



CoR and Safety Management Systems

2018



Agenda

1. Safety Duties and CoR under the HVNL
2. Safety Management Systems
3. Guides, Templates and Worked Examples
4. Industry Codes of Practice, NHVAS and other support

Safety Duties and CoR under the HVNL

1

Safety duties

The safety of transport activities relating to a heavy vehicle is the shared responsibility of each party in the Chain of Responsibility for the vehicle.

The responsibility depends on the function the person performs, the nature of the risk and the person's capacity to control, eliminate or minimise the risk.





Primary duty

Each party in the Chain of Responsibility (CoR) must ensure, so far as is reasonably practicable, the safety of their transport activities.

Employer

Operator

Consignor

Packer

Loader

Prime Contractor

Scheduler

Consignee

Loading Manager

Unloader

Primary duty

Each party must, so far as is reasonably practicable:

- eliminate or minimise public risks
- not cause or encourage a driver of a heavy vehicle or another person to contravene this Law



Primary Duty - So far as is reasonably practicable

Reasonably practicable means something that is, or was at the time, reasonably able to be done to ensure health and safety.

What is the likelihood of the risk occurring?



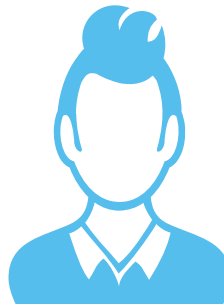
Likelihood

What is the degree of harm that could be caused?



Harm

What should you know about the risk?



Knowledge

What are the ways to remove the risk?



Solutions

Are the costs proportionate to the risk?



Cost

Duty of executive of legal entity

Executives of legal entities must exercise due diligence to ensure the safety of the legal entity's transport activities.

An executive means:

- For a corporation – **an executive officer**
- For an unincorporated partnership – **a partner**
- For an unincorporated body – **a management member**



Due Diligence for executives

Gain and maintain knowledge about safe conduct of your transport activities

Understand the hazards and risks associated with your transport activities

Have appropriate resources to implement processes to eliminate or minimise your hazards and risks

Respond to information received about your hazards and risks in a timely manner

Verify that your resources and processes are provided, used and implemented





Prohibited requests and contracts

A person must not enter into contracts or arrangements that encourage, reward or give incentives to the driver or other parties in the supply chain to breach the law.

Alignment of HVNL with WHS laws

Benefits of alignment

Common Systems - Manage safety risks across the entire business with same systems/practices

Integration - Create safety synergies across parties in the CoR with common approaches and strategies

Economy - Reduce costs by using the same processes and similar practices

Common breaches of CoR obligations

- X Applying business practices or demands that cause a driver to breach fatigue management requirements, or speed limits
- X Failing to weigh, measure or secure loads
- X Setting schedules with unrealistic timeframes
- X Causing unreasonable delays in loading and unloading
- X Packing goods incorrectly
- X Entering terms in contracts and arrangements that encourage, reward or give incentives to the driver or other parties in the CoR to breach the law

