



## **10. PROPERTY MANAGEMENT**

Policy 10.9

CHAIN OF RESPONSIBILITY

Version 1

## **10. ROADS**

### **10.9 CHAIN OF RESPONSIBILITY**

#### **PURPOSE**

Chain of Responsibility is a nationally legislated program of compliance and enforcement that aims to improve safety and reduce accidents across the road transport industry. CoR aims to ensure that any off-road party in a position to control, influence or encourage particular on-road behaviour is identified and held appropriately accountable.

Drivers and operators have traditionally been the focus of road laws. However, breaches are often caused by the actions of others. Under chain of responsibility, complying with transport law is a shared responsibility and all parties in the road transport supply chain are responsible for preventing breaches.

The Chain of Responsibility extends legal liability for certain road law offences to all parties who by their actions, inactions or demands exercise control or influence over the entire transport chain. All persons involved in consigning, packing, loading, driving, operating and receiving are covered by this legislation.

Council will not knowingly ask or expect any employee or contractor to do anything that is unlawful or that will create a dangerous or potentially dangerous situation.

#### **HEAVY VEHICLE NATIONAL LAW (HVNL)**

The HVNL came into effect 10 February 2014 and was established to provide nationally consistent laws. Legislative changes to the HVNL will commence as from 1 May 2018.

The CoR laws apply across all areas in the supply chain where investigations and enforcement into CoR breaches occur. The aim is to positively influence the actions of those involved in the heavy vehicle transport industry and ensure all parties who influence on-road behaviour are held accountable for breaches of road transport laws.

The purpose of this policy is to provide guidance to Council staff on CoR.

#### **SCOPE**

This policy applies to all premise owners, employees, contractors and visitors within Council that have responsibility for or involvement in activities that fall within the scope of the road transport laws.

This may include (but not be limited to) roles within logistics, supply chain and support roles. This includes, full time, part time and casual employees as

well as contractors or subcontractors working for or on the behalf of Council. It also extends to suppliers and visitors where appropriate.

This policy applies to all Council premises and workplaces and other workplaces or situations where employees, contractors or subcontractors may be working or representing Council.

## **RESPONSIBILITY**

Currently, under the HVNL, all parties who have control or influence over the transport task are deemed responsible for complying with CoR obligations.

All parties must take all reasonable steps to prevent breaches of mass, dimension, loading, speed and fatigue laws.

A party in the chain of responsibility includes any person who undertakes defined roles outlined in the HVNL, who can influence or control transport-related activities. This section sets out responsibilities for several parties in the supply chain, but it is not an exhaustive list.

The CoR applies to, but is not limited to:

### ***Operator/manager/scheduler responsibilities***

- Ensure rosters and schedules do not require drivers to breach driving hours or speed limits
- Assess whether a driver is fit for duty
- Record driver activities, work and rest times
- Ensure drivers do not work while impaired by fatigue or while in breach of their work or rest hours
- Maintain vehicles and ensure properly functioning speed limiters are fitted
- Ensure vehicles are not loaded to exceed mass or dimension limits and are appropriately restrained
- Ensure drivers moving freight containers have a valid container weight declaration
- Consult regularly with other parties in the supply chain to identify risks and issues that may contribute to breaches of the HVNL.

### ***Consignor/consignee responsibilities***

- Ensure loads do not exceed mass or dimension limits and are appropriately restrained
- Check that operators carrying freight containers have a valid container weight declaration
- Your delivery requirements must not require or encourage drivers to:
  - exceed the speed limits
  - drive while impaired by fatigue
  - exceed regulated driving hours
  - fail the minimum rest requirements.
- Consult with other parties in the chain to identify risks and issues that may contribute to breaches of the HVNL.

