

B5

BLUE TRANSPORT SOLUTIONS

SUBCONTRACTOR CHAIN OF RESPONSIBILITY COMPLIANCE



SEPTEMBER 2021

CONTENTS

CHAIN OF RESPONSIBILITY SUMMARY	1
COR SUBCONTRACTOR COMMITMENT STATEMENT	4
CHAIN OF RESPONSIBILITY CHECKLIST	6

CHAIN OF RESPONSIBILITY SUMMARY

INTRODUCTION – WHAT IS CHAIN OF RESPONSIBILITY?

Chain of Responsibility (COR) is a nationally legislated program of compliance and enforcement that aims to improve safety and reduce accidents across the road transport industry.

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.

Blue Transport Solutions Pty Ltd (BTS) will not knowingly ask or expect any worker or contractor to do anything that is unlawful or that will create a dangerous or potentially dangerous situation.

CONTROL = RESPONSIBILITY = LEGAL LIABILITY

HEAVY VEHICLE NATIONAL LAW (HVNL)

The HVNL came into effect in 2014, it was established to provide nationally consistent laws.

www.nhvr.gov.au/law-policies/heavy-vehicle-national-law

The Chain of Responsibility 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 or road transport laws.

The purpose of this policy is to provide guidance to BTS employees, contractors and subcontractors on COR. Under COR law, if you undertake functions that exercise or have the capability of exercising control or influence over any transport task, you are a party in the COR and have an obligation to ensure compliance with the HVNL.

THE PARTIES IN THE CHAIN OF RESPONSIBILITY INCLUDE:

- the employer of a driver
- a prime contractor
- an operator of the vehicle
- a scheduler for the vehicle
- a loading manager for goods being loaded onto the vehicle
- a loader and/or unloader of a vehicle or any goods in the vehicle
- a consignor of any goods for transport by the vehicle
- a consignee of any goods in the vehicle.

SCOPE

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

This may include, but is not limited to, logistics, supply chain and support roles. This includes full-time and part-time employees, as well as contractors and subcontractors working for, or on the behalf of, BTS.

The aim of COR is to make sure everyone in the supply chain actively prevents breaches of the Heavy Vehicle National Law (HVNL).

RESPONSIBILITIES

MANAGER'S RESPONSIBILITIES:

- Ensure that the people you supervise understand their responsibilities under the COR policy.
- Take opportunities to discuss the policy and re-inforce the importance of safety and compliance.
- Create an environment where employees and contractors feel comfortable raising concerns.
- At no time encourage, or direct, employees or contractors to achieve business results at the expense of ethical conduct or compliance with any policy or law.
- Document all relevant processes, audit and training information appropriately.
- Keep appropriate records of driver/s activities, including work/rest times.

POLICY

COR is relevant to all areas of BTS work, in all areas that deal with road transport, including workers organising the road transport of goods for the company and those loading and unloading the vehicles.

The four (4) main elements of the COR are:

1. MASS & DIMENSION

It is the driver's responsibility to ensure that the trucks leave our sites within the mass carrying constraints and that the mass is distributed across the truck axles, and to ensure dimension limits are adhered to.

2. LOAD RESTRAINT

It is the driver's responsibility to ensure that when the vehicle is loaded, the load is placed in such a way that it does not become unstable, move or fall off the vehicle. It is also the driver's responsibility to ensure that the load is properly secured to the vehicle.

If the driver has any concerns about complying with these requirements, they should not leave the site, prior to obtaining advice from the Operations Manager or other authorised office employee.

3. DRIVER FATIGUE

Ensuring that drivers are rested and given adequate time to take their scheduled rest breaks, taking into consideration the number of hours worked.

4. SPEED

Ensure that driver's routes are realistic and safe, and that they are not having demands placed on them that may result in the driver putting themselves or others at risk.

Schedules need to consider the distance that needs to be travelled, traffic conditions and delays in loading/unloading.

Ensure drivers use safe driving behaviours.

CONTRACTORS

BTS always operates ethically and expects contractors to do the same.

Before engaging a road transport contractor, we will ensure that the contractor has operational policies across the COR spectrum of speed, mass, load restraint, alcohol and drug use, and driver fatigue.

If the road transport contractor does not meet the required standards, they will not be engaged to perform work/s for, or on behalf of, BTS.

VEHICLES

Heavy Vehicle definition: a vehicle is a heavy vehicle if it has a gross vehicle mass (GVM) of more than 4.5 tonnes.

Regulated Heavy Vehicle definition: a vehicle is regulated heavy vehicle if it has a gross vehicle mass (GVM) of more than 12 tonnes.

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

- vehicle registration
- appropriate insurance/s
- that maintenance is up to date
- that the vehicle is fit for purpose
- appropriate load restraint/s for the task
- speed limiter functional (regulated heavy vehicle)
- ensure the driver completes a daily vehicle inspection.

DRIVERS

Any driver engaged to do work for BTS must have the following information verified prior to commencement of that work:

- Appropriate vehicle driver's licence
- Medically fit to drive (acknowledgement in pre-start)
- Appropriate personal protective equipment (P.P.E.)
- Required insurances
- Trained in COR requirements
- Completed daily vehicle/driver check (pre-start) i.e., iPhone app/check list.

