
THE NEW CHAIN OF RESPONSIBILITY LAW 2018

WHAT IS IT?
WHAT'S CHANGED?
WHAT DO I NEED TO DO?
Updated June 2021

CHAIN OF RESPONSIBILITY

AUSTRALIA

CHAIN OF RESPONSIBILITY



CHAIN OF RESPONSIBILITY

MESSAGE FROM THE DIRECTORS

Steve & Peter



*Chain Of Responsibility Australia director
Steven Asnicar speaking at a recent
CeMAT Conference.*



*Chain Of Responsibility Australia director
Peter Cutforth*

Welcome from Steven and Peter, Directors of Chain Of Responsibility Australia, one of Australia's leading Chain of Responsibility consulting and training firms.

This short paper is designed to provide company owners, managers, industry employees, and contractors an overview of the Chain of Responsibility requirements, and a summary of some of the measures required to be compliant and to avoid penalties and fines.

This information is in reference to the Heavy Vehicle National Law (HVNL) regulated by the National Heavy Vehicle Regulator (NHVR). Note: the HVNL will be adopted by the Northern Territory at a later date and Western Australia will not commence the HVNL at this time. Non-participating states have equivalent legislation in place with minor local adjustments. This White Paper is not intended to be a comprehensive audit tool for your company.

It has been produced from various authoritative references, which are listed at the end of the document. Readers should refer to the latest legislation for more detailed information.

A handwritten signature in black ink, appearing to be 'S Asnicar'.

STEVEN ASNICAR

Chain Of Responsibility Australia Director

A handwritten signature in black ink, appearing to be 'Peter Cutforth'.

PETER CUTFORTH

Chain Of Responsibility Australia Director

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CHAIN OF RESPONSIBILITY WHAT IS IT?

UPDATED JUNE 2021

DOES THE CHAIN OF RESPONSIBILITY RELATE TO ME?

There are two important questions to ask here:

1. Are you a person in charge of a business or organisation that is conducting business? The official term for this under Australian Workplace Health and Safety (WHS) laws is "Person Conducting a Business or Undertaking (PCBU)".
2. Do you have heavy vehicles (over 4.5t) on, or visiting your site?

Every Person in Control of Business or Undertaking (PCBU) that has a heavy vehicle (over 4.5t) on their site is **fully exposed under the Heavy Vehicle National Law (HVNL)** related to offences by anyone in "the chain".

There are also **specific offences under the HVNL for directors, CEOs, managers and other personnel on site**. These offences carry jail terms up to five years, and fines up to \$300,000 for individuals and \$3,000,000 for companies.

*The principle behind the Chain Of Responsibility concept is simple. **Any party who has control in the transport chain** can be held responsible and may be legally liable.*

Consistent with WHS Laws, the HVNL ignores contracts and looks to the conduct of boards and management to determine their personal liability. Accordingly, **procurement, finance, safety, HR and training are critical in ensuring the supply chain does not expose a PCBU to liability.**

WHAT IS THE CHAIN OF RESPONSIBILITY?

The aim of the Chain of Responsibility laws is to ensure that legal liability is imposed on all those in the transport chain who have responsibility for certain tasks where their actions, inactions or demands result in an offence.

All parties in the road transport supply chain have specific obligations under the law to prevent a breach. Under the Chain of Responsibility, complying with the law is a shared responsibility - **anybody who has control over the transport task** can be held responsible for breaches of road laws and may be **legally liable**.

WHAT ARE YOUR RESPONSIBILITIES?

In October 2018, updated Chain of Responsibility legislation came into effect and introduced several important new aspects which are covered below under "What's Changed?".

Previously, if you exercised control or influence over a transport task, you could have been held legally liable for your actions, inactions or demands, **if they caused or contributed to a breach**. The law required you to take all **reasonable steps** to prevent your conduct from causing, or contributing to, a breach.

From October 2018, the law has changed significantly. The legal test of retrospectively (past-looking) and taking "reasonable steps" to prevent a breach **has been replaced** with the forward-looking concept of proactively taking steps "so far as reasonably practicable" implementing broad systems and processes closely linked to the organisation's Workplace Health and

See more on what this means below under "What's Changed?".

In addition, the current law prohibits you from:

- Making demands that you know, or ought to know, would cause a breach
- Coercing, inducing or encouraging breaches
- Passing on false or misleading information that could cause a breach.

The Chain of Responsibility laws are designed to apply to all road transport offences ranging from minor breaches of log book-recording, to actions contributing to a serious spill of dangerous goods or a large load from a truck, or, at worst, a fatal accident.

FIVE TARGET AREAS UNDER THE NEW CHAIN OF RESPONSIBILITY AUSTRALIA LEGISLATION:



Make sure that all responsible people can demonstrate that they have implemented systems & processes "as far as reasonably practicable."