Safety Management Systems

2

SMS

**SAFETY
MANAGEMENT
SYSTEMS**

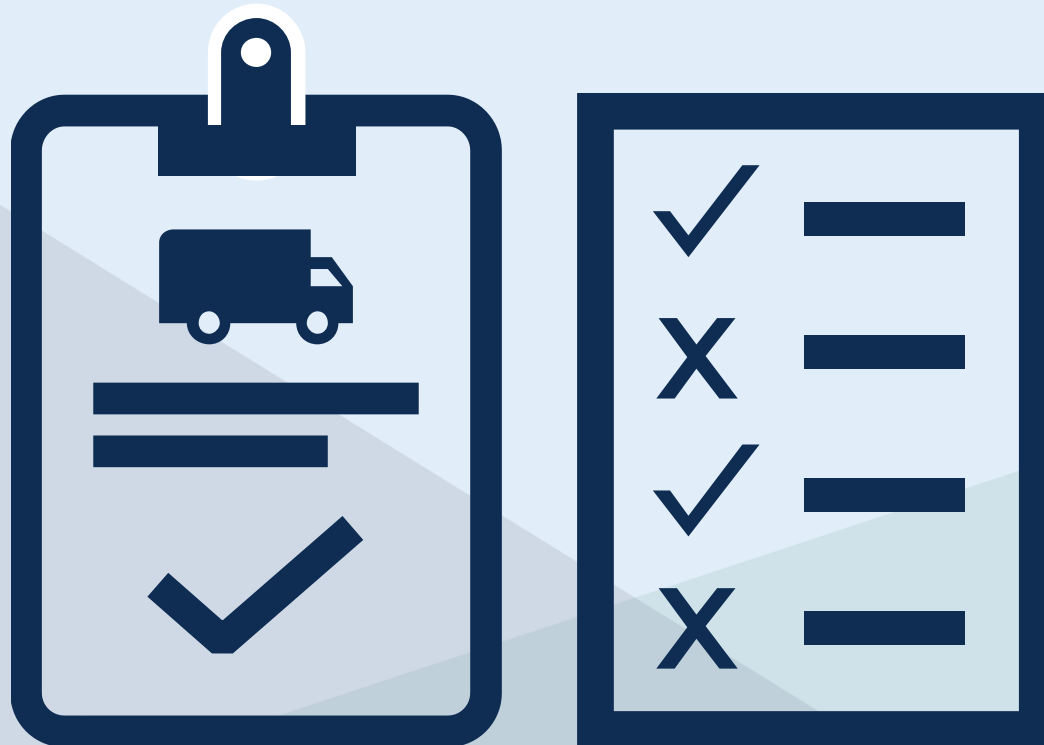
Adopting and actively using an SMS has proven to help reduce safety-related incidents in other transport industries, such as maritime, rail and aviation.

One of the most effective ways of meeting your safety obligations under the Heavy Vehicle National Law (HVNL).







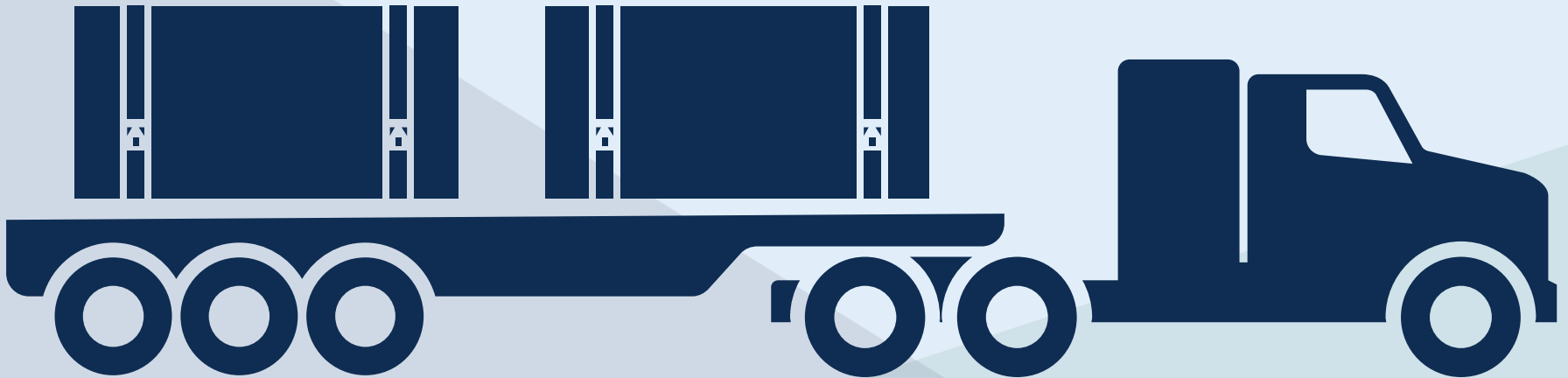
What is a Safety Management System (SMS)?

An SMS is a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures – integrated throughout the business.



Why have an SMS?

