



Primary producers and heavy vehicle safety

Heavy vehicle safety
It's your business

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Working with changes to Chain of Responsibility

Primary producers play an important role in supporting safe, reliable road transport to all road users. Because they are part of the heavy vehicle supply chain, primary producers have for almost a decade had the same specific legislative obligations for heavy vehicle safety as other parties in the chain. These obligations are commonly referred to as the Chain of Responsibility (CoR).

What's changing?

Amendments to the CoR laws coming later this year will align the existing laws more closely with workplace health and safety provisions. This means that all parties in the chain, including primary producers, must reduce risks related to the safety of transport tasks. Currently parties in the chain are usually held responsible only once a breach by a driver has been detected.

Although the laws will change, they will still only apply to activities that a person or business has responsibility for and could influence. In other words no one will be liable for breaches they cannot control.

Am I part of the heavy vehicle supply chain?

As a primary producer, any time you send or receive goods using a heavy vehicle with a gross vehicle mass of more than 4.5 tonnes – regardless of whether the vehicle is yours or someone else's – you become part of the supply chain. You therefore have a shared safety management responsibility to prevent breaches of the law.

What is a "primary duty"?

This approach is similar to the "general duties" provisions under existing workplace health and safety laws and will be a significant step towards further improving safety in the transport industry.

The changes to the law will make it clear that every party in the supply chain has an on-going "duty" to ensure safe practices.

If you are doing everything that is reasonably able to be done to identify, assess, reduce or wherever possible, remove safety risks related to your transport activities, you are likely to be complying with the changed law.

What steps should I be taking?

The steps you should take will depend on the level of safety risk and factors such as whether you own your own vehicle or contract the heavy vehicle services from a transport operator.

If you currently have defined ways to make sure you're doing everything you can to manage the safety risks associated with your operations, then those same processes can be applied when the law changes.

Where can I get more information?

The NHVR is continually developing guidance and tools to guide and help industry meet the CoR needs within their business. For more information visit www.nhvr.gov.au/cor





Are you a primary producer who owns and/or operates your own heavy vehicle?

The most relevant areas of responsibility for you as a primary producer will include:

- What and how much is loaded onto the vehicle, how the weight is distributed and how the load is restrained
- That the vehicle is fit for purpose, mechanically safe and legally able to be used on a road
- That the driver, who may be you, is not tired and doesn't work longer than they are allowed by the law
- That you understand the safety risks that your activities pose to the transport task—including packing goods for transport, scheduling travel and delivery times, and the impacts of delays in loading and unloading trucks
- Avoid requests, instructions, requirements or demands that may influence the driver to speed or drive while fatigued – whether written in a contract or made verbally.

What is the role of the NHVR?

The NHVR is Australia's dedicated, independent national regulator for road transport industry's vehicles over 4.5 tonnes.

During 2013 to 2015, the National Transport Commission (NTC) conducted three rounds of public consultation, including an industry taskforce, on proposed changes for CoR.

In December 2016 laws were passed to change the Heavy Vehicle National Law to clarify that all parties in the CoR have a duty to ensure the safety of transport activities related to the use of heavy vehicles. These laws will come into effect from mid-2018 and apply to Victoria, NSW, ACT, South Australia, Tasmania and Queensland.

What should I do?

Ensure you understand your responsibilities as a heavy vehicle owner or operator.

For more information visit www.nhvr.gov.au/cor



Are you a primary producer who contracts transport services to another operator?

Some relevant areas of responsibility for you as a primary producer may include:

- Avoid requests, instructions, requirements or demands that may influence the driver to speed or drive while fatigued – whether written in a contract or made verbally.
- Ensure stock or loads are ready to load on time so that a driver is not unduly delayed and pressured to speed or exceed fatigue hours.
- Ensure safe access, while on your property, for the heavy vehicles and advise drivers of any relevant local knowledge.
- Ensure you consult with your transporter and other parties in the chain when setting timeframes for pick up and delivery.

What should I do?

Use operators that provide safe and compliant transport activities. Consult your provider to ensure any safety risks are understood and steps are taken to mitigate those risks.

The NHVR encourages all parties in the heavy vehicle supply chain to adopt and utilise a Safety Management System as part of their everyday business, to help effectively consider and manage their operation's day to day safety risks.

For more information go to www.nhvr.gov.au/risk-management

What are the penalties?

The amended laws include new penalties for breaches of the safety duty. The maximum fines are similar to fines under workplace health and safety laws. These fines can only be imposed by a court – not by the issue of an infringement notice. Courts take into account numerous factors when deciding penalties, including previous offences and positive steps that were taken to ensure safety.

Maximum fines are a guide to courts, and are only ever imposed for the worst possible examples of an offence.