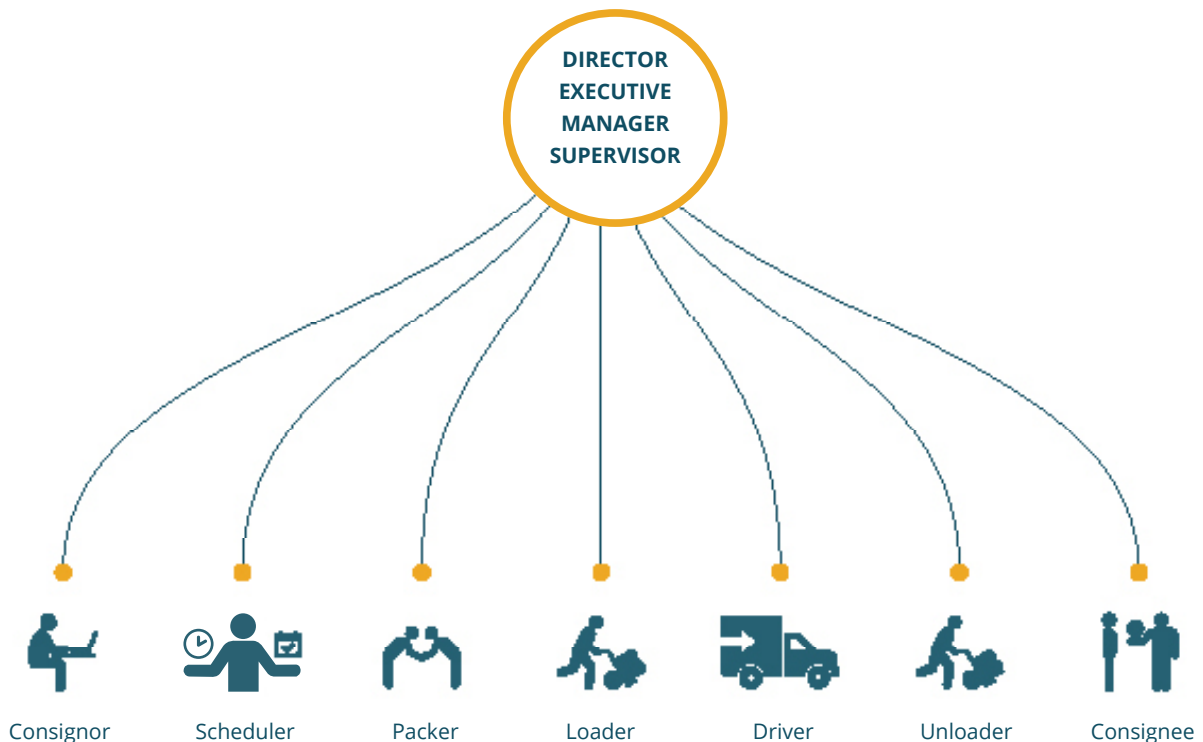
RESPONSIBLE PERSONS

All people in the supply chain must make sure the terms of a consignment or work/employment contracts will not result in, encourage, reward, or be an incentive to break any road transport law, for a driver or other party in the supply chain. A full definition of "responsible persons" in the Chain of Responsibility laws is reproduced in Appendix A.

WHO IS RESPONSIBLE?

<i>Activity</i>	<i>Entity</i>	<i>Organisation Role</i>	<i>Industry Role</i>
Drivers & Owner-drivers	Corporations	Boards /Company directors	Exporters/ Importers
Vehicle Operators	Partnerships	Managers	Primary producers / Ports
Schedulers of goods or passengers & the driver	Incorporated associations	Staff	Single / Multiple stage trips
Consignors, consignees, & receivers of the goods	Unincorporated associations	In-sourced / Outsourced	
Packers, loaders & unloaders of goods	Other bodies corporate		
Loading managers			

Importantly, the Chain of Responsibility legislation provides wide-ranging powers, which allow the regulators to investigate and prosecute both along the entire supply chain and up and down individual organisations. These powers ignore contract arrangements and past practice, unless they comply with the standard.



A "responsible person" also has specific duties to ensure that other parties in the transport chain are not misled by false information about any aspect of a consignment or journey. A "responsible person" must provide information about the load and about the identity of other parties in the chain when requested by authorities. The premises of a "responsible person" may be inspected or searched.

CHAIN OF RESPONSIBILITY WHAT'S CHANGED?