-  Manage your safety responsibilities under the HVNL
-  Demonstrate your ability to manage risk and ensure safety
-  Reduce costs associated with incidents and accidents
-  Become an employer of choice and preferred supplier



Components of an SMS



Components and Elements of an SMS

- Management commitment
- Safety responsibilities
- Key safety personnel
- Documentation
- Third party interactions

- Hazard identification
- Risk assessment and mitigation/treatment
- Risk monitoring and review
- Incident reporting

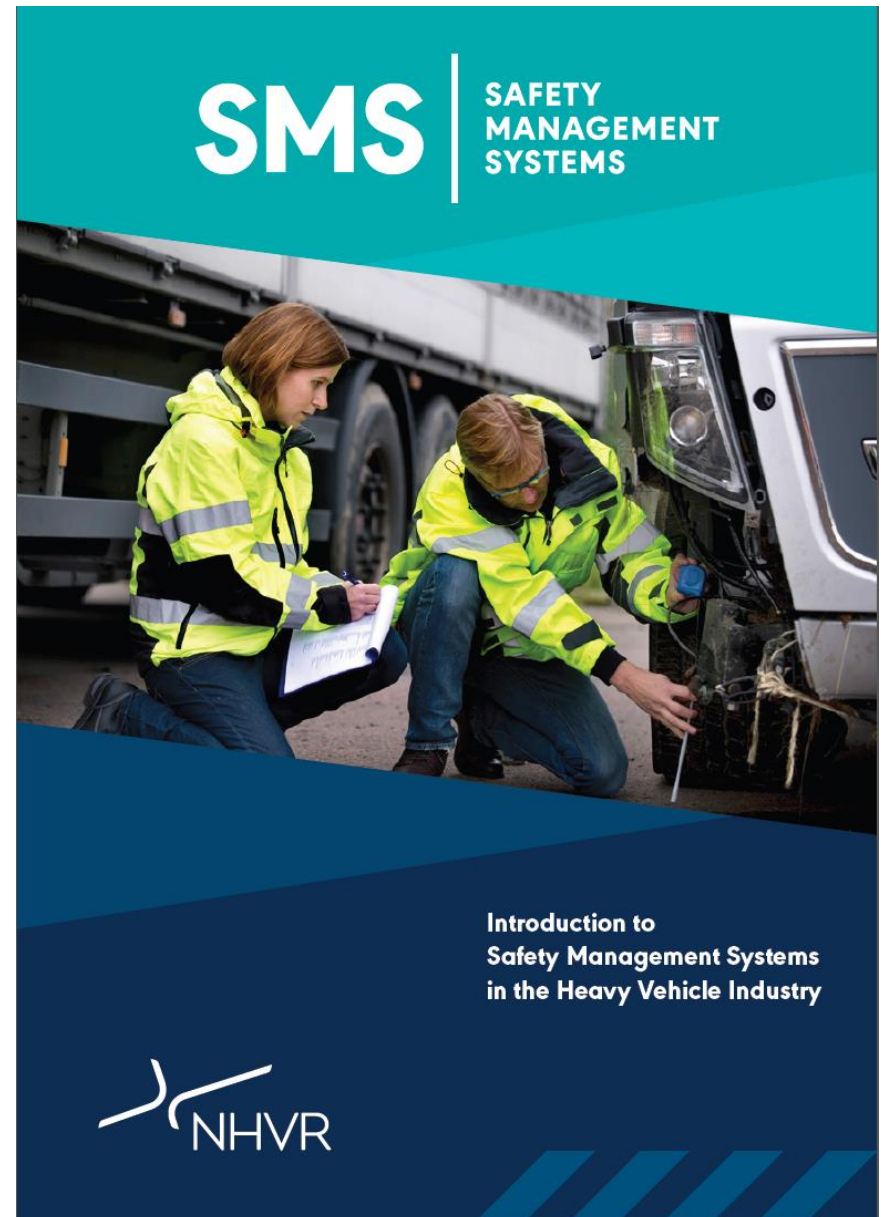


Tools, Templates and Support

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Visit
www.nhvr.gov.au/sms

- ✓ **Checklist**
- ✓ **Quick Guides**
- ✓ **Templates**
- ✓ **Worked Examples**



SMS Checklist

Helps you identify any safety management system elements you may already have in place and enable you to focus on those SMS elements you need to develop.

