

# TEMORA SHIRE COUNCIL



TEMORA

*The Friendly Shire*

## CHAIN OF RESPONSIBILITY PROCEDURE

**ACTIVE**

**Review Details**

**ABOUT THIS RELEASE**

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**REVIEW**

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December 2017	New Policy	21 December 2017	GCL

**PLANNED REVIEW**

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## **1. Background**

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.

### **Heavy Vehicle National Law (HVNL)**

The HVNL came into effect in February 2014 and was established to provide nationally consistent laws.

The CoR laws apply across all areas of the transport supply chain. The aim of CoR 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

## **2. Purpose**

The purpose of this Procedure is to set clear direction for all persons to observe during delivery of goods and services on behalf of Temora Shire Council and to facilitate full legislative compliance with Chain of Responsibility law in all Temora Shire Council business operations.

## **3. Scope**

This Procedure applies to employees, contractors and all persons involved in consigning, packing, loading, driving, operating and receiving goods on behalf of Temora Shire Council.

This may include (but is not 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 Temora Shire Council. It also extends to suppliers and visitors where appropriate.

## **4. Objectives**

The objectives of this Procedure are;

- Provide CoR guidance and direction to persons conducting transport related business with Temora Shire Council.
- Manage corporate risk associated with transport related dealings.

- Assist Temora Shire Council in achieving CoR legislative compliance.

## 5. Responsibilities

All persons acting on behalf of Temora Shire Council should consider their actions before undertaking transport related tasks. If you are ever in doubt about a course of action, ask yourself the following:

- Is it consistent with this Procedure?
- Is it safe?
- Is it appropriate and legal?

If your answer is “No” to any of these questions, don’t do it.

If you remain uncertain, ask a manager for guidance. The Procedure attempts to capture many of the situations that employees and contractors may encounter, but it cannot address every circumstance. In the first instance, always check with your manager. If in doubt, seek further guidance.

### Manager’s Responsibilities:

- Ensure the people you supervise understand their responsibilities under this CoR Procedure
- Take opportunities to discuss the Procedure and reinforce 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, Procedure or law
- Document all relevant process, audit and training information appropriately

## 6. Procedure

CoR is relevant to all directorates of Temora Shire Council. In particular, Councils engineering directorate has significant exposure to CoR, through dealings with the civil related transport industry. Business dealings associated with, transporting of Council plant, equipment and materials, hire of civil contractors and purchasing of bulk goods all have CoR implications.

The four (4) main elements of the Chain of Responsibility are:

**Mass & Dimension** - Ensuring that heavy vehicles operating on behalf of Temora Shire Council operate within the prescribed National Heavy Vehicle Mass and Dimension Limits, and that the mass and dimension of loads are distributed appropriately across the vehicle.

**Load Restraint** - Ensuring that heavy vehicles operating on behalf of Temora Shire Council have adequate load restraint that is compliant with the National Transport Commission and RMS Load Restraint Guide.

**Driver Fatigue** - Ensuring that heavy vehicle drivers operating on behalf of Temora Shire Council are operating within the national heavy vehicle fatigue laws.

**Speed** - Ensuring that heavy vehicle driver's operating on behalf of Temora Shire Council comply with heavy vehicle speed laws.

### **6.1. Heavy Vehicle Definitions**

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 a regulated heavy vehicle if it has a Gross Vehicle Mass (GVM) of more than 12 tonnes.

### **6.2. Contractor Engagement**

It is a requirement at Temora Shire Council that any heavy vehicle contracted to work on a Temora Shire Council managed site has the following information verified prior to commencement and is maintained for the duration of that work:

- Employee details (licensing, white card, etc.)
- Vehicle Registration
- Appropriate Insurance(s)
- Maintenance up to date
- Fit for purpose
- Appropriate load restraint for task

All Temora Shire Council contractors must be assessed against Councils Contractor Management Procedures and established on Councils Register of Approved Contractors and Suppliers

If a contractor or a sub-contractor of a contractor does not meet Temora Shire Council's required contractor standards, these persons should not be engaged to perform works for Temora Shire Council.

If at any time a contractor does not meet the above requirements they are to inform Temora Shire Council immediately. Failure to comply with this component of the Procedure may result in termination of employment.

### **6.3. 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.

Temora Shire 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 & 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).

Information on heavy vehicle fatigue management is available through the following link – [Heavy Vehicle Fatigue Management](#).

### **6.4. 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 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 schedules
- Contingency planning concerning schedules

## **6.5. Mass and Dimension Limits**

Temora Shire Council must ensure that any heavy vehicle that is loaded at a Temora Shire Council managed site is loaded in line with the Mass and dimension Limits of that vehicle.

Temora Shire Council will provide the driver or nominated representative, with relevant mass and dimension information related to the load prior to loading.

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

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

Information on heavy vehicle mass and dimension is available through the following link – [Heavy Vehicle Mass and Dimension](#).