Various Sectors

NEW PRIMARY DUTY LAWS IN 2018

In October 2018, amendments to the Chain of Responsibility laws were implemented to align Chain Of Responsibility laws more closely with Work Health and Safety (WHS) laws. The HVNL already had fines set to the same level as WHS Laws. This created personal liability per offence up to \$300,000 and 5 years' imprisonment. Now, they have been amended so that every party in the heavy vehicle transport supply chain has a duty to ensure the safety of their transport activities.

As a party in the supply chain, the best way to do this is to have safety management systems and controls in place, such as business practices, training, systems, procedures and review processes that:



Identify, assess, evaluate, and control risk



Involve regular reporting, including to executive officers



Manage compliance with speed, fatigue, mass, dimension, loading and vehicle standards requirements through identified best practice



Document or record actions taken to manage safety

NEW LAWS 2018

In practical terms, this “primary duty” represents an obligation to eliminate or minimise potential harm or loss (risk) by doing all that is “reasonably practicable” to ensure safety.

Significantly, in the event that there is conflict between the HVNL and WHS laws, the WHS law takes precedence over HVNL law.

In order to align with national WHS law, the primary duty obligation is assessed against the “so far as is reasonably practicable” legal test, rather than the previous “reasonable steps” standard.

“Reasonably practicable” means something that is, or was at the time, reasonably able to be done to ensure health and safety, while considering all relevant matters including:



The likelihood of the risk occurring



The degree of harm



What the person knows about the risk



Ways to remove or reduce the risk and whether they are feasible, and;



Cost of modifying is proportional to the risk

The above concepts are unpacked further, below:

NEW PRIMARY DUTY LAWS IN 2018

We recommend that you read the official statement below from the NHVR website:

“On 1 October 2018, the Heavy Vehicle National Law (HVNL) was amended to provide that every party in the heavy vehicle transport supply chain has a duty to ensure the safety of their transport activities.

In practical terms, this primary duty represents an obligation to eliminate or minimise potential harm or loss (risk) by doing all that is reasonably practicable to ensure safety. As a party in the supply chain, the best way to do this is to have safety management systems and controls in place, such as business practices, training, procedures and review processes that:

- Identify, assess, evaluate, and control risk
- Manage compliance with speed, fatigue, mass, dimension, loading and vehicle standards requirements through identified best practice
- Involve regular reporting, including to executive officers
- Document or record actions taken to manage safety.”

NEW LAWS 2018

LEGAL DUTIES AND PROSECUTION TRIGGERS HAVE CHANGED

Under the previous Chain of Responsibility laws, prosecutions could occur when a business was found to have been in breach of an aspect of the Chain of Responsibility law.

The primary “legal test” applied during investigations and prosecutions determined whether or not a business took “all reasonable steps” to prevent that breach from occurring. Under the amended laws which took effect from 1 October 2018, there is a change to this, which may appear to be subtle, but it is actually critical!

This change requires that all parties in the Chain of Responsibility demonstrate that they are taking “all reasonably practicable” steps to ensure the safety of their transport activities.

This means that the focus is forward-looking, rather than backward-looking, based on the occurrence, or potential occurrence, of an incident. The important distinction is that companies, directors, managers and other personnel such as employees and contractors, could be prosecuted for **failing to implement effective Chain of Responsibility control structures and practices, even if an accident or incident relating to Chain of Responsibility has not occurred.**

The new laws require companies to incorporate Chain of Responsibility into their broader WHS management systems and frameworks. Therefore an important part of Chain Of Responsibility Australia compliance in 2018 is to incorporate “Chain of Responsibility Australia Management Plans” and “Safety Management Systems” (SMS) – see more below.

Q. Can I comply with the HVNL by having a checklist?

A. No, a checklist alone will not meet the HVNL. Just like WHS laws, management needs to demonstrate an active, working system “so far as reasonably practicable”.

Q. If the transport operator has NHVAS accreditation under the HVNL, does that mean I have no liability as a responsible person, or PCBU?

A. No. NHVAS accreditation only applies to specific aspects of a business (and is more akin to “authorised breach” of HVNL). NHVAS does not provide a whole of business system.

Q. Can I meet the HVNL by having just documents?

A. No documents alone will not meet the HVNL. Just like WHS laws, management needs to demonstrate a working system, with the documents being part of that working system.



CHAIN OF RESPONSIBILITY



THE RELATIONSHIP WITH THE EXISTING WHS FRAMEWORK HAS CHANGED



*Photo top right
Qube Logistics - A Chain Of
Responsibility Australia Client*

The changed standards of duty for companies and their executives bring them more in line with the well-established legal tests and standards under WHS law. This is a concept we at Chain Of Responsibility Australia have been teaching and recommending for years. Chain of Responsibility is not an isolated little bit of compliance that is in its own box! It is a part of a bigger picture – the overall WHS system that should be in place company/organisation-wide to ensure hazards are being managed and compliance requirements addressed.