### ***Loading manager/loader/packer responsibilities***

- Ensure that loading a heavy vehicle will not cause or contribute to the driver driving while impaired by fatigue

- Work with other off-road parties to make reasonable arrangements to manage loading/unloading times
- Ensure vehicle loading/unloading does not cause delays and advise drivers of any delays of more than 30 minutes
- Ensure loads:
  - do not exceed vehicle mass or dimension limits
  - do not cause the vehicle to exceed mass limits
  - comply with the load restraint standard
  - are placed and secured in a way so they do not become unstable, move or fall off the vehicle
- Provide reliable weight information to drivers prior to the journey
- Ensure load documentation is accurate
- Ensure goods packed in a freight container do not cause the container's gross weight or safety approval rating to be exceeded.

### ***Driver/owner-driver responsibilities***

- Comply with your relevant fatigue management work and rest requirements
- Keep an accurate work diary and records required by law
- Respond to changes in circumstances (such as delays) and report these to your base
- Ensure your vehicle does not exceed mass or dimension limits
- Ensure your load is properly restrained
- Check and report on all maintenance issues
- Obey all speed limits and road rules
- Subcontractors should also follow the lawful requirements of their prime contractors and be able to demonstrate compliance
- Identify and report hazards and risks associated with the transport task.

### **POLICY**

Chain of Responsibility is relevant for all areas of Council, particularly in the areas that deal with heavy vehicles, i.e., gravel trucks, water tankers, low loaders, and intermediate plant trailers. The receipt of goods from external agencies and companies, e.g. gravel, fuel, water main piping, plant deliveries will all have an impact on how Councils deal with CoR responsibilities.

The main elements of the Chain of Responsibility are mass and dimension, load restraint, driver fatigue, speed and maintenance.

- Mass and dimension – ensuring trucks leave sites within the mass carrying constraints and that the mass is distributed across the truck axles, and ensuring dimension limits are adhered to.
- Load Restraint – ensuring that when trucks are loaded that the load is adequately secured to the vehicle.
- Driver Fatigue – ensuring that drivers are well rested and are given adequate time to take their scheduled rest breaks, and taking into consideration the amount of hours worked.
- Speed – ensuring that the driver's routes are realistic and safe and that demands are not imposed on the driver that may result in a driver putting themselves or others at risk. Schedules need to take into account the distance that needs to be covered, traffic conditions and delays at receiving sites.
- Maintenance – ensuring that trucks are free of defects, mechanically safe and in proper working order before a vehicle enters the road network.

## **Vehicles**

- Heavy Vehicle definition – a vehicle is a heavy vehicle if it has a Gross Vehicle Mass (GVM) of more than 4.5 tonnes. This includes trailers with an ATM of > 4.5 tonnes.
- Regulated Heavy Vehicle Definition – a vehicle is a regulated heavy vehicle if it has a Gross Vehicle Mass (GVM) of more than 12 tonnes.

It is a requirement of Council that any heavy vehicle consigned to do work for Council has the following information verified prior to commencement and is maintained for the duration of that work:

- Vehicle registration
- Appropriate insurances
- Maintenance is up to date
- Fit for purpose
- Appropriate load restraint for task
- Speed limiter function (Regulated Heavy Vehicle).

## **Drivers**

It is a requirement of Council that any driver engaged to do work for Council has the following information verified prior to commencement and is maintained for the duration of that work:

- Appropriate heavy vehicle drivers licence
- Medically fit to drive
- Required insurances
- Fully inducted
- Trained in CoR requirements or must be inducted to CoR prior to commencing

If at any time a driver does not meet the above requirements that are to inform Council immediately. Failure to comply with this component of the Policy may result in termination of employment or contract.

## **Scheduling**

Schedulers must take all reasonable steps to ensure the schedule will not cause the vehicle to breach mass limits or cause the driver to exceed the legal speed limit.

Reasonable steps include but are not limited to:

- Consulting the driver or operators prior to finalising the schedule
- Taking account of the average speed that can be travelled lawfully on scheduled routes
- Allowing for traffic conditions or other delays in schedules
- Contingency planning concerning schedules.

## **Mass Limits**

Council must ensure that any vehicle that is loaded with a Council product or asset is loaded in line with the Mass Limits of the vehicle.