If at any time a driver does not meet the above requirements, they are to inform the Operations Manager immediately. Failure to comply with this requirement may result in termination of employment.

OTHER DRIVER RESPONSIBILITIES

- Comply with regulated driving work/rest hours.
- Keep complete and appropriate records of your work and rest hours.
- Carry and complete your work diary (if required).
- Obtain the weight/dimensions/mass of the load.
- Check the load restraints prior to leaving site.
- Observe speed limits.

FATIGUE

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

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

Examples include but are not limited to:

- Drivers properly managing their work/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).

SCHEDULING

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

Reasonable steps include, but are not limited to:

- consulting the driver or operator 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 schedule/s
- contingency planning concerning schedules
- obtain relevant permits
- do a route check for over dimensional loads.

MASS/DIMENSIONAL LIMITS

BTS must ensure that any vehicle that is loaded, is loaded in line with the mass limits of that vehicle.

BTS will provide the driver or nominated representative, with all relevant mass/dimensional 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/ or placement of items of the load.

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

As all vehicles are different and drivers know their vehicle/s best, it is the driver/s responsibility to check mass limits are correct for their vehicle prior to securing the load according to his vehicle axle mass limits. It is also imperative that mass and dimension limits are adhered to throughout the delivery cycle i.e. as freight is removed or added to the vehicle.

Refer to NHVR for mass, dimension and loading regulations www.nhvr.gov.au/road-access/mass-dimension-and-loading.

SPEED MANAGEMENT

BTS will not pressure, direct or encourage a driver/s to exceed speed limits for any reasons.

BTS insists on safe work behaviour and speeding will not be tolerated.

BTS and its transport providers will ensure a robust approach to speed management that incorporates the following controls:

- Reviewing of driving, work and trip records
- The use of a vehicle tracking program that reports incidents of speeding and other related risks and hazards.
- Training and information for drivers, staff and parties in the COR
- Regular maintenance of vehicle components that relate to complying with speed limits, including but not limited to, speed limiters, speedometer and engine management systems
- A remuneration model that does not provide incentives for early deliveries and does not penalise for late deliveries.

LOAD RESTRAINT

The safe loading of heavy vehicles is vitally important in preventing injury to people and damage to property.

Every load that leaves the BTS yard or site, must be restrained in line with the National Transport Commission's Load Restraint Guide.

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 (as per the 2018 NTC Load Restraint Guide).

If the driver is unsure of what the correct load restraint required is for a vehicle or load type, they must consult with the Operations Manager or other authorised office employee.

Load restraint equipment should be inspected on a regular basis.

Sufficient, fit for purpose and well-maintained load restraint equipment should be provided.

For further information www.ntc.gov.au/heavy-vehicles/safety/load-restraint-guide.

LOADERS

A loaders responsibility includes ensuring:

- a vehicles load does not exceed, or cause the vehicle to exceed, mass or dimension limits
- a vehicles load is placed in a way that does not result in it becoming unstable, moving or falling off the vehicle
- documentation about the vehicles load is not false or misleading
- any goods packed in a freight container do not cause the containers gross weight or safety approval rating to be exceeded
- container weight declarations are completed in full for all registered shipping containers
- hazardous and dangerous goods are declared, including weights and/or quantities
- the loader is licenced to operate the loading equipment
- the loader is not fatigued
- the loading equipment i.e. forklift/ franna/ crane etc. is licenced and fully operational, and the equipment maintenance up to date.

BREACHING THE POLICY

This policy sets standards of behaviour expected from everyone who performs work for BTS.

Not following this policy may result in disciplinary action. For employees this may include termination of employment. For contractors, it may lead to the immediate termination of a contract.

It is expected that suppliers will enforce a similar level of standards with their employees and contractors.

This policy remains in force until withdrawn in writing.

COR SUBCONTRACTOR COMMITMENT STATEMENT

CHAIN OF RESPONSIBILITY (COR)

On 1st October 2018, Heavy Vehicle National Law (HVNL) was amended to provide that every party in the heavy vehicle transport supply chain has a duty to ensure an obligation to eliminate or minimise potential harm or loss (risk) by doing all that is reasonably practicable to ensure safety.

It is important to ensure that all supply chain partners within the chain of responsibility work together to eliminate breaches of the legislation.

Under CoR law, if you undertake functions that exercise or have the capability of exercising control or influence over any transport task, you are a party in the chain of responsibility and have an obligation to ensure compliance with the HVNL.

If a party to the supply chain advises they are not willing to commit to their responsibilities, there is potential for a breach to occur.

A Commitment Statement will be supplied to each party in the chain of responsibility for completion and is required to be returned prior to work commencing.

Signed commitments will remain in force for all future transport tasks until withdrawn in writing.

The parties in the chain of responsibility are:

- An employer of a driver
- A prime contractor
- An operator of the vehicle
- A scheduler for the vehicle
- A loading manager for goods being loaded onto the vehicle
- A loader and/or unloader of a vehicle
- A consignor of any goods for transport by the vehicle
- A consignee of any goods in the vehicle.