However, there are vitally important (and widely misunderstood) differences between Chain of Responsibility and WHS legislation.

With the Chain of Responsibility legislation, companies (and their managers and leaders) have **a far more extensive responsibility for the conduct and practices of OTHER parties within the Chain**, *importantly, including people who are off-site to their own premises*, whereas under WHS laws the responsibility essentially is only for workers, contractors and visitors on the company's site(s). Importantly, Chain of Responsibility is not just site-based, it is supply chain-based. It is not employee/contractor focused, it is whole-supply-chain party

focused.

Chain Of Responsibility recognises that in many instances, the controls to prevent HVNL and WHS laws breaches may exist with other parties. As a PCBU and as a party in the chain of responsibility, you are required to ensure there are **appropriate systems in place to manage hazards associated with goods being loaded, goods in transit and goods on arrival**.

This means that the basis on which breaches and fines can be applied has changed, and this is an **absolutely critical change for transport and logistics managers and directors to understand**.

Also, it means that executives within companies that are not primarily “transport and logistics” companies may also become liable under Chain of Responsibility law. This is because non “on-road” companies may (and probably are) still part of the broader “Chain”.

This brings up the topic of executive liability, which is also a large and important new change within the new standards.



Photo top left
The Toll warehouse
Toll is a valued Chain Of
Responsibility Australia client



Photo bottom left
Veolia Waste Management
Veolia is a valued Chain Of
Responsibility Australia client

Photo right
IKEA Warehouse. Ikea is a
valued Chain Of Responsibility
Australia client

NEW BROADER SCOPE **EXECUTIVE LIABILITIES**

This is related to the new forward-focused aspects of the new Chain of Responsibility standards.

With the new standards, executives of **all parties in the Chain** are required to demonstrate that they have exercised “due diligence” to ensure their company or companies have taken “all reasonably practicable steps” to comply with all requirements under the new Chain of Responsibility standards.



This means that executives may be prosecuted if they are found to have failed in their duty to put in place Chain of Responsibility safety control structures and practices, **even if a Chain of Responsibility related accident or incident has not taken place.**

Importantly, this executive duty of care and due diligence **cannot wholly be delegated or insured against.**

The NHVR website states that some of the key responsibilities of executives under the new Chain of Responsibility Australia standards, may include ensuring that:

1. Your business practices do not require or encourage drivers to:
 - Exceed the speed limits
 - Exceed regulated driving hours
 - Fail to meet the minimum rest requirements
 - Drive while impaired by fatigue
2. Heavy vehicles and their loads comply with relevant mass and dimension requirements
3. You remain informed of business performance in regards to Chain of Responsibility responsibilities
4. You lead other parties in the supply chain with effective guidance with regards to complying with the HVNL
5. Your decisions do not influence the conduct of the corporation to breach the law
6. Systems to manage safety and all requirements and obligations of the HVNL are in place.

Source: <https://www.expresscargo.com.au/static/uploads/files/201705-0520-cor-executive-officers-wfczhrwfcowm.pdf>



Photo top centre
Coles Supermarkets
Coles is a valued Chain Of Responsibility Australia client

Photo bottom centre
Qube Logisticcs

It is important to realise that in the new Chain Of Responsibility regime, executives are specifically required to:

- Ensure that the company obtains and maintains up to date knowledge about what systems, processes, activities and reporting, the business is undertaking to ensure that its transport activities are safe.
For example, monthly executive meeting standing Agenda items, control panels, incident reporting, risk management systems and reporting etc.
- Assess and clearly understand to what extent and in what roles and functions, the company utilises and operates in transport activities
- Implement systems and processes to assess and understand on an ongoing basis, the risks and hazards, (which include risks to the public), associated with the company's activities and involvement in transport activities
- Ensure that the company has put in place, and utilises as part of normal operating procedures, appropriate systems, processes and resources to eliminate or minimise those risks and hazards
- Ensure that the company develops and implements, systems and processes to control, minimise and/or manage identified risks and provide adequate and timely response mechanisms to incidents that do arise
- Ensure that all above systems and processes are effective, appropriate, maintained, monitored and reported on, on an ongoing basis

\$1.25 million fine

In June 2014, Scott's Transport were fined a record \$1.25 million by a NSW court over repeated speeding offences.

Operation Austrans

In 2014, NSW Police launched Operation Austrans, an annual initiative targeting heavy vehicle road-safety issues including fatigue, speed and drug use.



WHAT ARE THE PENALTIES ASSOCIATED WITH CHAIN OF RESPONSIBILITY?

Under the Heavy Vehicle National Law (HVNL) and supporting regulations, there are a wide range of fines and penalties that can be imposed on the company and individuals.

