

Primary producers play an important role in supporting safe, reliable road transport for the benefit of all road users as part of the heavy vehicle supply chain.

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.

Although the laws are changing, they 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.

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## Primary producers and heavy vehicle safety

Common questions about working with upcoming changes to Chain of Responsibility

Clear communication with the transporter is essential from the outset, so that the transporter and other parties are well aware of their obligations.



## 1. What can I do to make sure the transporter's activities are safe and compliant?

### Selecting and contracting

- You should avoid working with companies that are known to have a poor safety and compliance reputation.
- You should seek out companies that have a good reputation.
- You should negotiate an agreement with a transporter, whether it's in a written contract or a verbal agreement, which makes clear that they must comply with regulations and safety requirements and that if they breach those requirements there will be consequences.
- For example, if a vehicle sent to collect your goods or stock that you believe is not safe or too small for the load, you may send it away without being loaded, and insist that an appropriate vehicle was sent instead.
- Your contract or agreement with the transporter should cover what would happen in those circumstances, particularly if delay would cause financial loss to you.
- If a transporter refuses to accept those conditions, or fails to meet them, you should consider looking for a different transporter.

### Practical steps

- Your main duty is to make sure that your conduct does not contribute to unsafe practices by a transporter.
- You should provide information about the expected weight of goods or stock so that the transporter knows which vehicle is appropriate, and which permits if any would be required.
- You should help the transporter with scheduling by providing realistic estimates of the time required for loading, any confirmed delivery times and travel times on local roads.
- You should make sure that there is safe access to your property and equipment (or people) necessary for loading.
- In particular, you should avoid offering any incentives for drivers to exceed speed or mass limits, or to drive while fatigued.

## 2. Do I need to be there when the vehicle picks up my goods?

- No, so long as you can be sure the goods will be ready and accessible on time, and that the driver will have all the information, equipment and assistance that is required.

## 3. How will the changes align the current CoR laws to Workplace Health and Safety laws?

- The common feature will be an obligation to do what is reasonably able to be done to ensure the safety of transport activities, and the requirement to avoid making requests and entering into contracts that will create safety risks or break the law.
- Those who meet existing heavy vehicle and WHS obligations are also likely to meet the changed law.

## 4. Do I need to know how much my goods weigh?

- You should be able to advise the transporter of the weight of the goods with a degree of accuracy either by weighing them or assessing their weight in another way.
- Take into account factors that impact the weight of the product being transported (such as humidity, or the type of feed that stock have had).

## 5. Do I need to inspect the vehicle to make sure it is roadworthy, or well maintained?

- You should only be working with transporters who take responsibility for thorough maintenance of their vehicles.
- You are not required to physically inspect a vehicle when it comes onto your property. However based on what you do know, if you see something about the vehicle that would make it unsafe when it leaves your property, you should refuse to load the vehicle, or use other practicable ways to avoid using the vehicle until it is repaired.

## 6. Do I need to check to see if the driver is fatigued?

- You should only be working with transporters who manage their drivers' fatigue and fitness for duty effectively.
- You do not have to assess a driver for fatigue, however if you do notice a driver is tired, or complains about needing rest, you should refuse to load the vehicle, or use any other

practical ways available to you to allow the driver to rest before taking goods from your property.

## 7. Do I need to check driver licences, registration and insurance?

- Responsibility for licensing, registration and insurance should rest with the transporter. This should be clear in your contract or agreement with them.

## 8. Do I have to make sure the load is restrained properly?

- If you (or your employees) load and restrain the goods yourself, you need to make sure the goods are loaded as specified in the *Mass, Dimension and Loading Regulations and the Load Restraint Guide*.
- If a transporter is responsible for loading your goods, your agreement with them should include a requirement that they follow regulation loading practices.

## 9. Do I need to make sure the transporter has a permit to move oversized loads?

- When you make arrangements for your goods to be transported, you should request that the transporter obtains all necessary permits, and schedules the journey to meet legal requirements.

## 10. What happens to me if the driver speeds?

- In most circumstances you don't have any control or influence over what happens when your goods leave your property, and you will not be liable if your conduct did not encourage or cause the speeding.
- You must avoid asking your transporter to deliver your goods within a timeframe that requires the driver to speed to get there on time.
- You should ask your transporter to arrive with enough time to load the vehicle, and drive to its destination legally and safely, factoring in unplanned delays. To assist, make sure your goods are ready to be picked up, and if for any reason you will be delayed, let your transporter know as soon as you can.