SMS Checklist

Use this checklist to help you identify which SMS elements you may already have in place. When you're completing the checklist, it's important to keep in mind the size and complexity of your business. Some of the items may not be applicable to your operations. Additionally, some items may already be partially in place or carried out informally.

Yes – This item is implemented in the business

Partially – Only parts of this item are implemented in the business (perhaps as an informal process)

No – This item is not implemented in the business

Not applicable (N/A) – Not appropriate given the size and complexity of the business

SMS components and elements	Yes	Partially	No	N/A
Safety policy and documentation				
Management commitment				
Does your business have a safety policy that documents the commitment to safety and is supported and signed by the accountable executive officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the safety policy readily visible to all employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is there a statement in the policy regarding 'just culture' which discourages the business from blaming an individual following an incident and states that disciplinary action is only considered when there is deliberate violation, intentional recklessness, negligent behaviour or wilful misconduct?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your business have sufficient resources (financial, human, material) to support the SMS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your business identified and documented safety objectives which support the safety policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the safety objectives measurable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the safety objectives periodically reviewed to ensure ongoing relevance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety responsibilities				
Are the roles and responsibilities of managers relating to the SMS documented (e.g. safety manager, transport manager, training manager)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are roles and responsibilities relating to the SMS for all employees in the business clearly documented in position descriptions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is everyone in your business clear about their safety duty obligations as a party in the Chain of Responsibility (CoR) under the Heavy Vehicle National Law (HVNL)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Quick Guides

Short, easy to read format,
answering:

- What?
- Why?
- How?

Topics include risk registers,
hazard and incident reporting

Step 1. Identify hazards

Identify anything that could potentially
cause harm or loss.

What is a hazard?

A hazard is anything with the potential to
cause harm or loss.

How do I identify hazards?

An effective way to identify hazards is
to look for them continually, and to get
people both inside and outside your
business to tell you when they come
across one.

Hazards can include a wide range of
things, such as:

- physical objects that are clearly
visible, like bald tyres
- behaviours, like rushing to load a
vehicle
- a management practice, such as
not providing employees with proper
training.

Record in the risk register

Every time you identify a hazard, record
it in the **Identify hazards** column of your
risk register.

Step 2. Assess risk

Consider how the hazard or risk
could cause harm or loss.

What is risk?

Risk is the possibility that harm or loss
might occur when someone or something
is exposed to a hazard. When you assess
a risk, you're trying to determine how the
hazard could create harm or loss.

How do I assess risks?

Think about the following questions:

- Who could be harmed by the hazard?
- What situation could the hazard
cause harm or loss in?
- Where could the hazard cause harm
or loss?
- When could the hazard cause harm
or loss?
- Why would the hazard cause harm
or loss?

The worked examples in the *Risk Register*
– *Worked Examples (Basic)* illustrate how
various hazards could cause harm or
loss.

Record in the risk register

Record the risk(s) created by the hazard
in the **Assess risk** column of your risk
register. You can also comment on how
much of a risk you think the hazard
presents.

Templates



- Editable Microsoft Word documents
- Insert your own logo
- Modify to meet your business needs

Step 1. Identify hazards	Step 2. Assess risk
Identify anything that could potentially cause harm or loss.	Consider how the hazard or risk could cause harm or loss.
< Identify hazards and record them in this column. >	< Record the risk(s) created by the hazard in this column. You can also make notes of how much of a risk you think something is. >
Transport activities	
Fatigue	
Speed	
Mass	
Dimension	
Loading	