Fine amounts are updated annually and current amounts can be found on the NHVR website: <https://www.nhvr.gov.au/law-policies/penalties-and-infringements>

Fines relating to operational level breaches are specific to each offence and depending on the extent of the offence, generally, they fall into the categories listed below for an individual.

The HVNL allows for the HVNR to look at one offence and issue fines to all parties, whether consignors and consignees, and the roles whether directors, CEO or managers.

The penalty categories for individual offences are:

- Level 1 Penalty relates to a Minor Risk Breach, for example, contravening a condition of a vehicle standards exemption
- Level 2 Penalty relates to a Substantial Risk Breach, for example, using on a road, a heavy vehicle that contravenes a condition of a mass or dimension exemption
- Level 3 Penalty relates to a Severe Risk Breach, for example, tampering with a speed limiter fitted to heavy vehicle, and
- Level 4 Penalty relates to a Critical Risk Breach, for example, knowingly resting for less than the minimum rest time stated in the standard hours for the period for financial gain.

Corporate fines are five times the amount of the individual fine.

The fines for both individuals and organisations can be extended to include a fine equal to three times the "commercial benefit" received from the offence.

It's also important to understand that fines and penalties are 'per offence' and can be added together for multiple offences!



The new "Primary Duty" penalties are split into 3 categories:

Category 3 penalties, which apply to breaches in the safety duty and may result in:

- \$50,000 fine for individuals
- \$500,000 fine for a corporation.

Category 2 penalties, which apply to breaches where there was a risk of death/injury and may result in:

- \$150,000 fine for individuals
- \$1,500,000 fine for a corporation.

Category 1 penalties, which apply for 'recklessness' breaches and may result in:

- 5 years' imprisonment for individuals
- \$300,000 fine for individuals
- \$3,000,000 fine for a corporation.

Penalties the Regulator may also issue include:

- **IMPROVEMENT NOTICES** identifying improvements a business can make to ensure compliance.
- **WARNINGS** for minor breaches and where certain requirements are not satisfied.
- **INFRINGEMENT NOTICES** as an alternative to court proceedings for a less

As well as fines; Courts may also issue:

- Supervisory intervention orders
- Licensing and registration sanctions
- Prohibition orders
- Commercial benefits penalties.

CHAIN OF RESPONSIBILITY WHAT DO WE NEED TO DO?

WHAT DO WE NEED TO DO? RECOMMENDATIONS FOR COMPANIES AND OTHER ORGANISATIONS

Most people have really only one key question regarding Chain of Responsibility compliance. *What do we need to do?*

First, you must have a Chain Of Responsibility Management Plan in place, just like your WHS Plan. A Chain Of Responsibility Management Plan covers Speed, Fatigue, Mass, Dimension, Load Restraint, Maintenance and a range of other key items that will fit within your Risk Management System.

The first questions we will ask you is:
DO YOU HAVE A CHAIN OF RESPONSIBILITY MANAGEMENT PLAN IN PLACE TO MEET THE CHANGES IN LEGISLATION?

If not, then you need to firstly get a Chain Of Responsibility Management Plan in place and secondly, you need to train your people, using the new Accredited versions of the Chain Of Responsibility Australia training courses, in order to meet the October 2018 changes.

We can arrange for this to be completed. As part of our Gap Analysis / Audit / Chain Of Responsibility Australia implementation Maturity Assessment, we also provide the national training frameworks and full kits of Policies, Procedures and Tools to meet your Chain of Responsibility requirements.

More information on each of these aspects is provided below:

Phase	Chain Of Responsibility Australia Implementation Process
Diagnose	Understand requirements & organisational context
	Align organisational objectives with Chain Of Responsibility Australia requirements
Design	Identify business improvement opportunities
	Key operational processes reviewed Insourced / Outsourced
Deliver	Chain Of Responsibility Australia compliance systems initiated
	Training programs for staff and contractors
Monitor	Review transition & assimilation indicators
	Demonstrate achieving Chain Of Responsibility Australia Compliance



CHAIN OF RESPONSIBILITY AUSTRALIA IMPLEMENTATION MATURITY ASSESSMENT

Using the Chain Of Responsibility Australia Implementation Maturity Assessment below, you can quickly identify your organisation's compliance with the Chain Of Responsibility laws and the immediate next steps available to ensure your compliance.