## **6.6. Speed Management**

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

Temora Shire Council 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 & trip records
- A program to report & monitor (GPS tracking where available) incidents of speeding, & related risks and hazards
- Training & Information for drivers, staff and parties in the chain of responsibility
- Regular maintenance of vehicle components that relate to complying with speed limits (GPS tracking units, speedometer, engine management systems).

- Remuneration model that does not incentivise or penalise drivers for early or late deliveries.

## **6.7. Load Restraint**

The safe loading of heavy vehicles is vitally important in preventing injury to people and damage to property. Every load that leaves a Temora Shire Council managed site must be restrained in line with the National Transport Commissions Load Restraint Guide 2004, available at the following link - [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

## **6.8. Drugs and Alcohol**

Temora Shire Council has the authority to and may conduct random drug and alcohol testing of heavy vehicle operators. Councils Alcohol and Other Drugs Policy is available through the following link - [Alcohol and Other Drugs Policy](#).

**6.9. Chain of Responsibility Risk Assessment**

Task / Activity	Hazard/ Source of Hazard / Risk	Initial Risk Rating (1=highest, 5=lowest)	Control Measures	Residual Risk Rating (1=highest, 5=lowest)
General Administration	<ul style="list-style-type: none"> <li>• Untrained staff</li> <li>• Complacency</li> <li>• Inadequate process</li> <li>• Poor safety attitude and/or culture</li> </ul>	1	<ul style="list-style-type: none"> <li>• Regular review of transport related activities, process, policy and procedure</li> <li>• Staff awareness training in transport related obligations, policy and procedure</li> <li>• Staff engagement in development of process, policy and procedure</li> <li>• Regular audit of transport related compliance and record management</li> <li>• Regular review of plant maintenance systems and record keeping</li> </ul>	4
Council Load Restraint	<ul style="list-style-type: none"> <li>• Crushing, striking and projectiles</li> <li>• Airborne particles or debris</li> <li>• Loss of load</li> <li>• Vehicle accident</li> <li>• Financial penalty</li> </ul>	1	<ul style="list-style-type: none"> <li>• HR/HC Tippers have electric covers</li> <li>• LR/MR Tippers have manual covers</li> <li>• Biannual inspection of chains and slings</li> <li>• GPS monitoring of high utilisation heavy vehicle fleet. Including harsh acceleration and braking reporting to management</li> <li>• Operators provided NTC Load Restraint Guide</li> <li>• Link to NTC Load Restraint Guide in CoR Procedure</li> </ul>	4

Task / Activity	Hazard/ Source of Hazard / Risk	Initial Risk Rating (1=highest, 5=lowest)	Control Measures	Residual Risk Rating (1=highest, 5=lowest)
Council Fatigue	<ul style="list-style-type: none"> <li>• Vehicle accident</li> <li>• Financial penalty</li> </ul>	2	<ul style="list-style-type: none"> <li>• Work and rest times recorded on plant prestart record for Heavy Vehicles &gt;12t</li> <li>• Regular Audit of work records (Timesheets, Prestart Record, etc.)</li> <li>• Secondary employment policy</li> <li>• Biennial fatigue presentation by Council Road Safety Officer at staff monthly breakfasts</li> <li>• Link to Fatigue Information in CoR Procedure</li> </ul>	4
Council Speed	<ul style="list-style-type: none"> <li>• Vehicle accident</li> <li>• Financial penalty</li> </ul>	2	<ul style="list-style-type: none"> <li>• GPS monitoring of high utilisation heavy vehicle fleet. Including over speed alerts to management</li> <li>• Review and reinforcement following speeding incident at Council monthly staff breakfast</li> </ul>	3
Council Mass & Dimension	<ul style="list-style-type: none"> <li>• Crushing and striking</li> <li>• Infrastructure damage</li> <li>• Vehicle accident</li> <li>• Financial penalty</li> </ul>	2	<ul style="list-style-type: none"> <li>• Wheel loader fleet fitted with electric scales</li> <li>• Access to third party weigh bridge facilities</li> <li>• Link to Heavy Vehicle Mass and Dimension Limits in CoR Policy</li> </ul>	4
Contractors	<ul style="list-style-type: none"> <li>• Crushing, striking and projectiles</li> <li>• Airborne particles or debris</li> <li>• Infrastructure damage</li> <li>• Loss of load</li> <li>• Vehicle accident</li> <li>• Financial penalty</li> <li>• Loss or reputation</li> </ul>	1	<ul style="list-style-type: none"> <li>• Foster commercial arrangements with demonstrated safety conscious responsible contractors</li> <li>• Purchase Order acknowledgment of Council CoR procedure</li> <li>• CoR Procedure included in Goods and Services Tender information pack</li> <li>• Council CoR Procedure available on Councils Website</li> <li>• CoR framework weighting included in tender evaluation</li> </ul>	3