CHAIN OF RESPONSIBILITY (COR) COMMITMENT STATEMENT

As a transport operator, I commit to the following operating principles:

COMPANY NAME

will:

- Avoid making arrangements encouraging or rewarding non-compliance with CoR laws;
- Adopt a risk management approach throughout the workplace & logistics service;
- Implement policies, procedures and practices to support CoR requirements;
- Incorporate compliance assurance conditions in contracts with consignees/consignors;
- Ensure a communication system is in place to enable drivers to report delays or other problems;
- Ensure all relevant parties are trained in CoR and understand their responsibilities;
- Ensure every vehicle is fit for purpose, registered, insured and well maintained;
- Ensure every driver completes daily vehicle inspections;
- Implement procedures to monitor and address any non-conformance issues;
- Report non-conformance to the appropriate person in the CoR; and
- Comply with Australian Design Rules, including speed limiters.

For Load Restraint,

COMPANY NAME

will:

- Provide sufficient, fit for purpose and well-maintained load restraint equipment;
- Inspect load restraint equipment on a regular basis; and
- Provide drivers and loaders with sufficient training to use load restraint equipment correctly.

For Mass & Dimension,

will:

- Ensure drivers have accurate documents of the tare weight (or empty weight of the combination);
- Supply legally permitted and registered vehicles that meet legal dimension requirements;
- Provide proof of accreditation while operating under higher mass limits;
- Ensure vehicles do not exceed legal mass limits;
- Ensure drivers are legally licenced, registered, permitted and trained to undertake the job they are contracted to complete; and
- Ensure load plans for vehicle combinations do not exceed maximum weight limits and if loading by pallet space, that legal axle limits are not exceeded.

For Fatigue,

will:

- Ensure drivers are fit for work and have satisfied prior rest requirements;
- Provide proof of accreditation when operating under Basic Fatigue Management (BFM);
- Ensure driver rosters and schedules do not require drivers to exceed working hours laws;
- Confirm the destination timeslot can be met within the legal driving hours and speed limits, allowing for required work periods, rest breaks and potential delays prior to committing to the timeslot;
- Provide timely notification to the receiver if a timeslot cannot be met due to delays;
- Ensure drivers are able to take their required rest breaks;
- Ensure drivers adhere to contingency procedures when responding to unexpected circumstances or delays such as road works and road closures; and
- Keep records of driver activities including driving, work & rest times.

For Speed,

will:

- Ensure driver rosters and delivery schedules do not require drivers to exceed the speed limit;
- Ensure delivery times do not put drivers under pressure to exceed the speed limit;
- Put contingency plans in place to deal with scheduling issues and problems with meeting deadlines;
- Ensure drivers use safe driving behaviours; and
- Install & maintain functioning vehicle speed limiters.

By signing the declaration, you are declaring that Blue Transport Solutions Pty Ltd have been given relevant information that indicates that your vehicle/s while contracted to Blue Transport Solutions Pty Ltd are free of defects that would pose any undue risk to other road users or the general public.

You agree to ensure all loads will be adequately restrained in accordance with the National Transport Commission Load Restraint Guide 2018.

You also agree that the drivers of those vehicles are suitably licenced and trained for the allocated transport task and will only drive to their fatigue management plan only when fit for duty.

Any change in circumstance of vehicle or driver that may have a negative impact while transporting loads for Blue Transport Solutions Pty Ltd must be advised immediately.

Blue Transport Solutions Pty Ltd agree they will not knowingly ask or expect any contractor to do anything that is unlawful or that will create a dangerous or potentially dangerous situation.

I

of

Commit to the Chain of Responsibility principles provided in this document.

This commitment remains in force until withdrawn in writing.

DOCUMENTS TO BE SUBMITTED TO BTS

- SIGNED COMMITMENT STATEMENT
- MOTOR VEHICLE INSURANCE POLICY
- TRANSIT INSURANCE POLICY (if applicable)
- PUBLIC LIABILITY INSURANCE
- WORKERS COMPENSATION INSURANCE POLICY
- NHVR CERTIFICATE (if applicable)
- CARRIERS LIABILITY INSURANCE POLICY (if applicable)

CHAIN OF RESPONSIBILITY CHECKLIST

Blue Transport Solutions Pty Ltd is committed to taking all practical steps to reduce work related injury and/or illness, and to ensure the health, welfare and the safety of all workers, visitors and the general public.

It is our company's position to comply with all the relevant regulations, safety legislation, codes of practice and Australian standards.

As such Blue Transport Solutions Pty Ltd requires you to complete the below checklist to ensure Chain of Responsibility requirements are met.

Please forward the completed document to the Operations Manager via email:

operations@btstransport.com.au

By ticking the box, you are confirming you have supporting documentation that is current and available upon request.

- All truck/trailer registration certificates
- Certificate of currency for workers compensation, motor vehicle insurances and public liability
- A Chain of Responsibility policy
- Alcohol and drug policy
- Fatigue management policy
- Vehicle maintenance documentation
- Driver/Operator licences

Company name

Position in company

Full name

Signature

Date