Worked examples

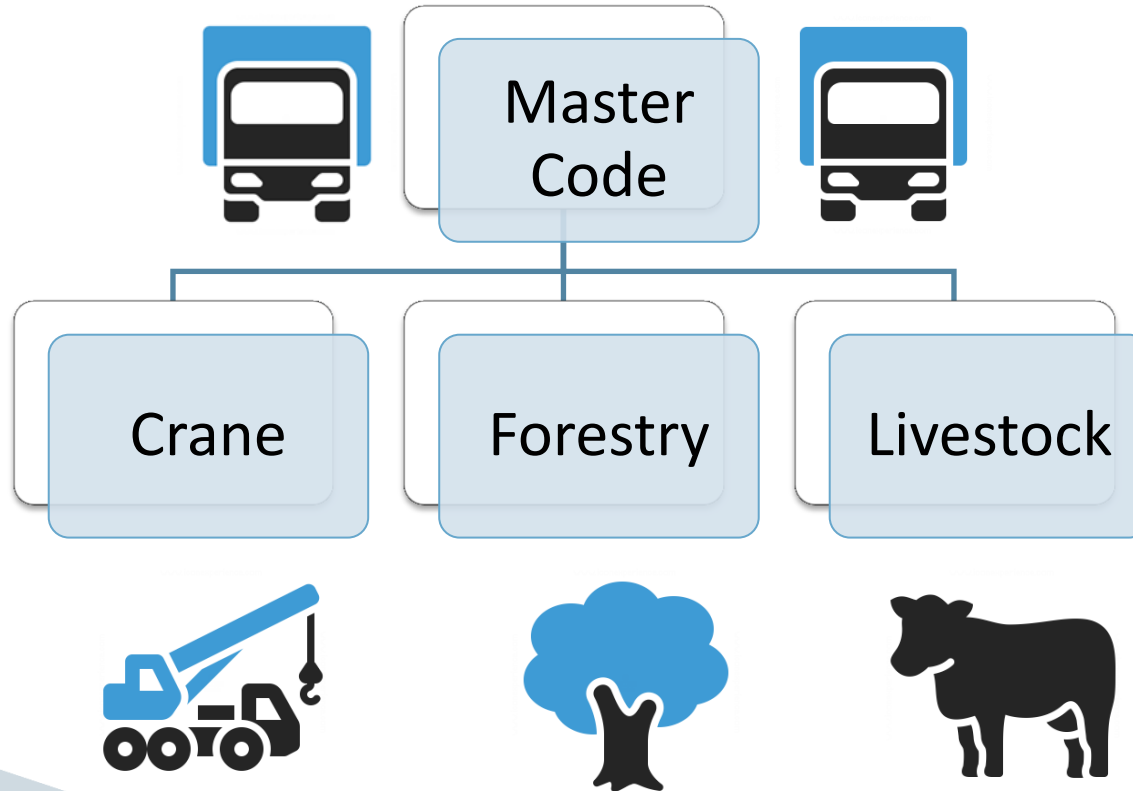
Step 1. Identify hazards	Step 2. Assess risk	Step 3. Identify existing controls	Step 4. Treat risk	Step 5. Monitor and review
Identify anything that could potentially cause harm or loss .	Consider how the hazard or risk could cause harm or loss .	Look at your existing controls to eliminate or minimise the risk so far as is reasonably practicable.	Try to eliminate the risk first but, if that's not possible, put additional controls in place to minimise the risk so far as is reasonably practicable.	Regularly monitor and review the controls you've put in place to make sure they're working as planned.
Dimension				
Vehicle load is over dimension.	<ul style="list-style-type: none"> The load could hit another road user, pedestrian or piece of infrastructure (e.g. bridge, street sign or building). 	<ul style="list-style-type: none"> Loads are carried on appropriate vehicles with necessary permits. Load dimension is inspected before journey departure. 	<ul style="list-style-type: none"> Drivers and loaders are trained in dimension limits. 	<ul style="list-style-type: none"> Check annually that all driver and loader inductions and training are up-to-date. Investigate any instances where a vehicle or load is over dimension.
Loading				
Incorrect load restraint	<ul style="list-style-type: none"> The load could fall from the vehicle and hit another road user or pedestrian or fall on the driver or person unloading. 	<ul style="list-style-type: none"> The load restraint procedure reflects standards in the <i>Load Restraint Guide</i>. Drivers and loaders are trained in correct load restraint procedure at induction and at regular toolbox talks. 	<ul style="list-style-type: none"> Load restraint is checked prior to departure and during the journey. 	<ul style="list-style-type: none"> Check annually that all driver and loader inductions and training are up-to-date. Check a sample of loads once a fortnight to make sure they are properly restrained.
Vehicle standards				
Operating an unroadworthy vehicle	<ul style="list-style-type: none"> The vehicle could cause an accident or be unable to avoid an accident. 	<ul style="list-style-type: none"> Vehicles are serviced and components replaced within manufacturer specifications, or sooner if a fault is found. 	<ul style="list-style-type: none"> Drivers complete a daily check on their vehicle before starting a journey. Drivers report identified faults on their vehicle before starting or during a journey. 	<ul style="list-style-type: none"> Check records every week to make sure all daily checks are being completed. Check vehicle maintenance records every quarter to make sure all vehicle servicing is up-to-date.