<i>Phase</i>	<i>Not Yet Developed</i>	<i>Under Development</i>	<i>Fully Developed</i>
Where are you now?	Workplace has few or no policies, procedures or tools in place	Workplace has some policies, procedures and tools in place	Workplace has most or all required Chain Of Responsibility policies, procedures and tools in place
	Workplace has limited or no Chain Of Responsibility, HR, WHS, compliance or business improvement processes in place	Workplace has some Chain Of Responsibility, HR, WHS, compliance and business improvement processes in place	Workplace has comprehensive Chain Of Responsibility, HR, WHS, compliance and business improvement processes in place
What are your next steps?	Work with industry body/ consultant to develop Chain Of Responsibility Compliance frameworks for internal and external requirements	Work with industry body/ consultant to identify and prioritise any gaps/deficiencies in Chain Of Responsibility compliance	Work with industry body/ consultant to assess audit preparation and to fill any remaining gaps/ deficiencies
	Create supporting business improvement, change management processes and training	Strengthen supporting Chain Of Responsibility, HR, WHS, compliance and business improvement processes, policies and procedures	Review supporting Chain Of Responsibility, HR, WHS, compliance and business improvement processes, policies and procedures
Start with Chain Of Responsibility Australia	Chain Of Responsibility Australia compliance review, including compliance framework design, policy & procedure template suite, and accredited training program	Chain Of Responsibility Australia system review including compliance improvement roadmap and implementation of accredited training programs	Pre-Audit review including gap analysis, suggested improvement process and implementation of accredited training programs

HOW LONG DOES IT TAKE?

Normally it's a standard 4- 5 day review plan process. Larger companies may need 6-8 days.

Contact us here for specific information relating to your situation.

<https://www.coraustralia.com/contact/>

OR email us directly

Steve: sja@coraustralia.com

Larry: services@coraustralia.com

CHAIN OF RESPONSIBILITY AUSTRALIA **SCOPE OF WORK:**

- A review which will look at all activities undertaken by your Company across all parts of the business where the Chain of Responsibility law applies.
- Categorising the activities into like groups (eg based on extent the activities that are at arm's length from your company – or other preferred categorisations).
- Providing advice on what actions are mandatory to meet your company obligations in relation to Chain of Responsibility for each of the categorisations.
- Providing advice on additional actions which could be considered to demonstrate prudent management including:
- Risk associated with taking/not taking the action
- Cost/effort to establish and support the actions
- Creation of the Chain Of Responsibility Gap Analysis.

CHAIN OF RESPONSIBILITY AUSTRALIA **PROGRAM OUTCOMES**

- Clear set of activities that should/could be implemented.
- A proposed plan and cost estimate to implement.

It's an easy review from the Chain Of Responsibility Gap Analysis which produces the Reports which then creates the Chain Of Responsibility Australia Management Plan.



RECOGNISED BY:
**The Chartered
 Institute of Logistics
 and Transport**

CHAIN OF RESPONSIBILITY AUSTRALIA **TRAINING PROGRAMS**

The provision of Chain Of Responsibility training that is a nationally recognised Unit of Competency (must be provided by an RTO), to responsible people within an organisation is an **essential component of doing all that is reasonably practicable to ensure safety.**

Ignorance of responsibilities under Chain of Responsibility is not a valid defence in a prosecution case. Providing official nationally recognised training mapped to the Units of Competency released by the Transport & Logistics Industry Skills Council (TLISC), through a suitably qualified RTO, is one of the key steps you can take to protect your business. Not providing readily available nationally recognised RTO-based training could be seen as not doing something that is, or was at the time, "reasonably practicable" to be done to ensure health and safety and legislative compliance.

The TLISC has released a number of training modules to address Chain Of Responsibility Awareness and the target areas under the law. These modules are aimed at different organisational levels, to ensure the right people have access to the relevant information.

We offer all Chain Of Responsibility Training Programs, Fatigue Programs and Load/Unload Programs at all the different levels required across your workforce. The training services can be delivered in a range of delivery methodologies.

Our training programs combine face to face, virtual delivery, distance & online methods to provide the most efficient and effective method for organisational wide education.



Face to Face



Virtual Delivery



Distance Mode



Online Mode

Chartered Institute Of Logistics And Transport - **Certified**

All COR Australia Programs are recognised by the Chartered Institute of Logistics and Transport. The Key Knowledge Areas (KKA) provide the basis for the educational requirements for Chartered Membership.

They describe the subjects, disciplines and tools studied and practiced by our Members. They also provide the framework for the design, delivery, and examination of CILT education programs and CILT accreditation of external programs including university degrees.

This training is provided under our RTO division, Urban E-Learning (RTO #31973)

The table below is a good framework to identify the different levels of training for your organisational levels. This helps you to review and make recommendations on who should do what levels of training to make sure only the required people hold the relevant qualifications. Our Audit report will also identify who will need to be trained and hold which qualifications.