Council will provide the driver or nominated representative with all relevant mass information related to the load prior to loading, and in case of pre-loaded vehicles prior to departure.

The driver or nominated representative has the authority to request adjustments to the load if the driver is concerned with the weight of the load.

The gross mass of the load is required to be placed on the vehicle in line with legal axel/mass load limits.

As all vehicles are different and drivers know their vehicles best, the driver is responsible to direct the loader to position the load according to the vehicle axel/mass load limits.

It is also important that mass and dimension limits are adhered to throughout the delivery cycle, i.e. as freight is removed or added to the vehicle in the field.

### **Load Restraint**

The safe loading of heavy vehicles is vitally important in preventing injury to people and damage to property. There are also economic benefits to Council if the load arrives intact and without damage.

Every load that leaves a Council site must be restrained in line with the National Transport Commission's Load Restraint Guide 2004.

#### **The load must be restrained to withstand forces of at least:**

- 80% of its weight in the forward direction
- 50% of its weight sideways and rearwards
- 20% of its weight vertically.

Council's position on the type of load restraint for each load channel may differ, however some standards are universally preferred:

- Certified load restraint curtains
- Certified headboards and sides on rigid vehicles
- Plastic angles not metal angles
- Minimum of 2500kg rated web strapping, never ropes.
- On loads >4 tonne, chains and ratchet dogs must be used, and a minimum of 4 chains is required. (Section 3, page 72 Load Restraint Guide **S/E 2004**)

### **Fatigue Management**

Fatigue can affect a person's health, reduce performance and productivity, and increase the chance of a work place accident or road crash.

Council and all parties in the supply chain must take reasonable steps to ensure that any risks associated with fatigue are identified, minimised, controlled or eliminated.

Examples include but are not limited to:

- Drivers properly managing their work and rest, and not driving if fatigued
- Ensuring trip schedules have sufficient flexibility and are reasonable
- Maintaining effective loading and queuing practices
- Ensuring that commercial arrangements do not incentivise the driver to break the law (e.g. driving excessive hours or speeding to meet deadlines).

### **Driving Hours**

The majority of heavy vehicle tasking within local government is within the LGA boundaries, and rarely are work diaries required to be used. It is to be noted however that drivers still must abide by the driving hour requirements and must not exceed the 5 ¼ driving hour limit. This is an important consideration with garbage truck drivers.

## Speed Management

Council will not pressure, direct or encourage at any time any driver to speed for any reason. Council insists on safe work behaviour and speeding will not be tolerated.

Council and its transport providers will ensure a robust approach to speed management that can incorporate but is not limited to the following controls:

- Regular consultation with drivers
- Reviewing of driving, work and trip records
- A program to report and monitor incidents of speeding and related risks and hazards
- Training and information for drivers, staff and parties in the chain of responsibility
- Regular maintenance of vehicle components that relate to complying with speed limits
- Remuneration model that does not incentivise or penalise drivers for early or late deliveries.

## Maintenance

Council requires all vehicles to be roadworthy and undergo regular scheduled maintenance. Vehicles must be free of defects, mechanically safe and in proper working order.

## Breaching the Policy

The Policy sets standards of behaviour expected from everyone who performs work for Council including employees and contractors.

Breaches of this Policy may result in disciplinary action up to and including termination of employment.

For contractors it may lead to the immediate termination of a contract. It is expected that suppliers will enforce a similar set of standards with their employees.

## Related Policies

- Chain of Responsibility Procedure
- Work Health and Safety Policy
- Drug and Alcohol Policy
- Code of Conduct Policy
- RMS Heavy Vehicle Drivers Handbook
- Heavy Vehicle National Law

<b>Maintained by Department:</b>	Infrastructure Services	<b>Approved by:</b>	Council	<b>Exhibition Date:</b>	
<b>Reference:</b>	Policy Register	<b>Council Policy No:</b>	10.9	<b>Effective Date:</b>	Date of Council resolution to adopt
<b>Min No:</b>		<b>Version No:</b>	01	<b>Review Date:</b>	July 2021
<b>Attachments:</b>					