**Industry Codes of
Practice, NHVAS
and other support**

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Industry Codes of Practice

Establishes standards and procedures for parties in the chain of responsibility to identify, analyse, evaluate and mitigate general risks associated with meeting obligations under the Heavy Vehicle National Law (HVNL).



Benefits of adopting an Industry Code of Practice

- ✓ You can freely adopt a Code to develop a compliance and safety risk management process that addresses your HVNL obligations
- ✓ A Code can be used to tailor your risk management process to suit the specific needs of your operating environment
- ✓ Industry codes of practice provide useful guidance about known risks and reasonably practicable ways to remove or reduce those risks
- ✓ If you are doing all that is reasonably practicable in your circumstances, you will avoid liability

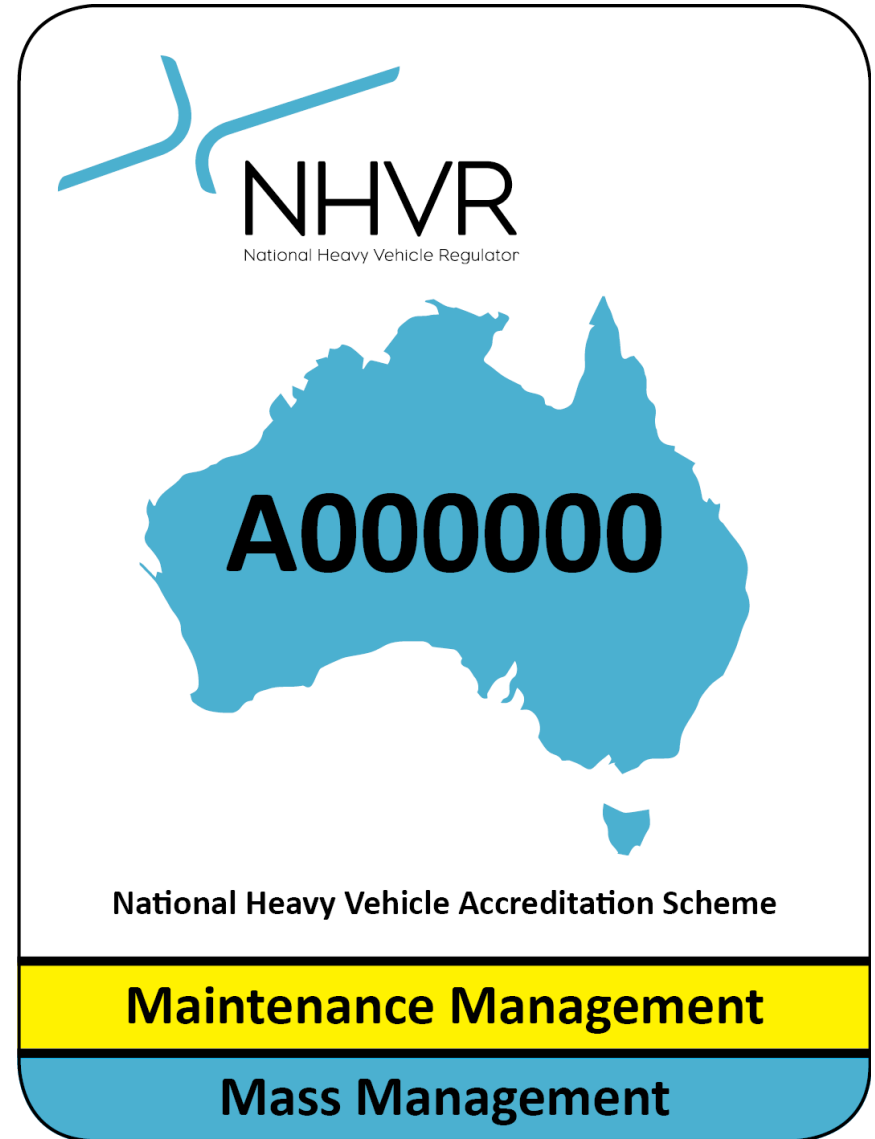
NHVAS

NHVAS standards address risks associated with:

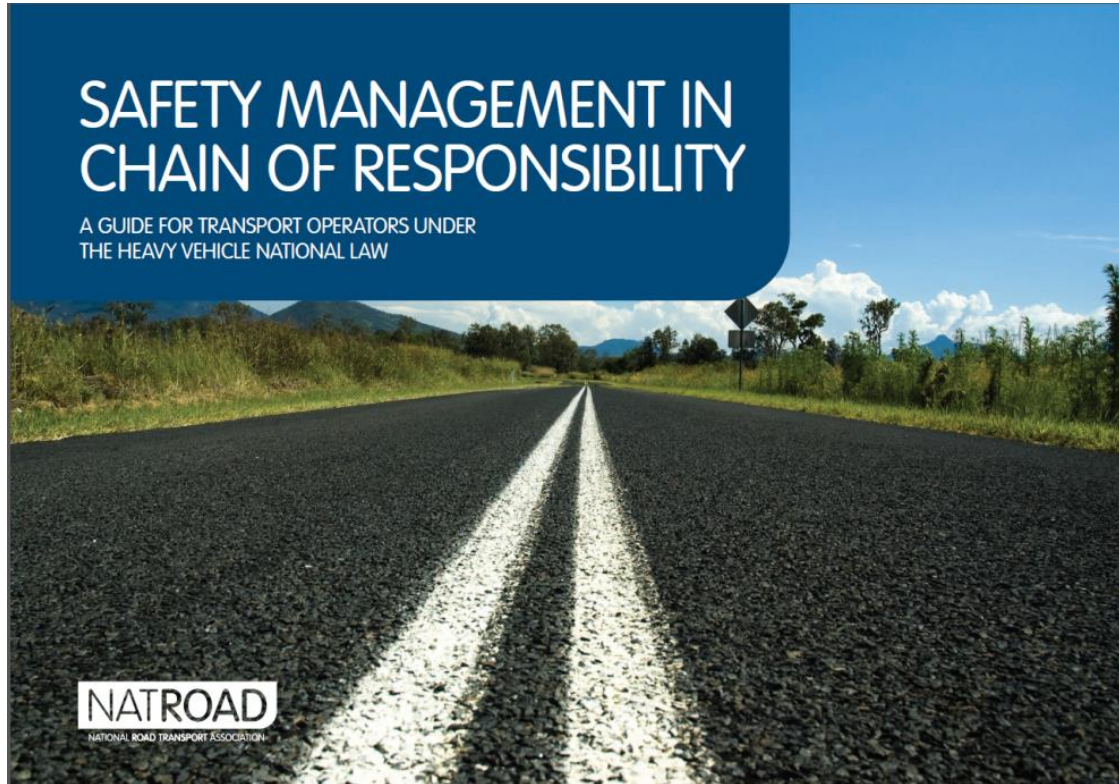
- mass management
- maintenance management
- fatigue management

Plus components found in an SMS, such as:

- documenting policies and procedures
- training employees
- detailing responsibilities



Other sources of information and support



Where can I get more information?

For information and tools to help you understand your responsibilities in the Chain of Responsibility visit www.nhvr.gov.au/cor

For information and tools to help you develop a Safety Management System for your business, visit www.nhvr.gov.au/sms

QUESTIONS?