Key Corporate Staff	Chain of Responsibility	Basic Fatigue	Basic Loading Unloading	Dangerous Goods Level 1 (Non-Accredited)
Level 1 Frontline Staff	Ensure the safety of transport activities (Chain of Responsibility) (TLIF0009)	Apply Fatigue Management strategies (TLIF2010)	Load and unload goods/cargo (TLID2004)	Dangerous Goods Level 2 (Non-Accredited)
Level 2 Supervisors & Managers	Monitor the safety of transport activities (Chain of Responsibility) (TLIF0014)	Administer the implementation of Fatigue Management strategies (TLIF3063)		
Level 3 Managers & Directors	Monitor the safety of transport activities (Chain of Responsibility) (TLIF0014)	Manage Fatigue Management policy and procedures (TLIF4064)		
Level 4 Executives	Chain Of Responsibility Australia Executive Briefing (Non-Accredited)			

For more information to book or begin a course
<https://www.chainofresponsibilityonline.com.au/precourse/>

CHAIN OF RESPONSIBILITY TRAINING PROGRAMS

LEVEL 4: EXECUTIVE BRIEFING
 (Not TLISC Nationally
 Recognized Training)

The Executive Briefing ensures that directors, the CEO, and managers are fully briefed on the National Chain Of Responsibility and WHS obligations and compliance strategies with an in-house briefing. The two-hour briefing covers the Chain Of Responsibility & WHS legislation, industry case studies, business implications and the role of the National Heavy Vehicle Regulator.

LEVEL 2: MANAGEMENT TRAINING

TLIF0014 - Monitor the safety of transport activities (Chain of Responsibility) (TLIF0014)

TLIF3063 - Administer the implementation of fatigue management strategies

And for schedulers or drivers' supervisors working under the NHVAS:

TLIF0006 - Administer a fatigue risk management system*

These management (Level 2) courses are designed for frontline managers and supervisors of schedulers, packers, loaders or drivers. They support frontline managers and supervisors to implement your Chain of Responsibility-compliant work practices within their area of responsibility.

**Being awarded this unit of competency is a necessary requirement to operate under National Heavy Vehicle Regulator (NHVR) National Heavy Vehicle Accreditation Scheme – Fatigue Management but is only one of the criteria. Prospective applicants should check with the NHVR before undertaking training and/or assessment.*

**LEVEL 3: EXECUTIVE TRAINING
 TRANSPORT OPERATORS**
 Management Training –
 consignors, consignees,
 Procurement, Finance, HR

TLIF0014 - Monitor the safety of transport activities (Chain of Responsibility) (TLIF0014)

TLIF4064 - Manage fatigue management policy and procedures

LEVEL 1 - FRONTLINE AWARENESS

TLIF0009 - Ensure the safety of transport activities (Chain of Responsibility)

TLIF2010 - Apply fatigue management strategies

TLID2004 - Load and unload goods/cargo
 And for drivers working under the NHVAS:

TLIF0005 - Apply a fatigue risk management system*

These courses are designed for transport operators, schedulers, packers, loaders, drivers, consignors or consignees. They build frontline staff awareness of their Chain Of Responsibility responsibilities and appropriate work practices.

These executive (Level 3) courses are designed for senior managers in an organisation that is part of the Chain of Responsibility. It enables executive management to design and implement appropriate Chain of Responsibility policies, procedures, and tools. The training includes a suite of template Chain Of Responsibility Australia documents.



These frontline awareness (Level 1) courses provide general awareness of the Chain of Responsibility laws. It is generally expected that the Level 1 courses will be applicable for the majority of employees and as such are designed as online courses. The Level 2 & 3 courses are generally targeted at a smaller number of (more senior) employees and due to their intensive nature, combine online and face-to-face delivery methods.

These courses were the first official nationally recognised training courses for Chain of Responsibility in Australia and can only be delivered by an RTO.

Note that these courses set the benchmark for Chain of Responsibility training standards and companies which undertake ad hoc, internal, non-accredited education for their employees or contractors will find it difficult to demonstrate that they have "taken every step **so far as is reasonably practicable** " in the event of a prosecution case.

CHAIN OF RESPONSIBILITY AUSTRALIA POLICY AND PROCEDURE TEMPLATES

An essential component of any Chain Of Responsibility Australia Management System is an integrated suite of policies, procedures and tools, to assist you in ensuring that your operations comply with Chain of Responsibility laws. Chain Of Responsibility Australia's system provides a suite of templates, which underpin our consultancy and training programs, allowing you to integrate Chain of Responsibility compliance throughout the different aspects of your organisation.

Chain Of Responsibility Australia's 'Chain Of Responsibility' compliance implementation framework, compliance systems and training programs are built around this suite of document templates. Our approach is designed to educate employees and support them to implement Chain Of Responsibility-compliant practices within their workplace.

