effectiveness of the Policy and Chain of Responsibility Procedures and Guidelines.

## 8. Policy History

Version	Date	Changes / Amendments
0	December 2017	Initial version and MANEX Review
1	September 2018	Council review and public exhibition.
2	February 2019	Council Adopted 19/2/2019 - 24/19FC

## 9. Reviews

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