Also available as a separate resource:

<https://www.coraustralia.com/cor-compliance-services/>

OUR CREDENTIALS

At Chain Of Responsibility Australia, we assist companies ranging from small local operations through to international household name corporates.

We provide auditing, training and consulting services to well known and respected brands including:

Coles
Target
Ingham's
Ikea
NSW Roads and Maritime Services (RMS NSW)
Toll
Qube
Coca Cola Amatil
Veolia
Origin Energy
Arrow Energy
LMG Pipeline Consortium.





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Australia's Leading 'Chain of Responsibility' Training and Support Provider

WHERE TO FROM HERE?

Your next step is to have a chat with Larry, James, Steven, or Peter who can assist you with understanding where to go from here.

We understand that keeping up to date with legislative changes and navigating the required training and support resources can be overwhelming, so we aim to make it as easy for your organisation as we can. Here are all our contact details:

First point of contact is our Chain of Responsibility specialist **Larry Phillips** on:
M 0423 172 677 or **E** services@coraustralia.com

Or call our Office: (07) 3118 6118 (Ask for James or Peter)

Training inquiries: support@urbancourses.com.au

Steven: **E** sja@coraustralia.com **M** 0419 141 797

Peter: **E** prc@coraustralia.com **M** 0416 086 502

WEBSITES:

www.coraustralia.com

www.chainofresponsibilityonline.com.au

www.fatiguemanagementtrainingonline.com.au

www.loadingandunloadingcourseonline.com.au

APPENDIX A.

Definition of “Responsible Person” in the Chain of Responsibility

Source: Heavy Vehicle National Law

Definition

Responsible person; in relation to a heavy vehicle or combination; means any person having; at a relevant time; a role or responsibilities associated with road transport; and includes any of the following:

- a) an owner of a vehicle or combination or of a vehicle in a combination;
- b) a driver of a vehicle or combination;
- c) an operator or registered operator of a vehicle or combination;
- d) a person in charge or apparently in charge of a vehicle or combination;
- e) a person in charge or apparently in charge of the garage address of a vehicle or combination or the base of the driver or drivers of a vehicle or combination;
- f) a person appointed under an approved road transport compliance scheme to have monitoring or other responsibilities under the scheme; including (for example) responsibilities for certifying; monitoring or approving vehicles or combinations under the scheme;
- g) an operator of an intelligent transport system;
- h) a person in charge of premises entered by an authorised officer under this Act
- i) a person who consigns goods for transport by road;
- j) a person who packs goods in a freight container or other container or in a package or on a pallet for transport by road;
- k) a person who loads goods or a container on a vehicle or combination for transport by road;
- l) a person who unloads goods or a container containing goods consigned for transport by road;
- m) a person to whom goods are consigned for transport by road;
- n) a person who receives goods packed outside Australia in a freight container or other container or on a pallet for transport by road in Australia;
- o) an owner or operator of a weigh-bridge; or weighing facility; used to weigh vehicles or combinations or an occupier of premises where such a weigh-bridge or weighing facility is located;
- p) a responsible entity for a freight container;
- q) a person who controls or directly influences the loading or operation of a vehicle or combination;
- r) an agent; employer; employee or subcontractor of any person referred to in the preceding paragraphs of this definition.

RESOURCE LIST

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NTC: "ROAD FREIGHT USER'S GUIDE TO: Protecting Yourself Under the Chain of Responsibility" <http://www.ntc.gov.au/filemedia/bulletins/PROTYourselfunderChainOfResponsibilityAustraliaJuly2006.pdf>

RTA website: http://www.rta.nsw.gov.au/heavyvehicles/downloads/compliance_and_enforcement_-_general_information.pdf

RTA Fact Sheets: http://www.rta.nsw.gov.au/heavyvehicles/downloads/hv_ce_factsheets_dl1.html

NHVR Website: <https://www.nhvr.gov.au/road-access/mass-dimension-and-loading/loading>

Heavy Vehicle National Law and Regulations

Compliance and Enforcement in the Transport Industry June 2009 RTA www.rta.nsw.gov.au

Vic Roads Chain of Responsibility Fact Sheet 1 October 2003 Publication Number 01309/1

Operation Austrans Targeting Heavy Vehciles <http://natroad.com.au/2014/05/operation-austrans-targeting-heavy-vehicles/>

Scott's Transport handed record \$1.25m fine by NSW court over repeated speeding offences <http://www.adelaidenow.com.au/news/south-australia/scotts-transport-handed-reChainOfResponsibilityAustralia-d-125m-fine-by-nsw-court-over-repeated-speeding-offences/story-fni6uo1m-1226941988192>

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